

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

(1) Unless otherwise specifically provided by law, any agency or officer of the executive, legislative, or judicial branches of state government, ~~the State Board of Community Colleges,~~ the Board of ~~Regents~~ Governors, or the Public Service Commission required or authorized by law to make reports regularly or periodically shall fulfill such requirement by filing an abstract of the report with the statutorily or administratively designated recipients of the report and an abstract and one copy of the report with the Division of Library and Information Services of the Department of State, unless the head of the reporting entity makes a determination that the additional cost of providing the entire report to the statutorily or administratively designated recipients is justified. A one-page summary justifying the determination shall be submitted to the chairs of the governmental operations committees of both houses of the Legislature. The abstract of the contents of such report shall be no more than one-half page in length. The actual report shall be retained by the reporting agency or officer, and copies of the report shall be provided to interested parties and the statutorily or administratively designated recipients of the report upon request.

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

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

1. Agencies and officers within the executive, legislative, and judicial branches of state government, ~~the State Board of Community Colleges,~~ the Board of ~~Regents~~ Governors, and the Public Service Commission, free of charge; and

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

320.08058 Specialty license plates.--

(3) COLLEGIATE LICENSE PLATES.--

(b) A collegiate plate annual use fee is to be distributed to the state or independent university foundation designated by the purchaser for deposit in an unrestricted account. The Board of Regents Governors shall require each state university to submit a plan for approval of the expenditure of all funds so designated. These funds may be used only for academic enhancement, including scholarships and private fundraising activities.

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

(2) LIBERAL CONSTRUCTION. --- The provisions of the Florida K-20 Education Code shall be liberally construed to the end that its objectives may be effected. The use of the phrase "where appropriate" or "when appropriate" in the Florida K-20 Education Code, shall be interpreted so that the duties and responsibilities regarding the state university system shall lie with the Board of the Governors. Furthermore, the duties and responsibilities regarding K-12 and community colleges shall remain with the State Board of Education, with the understanding that both Boards shall coordinate and cooperate as a K-20 system. It is the legislative intent that if any, section, subsection, sentence, clause, or provision of the Florida K-20 Education Code is held invalid, the remainder of the code shall not be affected.

(5) EDUCATION GOVERNANCE TRANSFERS.--

(c) Effective January 7, 2003:

1. The administrative rules of the Department of Education and the Commissioner of Education shall become the rules of the State Board of Education.
2. The administrative rules of the State Board of Education shall become the rules of the appointed State Board of Education.
3. The administrative rules of the State Board of Education relating to the state university system are rules of the Board of Governors.

1000.03 Function, mission, and goals of the Florida K-20 education system.--

(2)(a) The Legislature shall establish education policy, enact education laws, and appropriate and allocate education resources.

(b) The State Board of Education shall oversee the enforcement of all K-12 and community college laws and rules, and the timely provision of direction, resources, assistance, intervention when needed, and strong incentives and disincentives to force accountability for results.

(c) The Board of Governors shall oversee the enforcement of all state university laws and rules, and the timely provision of direction, resources, assistance, intervention when needed, and strong incentives and disincentives to force accountability for results.

~~(e)~~(d) The Commissioner of Education shall serve as chief executive officer of the K-20 education system. The commissioner shall be responsible for enforcing compliance with the mission and goals of the K-20 education system. The commissioner's office shall operate all

statewide functions necessary to support the State Board of Education, Board of Governors, and the K-20 education system.

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

(5) The State Board of Education, and the Board of Governors, where appropriate, shall adopt rules to implement this section.

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

(f) Based upon rules of the State Board of Education, or the Board of Governors, where appropriate, developing and implementing enforcement mechanisms with appropriate penalties to ensure that public K-12 schools, community colleges, and state universities comply with Title IX of the Education Amendments of 1972 and subsection (3) of this section. However, neither the State Board of Education nor the Board of Governors may ~~not~~ force an educational agency to conduct, or penalize an educational agency for not conducting, a program of athletic activity or athletic scholarship for female athletes unless it is an athletic activity approved for women by a recognized association whose purpose is to promote athletics and a conference or league exists to promote interscholastic or intercollegiate competition for women in that athletic activity.

1001.02 General powers of State Board of Education

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

(d) To adopt for ~~state universities and~~ community colleges, and from time to time modify, minimum and uniform standards of college-level communication and computation skills generally associated with successful performance and progression through the baccalaureate level and to identify college-preparatory high school coursework and postsecondary-level coursework that prepares students with the academic skills necessary to succeed in postsecondary education.

(e) To adopt and submit to the Governor and Legislature, on or before September 1 of each year, a coordinated K-20 education budget that estimates the expenditure requirements for the State Board of Education, including the Department of Education, the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the State Board of Education for the ensuing fiscal year. Any program recommended by the State Board of Education which will require increases in state funding for more than 1 year must be presented in a multiyear budget plan.

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

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

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

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

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

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

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

~~3) The State Board of Education shall adopt rules to establish the criteria for assigning, reviewing, and removing limited access status to an educational program. The State Board of Education shall monitor the extent of limited access programs within the state universities and report to the Legislature admissions and enrollment data for limited access programs. Such report shall be submitted annually by December 1 and shall assist in determining the potential need for academic program contracts with independent institutions pursuant to paragraph (2)(p). The report must specify, for each limited access program within each institution, the following categories, by race and gender:~~

~~(4) The State Board of Education shall review, and approve or disapprove, community college baccalaureate-degree programs that exceed 120 semester hours, after consulting with and obtaining the recommendation of the Board of Governors and considering accreditation requirements, employment and earnings of graduates, comparative program lengths nationally, and comparisons with similar programs offered by independent institutions. By December 31 of each year, the State Board of Education and Board of Governors must jointly report to the Legislature any degrees in the community college system that require more than 120 hours, along with appropriate evidence of need. At least every 5 years, the State Board of Education must determine whether the programs still require more than the standard length of 120 hours.~~

~~(5)(a) The State Board of Education, in coordination with the Board of Governors, shall adopt a systemwide strategic plan that specifies goals and objectives for the state universities and community colleges. In developing this plan, the State Board of Education, in coordination with the Board of Governors, shall consider the role of individual public and independent institutions within the state. The plan shall provide for the roles of the universities and community colleges to be coordinated to best meet state needs and reflect cost-effective use of state resources. The strategic plan must clarify mission statements and identify degree programs to be offered at each university and community college in accordance with the objectives provided in this subsection. The systemwide strategic plan must cover a period of 5 years, with modification of the program lists after 2 years. Development of each 5-year plan must be coordinated with and initiated after completion of the master plan. The systemwide and university and community college strategic plans must specifically include programs and procedures for responding to the educational needs of teachers and students in the public schools of this state. The Sstate Bboard of Education and Board of Governors shall submit a report to the President of the Senate and the Speaker of the House of Representatives upon modification of the system plan.~~

~~(b) The State Board of Education, in coordination with the Board of Governors, shall develop long-range plans and annual reports for financial aid in this state. The long-range plans shall establish goals and objectives for a comprehensive program of financial aid for Florida students and shall be updated every 5 years. The annual report shall include an assessment of progress made in achieving goals and objectives established in the long-range plans and recommendations for repealing or modifying existing financial aid programs or establishing new programs. A long-~~

range plan shall be submitted by January 1, 2004, and every 5 years thereafter. An annual report shall be submitted on January 1, 2004, and in each successive year that a long-range plan is not submitted, to the President of the Senate and the Speaker of the House of Representatives.

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

~~(7) The State Board of Education shall:~~

~~(a) Provide for each community college to offer educational training and service programs designed to meet the needs of both students and the communities served.~~

~~(b) Specify, by rule, procedures to be used by the community college boards of trustees in the annual evaluations of presidents and review the evaluations of presidents by the boards of trustees.~~

~~(c) Establish an effective information system that will provide composite data concerning the community colleges ~~and state universities~~ and ensure that special analyses and studies concerning the institutions are conducted, as necessary, for provision of accurate and cost-effective information concerning the institutions.~~

~~(d) Establish criteria for making recommendations for modifying district boundary lines for community colleges.~~

~~(e) Establish criteria for making recommendations concerning all proposals for the establishment of additional centers or campuses for community colleges ~~and state universities~~.~~

~~(f) Examine the annual administrative review of each community college ~~and state university~~.~~

~~(g) Specify, by rule, the community college degree program courses that may be taken by students concurrently enrolled in college-preparatory instruction.~~

~~(h) Adopt and submit to the Legislature a 3-year list of priorities for community college fixed-capital-outlay projects.~~

~~(87) The State Board of Education is responsible for reviewing and administering the state program of support for the community colleges and, subject to existing law, shall establish the tuition and out-of-state fees for college-preparatory instruction and for credit instruction that may be counted toward an associate in arts degree, an associate in applied science degree, or an associate in science degree.~~

~~(98) The State Board of Education shall prescribe minimum standards, definitions, and guidelines for community colleges ~~and state universities~~ that will ensure the quality of education, coordination among the community colleges ~~and state universities~~, and efficient progress toward accomplishing the community college ~~and state university~~ mission. At a minimum, these rules must address:~~

~~(a) Personnel.~~

~~(b) Contracting.~~

~~(c) Program offerings and classification, including college-level communication and computation skills associated with successful performance in college and with tests and other assessment procedures that measure student achievement of those skills. The performance measures must~~

provide that students moving from one level of education to the next acquire the necessary competencies for that level.

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

1. Provide for the award of an associate in arts degree to a student who successfully completes 60 semester credit hours at the community college.
2. Require all of the credits accepted for the associate in arts degree to be in the statewide course numbering system as credits toward a baccalaureate degree offered by a state university.
3. Require no more than 36 semester credit hours in general education courses in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences.

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

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

(f) Budgeting.

(g) Business and financial matters.

(h) Student services.

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

1001.03 Specific powers of State Board of Education

(7) ARTICULATION ACCOUNTABILITY.--The State Board of Education, in coordination with the Board of Governors, shall develop articulation accountability measures that assess the status of systemwide articulation processes, and shall establish an articulation accountability process in accordance with the provisions of chapter 1008.

(10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY EDUCATION.-

-The State Board of Education, in consultation with the Board of Governors, shall develop and implement a common placement test to assess the basic computation and communication skills of students who intend to enter a degree program at any community college or state university.

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

1001.28 Distance learning duties.--

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

Nothing in this section shall be construed to abrogate, supersede, alter, or amend the powers and duties of any state agency, district school board, community college board of trustees, university board of trustees, ~~or~~ the State Board of Education, or the Board of Governors.

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

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

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

1001.701 General Powers of Board of Governors.

(1) The Board of Governors shall operate, regulate, control, and be fully responsible for the management of the state university system. These responsibilities shall include, but not be limited to, defining the distinctive mission of each constituent university and its articulation with free public schools and community colleges, ensuring the well-planned coordination and operation of the system, and avoiding wasteful duplication of facilities or programs. It has authority to adopt rules and to implement the provisions of law conferring duties upon it for the improvement of the state university system. Except as otherwise provided herein, it may, as it finds appropriate, delegate its general powers to the Commissioner of Education or the Chancellor of the state university system.

(2) The Board of Governors has the following duties:

(a) To adopt comprehensive educational objectives for state universities.

(b) To adopt comprehensive long-range strategic plans and short-range programs for the development of the state university system.

(c) To adopt for state universities, and from time to time modify, minimum and uniform standards of college-level communication and computation skills generally associated with successful performance and progression through the baccalaureate level and to identify college-preparatory high school coursework and postsecondary-level coursework that prepares students with the academic skills necessary to succeed in postsecondary education.

(d) To adopt and submit to the Governor and Legislature through the State Board of Education, on or before September 1 of each year, an education budget that estimates the expenditure requirements for the Board of Governors, and all of the boards, institutions, agencies, and services under the general supervision of the Board of Governors for the ensuing fiscal year. Any program recommended by the Board of Governors which will require increases in state funding for more than 1 year must be presented in a multiyear budget plan.

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

(f) To adopt criteria and implementation plans for future growth issues, such as new universities and campus mergers, and to provide for cooperative agreements between and within public and private education sectors.

(g) To develop, and periodically review for adjustment, a coordinated 5-year plan for state university enrollment and annually submit the plan to the Legislature through the State Board of Education.

(h) To review, and approve or disapprove a new program at the professional level or doctoral level, if:

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

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

(3) The Board of Governors shall adopt rules to establish the criteria for assigning, reviewing, and removing limited-access status to an educational program. The Board of Governors shall monitor the extent of limited-access programs within the state universities and report to the Legislature admissions and enrollment data for limited-access programs. Such report shall be submitted annually by December 1 and shall assist in determining the potential need for academic program contracts with independent institutions. The report must specify, for each limited-access program within each institution, the following categories, by race and gender:

(a) The number of applicants.

(b) The number of applicants granted admission.

(c) The number of applicants who are granted admission and enroll.

(d) The number of applicants denied admission.

(e) The number of applicants neither granted admission nor denied admission.

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

(4) The Board of Governors shall review, and approve or disapprove, state university baccalaureate-degree programs that exceed 120 semester hours, after considering accreditation requirements, employment and earnings of graduates, comparative program lengths nationally, and comparisons with similar programs offered by independent institutions. By December 31 of each year, the Board of Governors and State Board of Education must jointly report to the Legislature any degrees in the state universities that require more than 120 hours, along with appropriate evidence of need. At least every 5 years, the Board of Governors must determine whether the programs still require more than the standard length of 120 hours.

(5) The Board of Governors shall:

(a) Specify, by rule, procedures to be used by the boards of trustees in the annual evaluations of state university presidents and review the evaluations of state university presidents by the boards of trustees.

(b) Establish criteria for making recommendations concerning all proposals for the establishment of additional centers or campuses for state universities.

(c) Examine the annual administrative review of each state university.

(d) Adopt and submit to the Legislature through the State Board of Education a 3-year list of priorities for fixed-capital-outlay projects for state universities.

(6) The Board of Governors shall prescribe minimum standards, definitions, and guidelines for state universities that will ensure the quality of education, coordination among the state universities, and efficient progress toward accomplishing the state university mission. At a minimum, these rules must address:

(a) Personnel.

(b) Contracting.

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

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

1. Require all of the credits accepted for the associate in arts degree to be in the statewide course numbering system as credits toward a baccalaureate degree offered by a state university.

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

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

(f) Budgeting.

(g) Business and financial matters.

(h) Student services.

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

1001.702 Specific powers of Board of Governors

(1) ARTICULATION ACCOUNTABILITY.--The Board of Education in coordination with the Board of Governors shall develop articulation accountability measures that assess the status of systemwide articulation processes, and shall establish an articulation accountability process in accordance with the provisions of chapter 1008.

(2) STATEWIDE ENFORCEMENT -- The Board of Governors shall enforce compliance with law and rule by public state universities, in accordance with the provisions of s. 1008.32.

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

(4) CYCLIC REVIEW OF POSTSECONDARY ACADEMIC PROGRAMS.--The Board of Governors shall provide for the cyclic review of all academic programs in state universities at least every 7 years. Program reviews shall document how individual academic programs are achieving stated student learning and program objectives within the context of the institution's mission. The results of the program reviews shall inform strategic planning, program development, and budgeting decisions at the institutional level.

1001.72 University boards of trustees; boards to constitute a corporation

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

1001.73 University board empowered to act as trustee

(2) Deeds, mortgages, leases, and other contracts of the university board of trustees relating to real property of any such trust or any interest therein may be executed by the university board of trustees, as trustee, in the same manner as is provided by the laws of the state for the execution of similar documents by other corporations or may be executed by the signatures of a majority of the members of the board of trustees; however, to be effective, any such deed, mortgage, or lease contract for more than 10 years of any trust property, executed hereafter by the university board of trustees, shall be approved by a resolution of the ~~State Board of Education~~ Board of Governors; and such approving resolution may be evidenced by the signature of either the chair or the corporate secretary of the State Board of Education Board of Governors to an

endorsement on the instrument approved, reciting the date of such approval, and bearing the seal of the ~~State Board of Education~~ Board of Governors. Such signed and sealed endorsement shall be a part of the instrument and entitled to record without further proof.

1001.74 Powers and duties of university boards of trustees

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

(2) Each board of trustees is vested with the authority to govern its university, as necessary to provide proper governance and improvement of the university in accordance with law and with rules of the ~~State Board of Education~~ Board of Governors. Each board of trustees shall perform all duties assigned by law or by rule of the ~~State Board of Education or the Commissioner of Education~~ Board of Governors, or the ~~Commissioner of Education~~.

(4) Each board of trustees may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it. Such rules must be consistent with rules of the ~~State Board of Education~~ Board of Governors.

(7) Each board of trustees has responsibility for the establishment and discontinuance of degree programs up to and not including the doctoral ~~master's~~ degree level; the establishment and discontinuance of course offerings; provision of credit and noncredit educational offerings; location of classes; services provided; and dissemination of information concerning such programs and services. Approval of new programs must be pursuant to criteria established by the ~~State Board of Education~~ Board of Governors.

(9) Each board of trustees has responsibility for: ensuring that students have access to general education courses as identified in rule and requiring no more than 120 semester hours of coursework for baccalaureate degree programs unless approved by the ~~State Board of Education~~ Board of Governors. At least half of the required coursework for any baccalaureate degree must be offered at the lower-division level, except in program areas jointly approved by the State Board of Education and the Board of Governors.

(10) Each board of trustees has responsibility for policies related to students, enrollment of students, student activities and organizations, financial assistance, and other student services.

(a) Each board of trustees shall govern admission of students pursuant to s. 1007.261 and rules of the ~~State Board of Education~~ Board of Governors Each board of trustees may consider the past actions of any person applying for admission or enrollment and may deny admission or enrollment to an applicant because of misconduct if determined to be in the best interest of the university.

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

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

(14) Each board of trustees shall develop a strategic plan specifying institutional goals and objectives for the university for recommendation to the ~~State Board of Education~~ Board of Governors.

(15) Each board of trustees shall develop an accountability plan pursuant to guidelines established by the ~~State Board of Education~~ Board of Governors.

(19) Each board of trustees shall establish the personnel program for all employees of the university, including the president, pursuant to the provisions of chapter 1012 and, in accordance with rules and guidelines of the ~~State Board of Education~~ Board of Governors, including: compensation and other conditions of employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, leave policies, recognition and awards, inventions and works, travel, learning opportunities, exchange programs, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment. The Department of Management Services shall retain authority over state university employees for programs established in ss. 110.123, 110.1232, 110.1234, ~~and 110.1238, and 110.161~~ and in chapters 121, 122, and 238.

(21) Each board of trustees shall appoint a presidential search committee to make recommendations to the full board of trustees, from which the board of trustees may select a candidate for ratification by the ~~State Board of Education~~ Board of Governors.

(22) Each board of trustees shall conduct an annual evaluation of the president in accordance with rules of the ~~State Board of Education~~ Board of Governors and submit such evaluations to the ~~State Board of Education~~ Board of Governors for review. The evaluation must address the achievement of the performance goals established by the accountability process implemented pursuant to s. 1008.46 and the performance of the president in achieving the annual and long-term goals and objectives established in the institution's employment equity accountability program implemented pursuant to s. 1012.95.

(27) Each board of trustees shall submit to the ~~State Board of Education~~ Board of Governors, for approval, all new campuses and instructional centers.

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

(41) A board of trustees shall perform such other duties as are provided by law or rule of the ~~State Board of Education~~ Board of Governors.

1001.75 University presidents; powers and duties

The president is the chief executive officer of the state university, shall be corporate secretary of the university board of trustees, and is responsible for the operation and administration of the university. Each state university president shall:

(1) Recommend the adoption of rules, as appropriate, to the university board of trustees to implement provisions of law governing the operation and administration of the university, which shall include the specific powers and duties enumerated in this section. Such rules shall be

consistent with the mission of the university and the rules and policies of the ~~State Board of Education~~ Board of Governors.

(3) Establish and implement policies and procedures to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove personnel, within law and rules of the ~~State Board of Education~~ Board of Governors and in accordance with rules or policies approved by the university board of trustees.

(4) Govern admissions, subject to law and rules or policies of the university board of trustees and the ~~State Board of Education~~ Board of Governors.

(5) Approve, execute, and administer contracts for and on behalf of the university board of trustees for licenses; the acquisition or provision of commodities, goods, equipment, and services; leases of real and personal property; and planning and construction to be rendered to or by the university, provided such contracts are within law and rules of the ~~State Board of Education~~ Board of Governors and in conformance with policies of the university board of trustees, and are for the implementation of approved programs of the university. University presidents shall comply with the provisions of s. 287.055 for the procurement of professional services and may approve and execute all contracts on behalf of the board of trustees for planning, construction, and equipment. For the purposes of a university president's contracting authority, a "continuing contract" for professional services under the provisions of s. 287.055 is one in which construction costs do not exceed \$1 million or the fee for study activity does not exceed \$100,000.

(7) Establish the internal academic calendar of the university within general guidelines of the ~~State Board of Education~~ Board of Governors.

(11) Recommend to the board of trustees a schedule of tuition and fees to be charged by the university, within law and rules of the ~~State Board of Education~~ Board of Governors.

(13) Review periodically the operations of the university in order to determine how effectively and efficiently the university is being administered and whether it is meeting the goals of its strategic plan adopted by the ~~State Board of Education~~ and the Board of Governors

1002.22 Student records and reports; rights of parents and students; notification; penalty.-

(3) RIGHTS OF PARENT OR STUDENT.--The parent of any student who attends or has attended any public school, area technical center, or public postsecondary educational institution shall have the following rights with respect to any records or reports created, maintained, and used by any public educational institution in the state. However, whenever a student has attained 18 years of age, or is attending a postsecondary educational institution, the permission or consent required of, and the rights accorded to, the parents of the student shall thereafter be required of and accorded to the student only, unless the student is a dependent student of such parents as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954). The ~~State Board of Education~~ or, when appropriate, Board of Governors shall adopt rules whereby parents or students may exercise these rights:

(a) *Right of access.*--

4. The ~~State Board of Education~~ or, when appropriate, Board or Governors shall adopt rules to be followed by all public educational institutions in granting requests for lists, or for access to reports and records or for copies or explanations thereof under this paragraph. However, access

to any report or record requested under the provisions of subparagraph 2. shall be granted within 30 days after receipt of such request by the institution. Fees may be charged for furnishing any copies of reports or records requested under subparagraph 3., but such fees shall not exceed the actual cost to the institution of producing such copies.

(c) *Right to challenge and hearing.*--A parent or student shall have the right to challenge the content of any record or report to which such person is granted access under paragraph (a), in order to ensure that the record or report is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student and to provide an opportunity for the correction, deletion, or expunction of any inaccurate, misleading, or otherwise inappropriate data or material contained therein. Any challenge arising under the provisions of this paragraph may be settled through informal meetings or discussions between the parent or student and appropriate officials of the educational institution. If the parties at such a meeting agree to make corrections, to make deletions, to expunge material, or to add a statement of explanation or rebuttal to the file, such agreement shall be reduced to writing and signed by the parties; and the appropriate school officials shall take the necessary actions to implement the agreement. If the parties cannot reach an agreement, upon the request of either party, a hearing shall be held on such challenge under rules adopted by the State Board of Education or, when appropriate, Board of Governors. Upon the request of the parent or student, the hearing shall be exempt from the requirements of s. 286.011. Such rules shall include at least the following provisions:

(d) *Right of privacy.*—

3. The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or state or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable federal statutes and regulations of the United States Department of Education, or in applicable state statutes and rules of the State Board of Education or, when appropriate, Board of Governors.

(4) NOTIFICATION.--Every parent and student entitled to rights relating to student records and reports under the provisions of subsection (3) shall be notified annually, in writing, of such rights and that the institution has a policy of supporting the law; the types of information and data generally entered in the student records as maintained by the institution; and the procedures to be followed in order to exercise such rights. The notification shall be general in form and in a manner to be determined by the State Board of Education and Board of Governors and may be incorporated with other printed materials distributed to students, such as being printed on the back of school assignment forms or report cards for students attending kindergarten or grades 1 through 12 in the public school system and being printed in college catalogs or in other program announcement bulletins for students attending postsecondary educational institutions.

1002.32 Developmental research (laboratory) schools.--

(2) ESTABLISHMENT.--There is established a category of public schools to be known as developmental research (laboratory) schools (lab schools). Each lab school shall provide sequential instruction and shall be affiliated with the college of education within the state university of closest geographic proximity. A lab school to which a charter has been issued under s. 1002.33(5)(a)2. must be affiliated with the college of education within the state university that

issued the charter, but is not subject to the requirement that the state university be of closest geographic proximity. For the purpose of state funding, Florida Agricultural and Mechanical University, Florida Atlantic University, Florida State University, the University of Florida, and other universities approved by the State Board of Education, Board of Governors, and the Legislature are authorized to sponsor a lab school. The limitation of one lab school per university shall not apply to the following charter lab schools authorized prior to June 1, 2003: Florida State University Charter Lab Elementary School in Broward County, Florida Atlantic University Charter Lab 9-12 High School in Palm Beach County, and Florida Atlantic University Charter Lab K-12 School in St. Lucie County.

(3)

(a) Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. Each lab school shall provide sequential elementary and secondary instruction where appropriate. A lab school may not provide instruction at grade levels higher than grade 12 without authorization from the ~~State Board of Education~~ Board of Governors. Each developmental research school shall develop and implement a school improvement plan pursuant to s. 1003.02(3).

(c) Research, demonstration, and evaluation conducted at a lab school may be generated by the State Board of Education ~~or Board of Governors~~. Such research shall respond to the needs of the education community at large, rather than the specific needs of the affiliated college.

(d) Research, demonstration, and evaluation conducted at a lab school may consist of pilot projects to be generated by the affiliated college, the State Board of Education, Board of Governors, or the Legislature.

(9) (c) All operating funds provided under this section shall be deposited in a Lab School Trust Fund and shall be expended for the purposes of this section. The university assigned a lab school shall be the fiscal agent for these funds, and all rules of the university governing the budgeting and expenditure of state funds shall apply to these funds unless otherwise provided by law or rule of the State Board of Education ~~or Board of Governors~~. The university board of trustees shall be the public employer of lab school personnel for collective bargaining purposes for lab schools in operation prior to the 2002-2003 fiscal year. Employees of charter lab schools authorized prior to June 1, 2003, but not in operation prior to the 2002-2003 fiscal year shall be employees of the entity holding the charter and must comply with the provisions of s. 1002.33(12).

(10) IMPLEMENTATION.--The State Board of Education ~~or, when appropriate, Board of Governors~~ shall adopt rules necessary to facilitate the implementation of this section.

1002.35 New World School of the Arts.--

(2)(a) For purposes of governance, the New World School of the Arts is assigned to Miami-Dade Community College, the Dade County School District, and one or more universities

designated by the State Board of Education in consultation with the Board of Governors. The State Board of Education in consultation with the Board of Governors shall assign to the New World School of the Arts a university partner or partners. In this selection, the State Board of Education and Board of Governors shall consider the accreditation status of the core programs. Florida International University, in its capacity as the provider of university services to Dade County, shall be a partner to serve the New World School of the Arts, upon meeting the accreditation criteria. The respective boards shall appoint members to an executive board for administration of the school. The executive board may include community members and shall reflect proportionately the participating institutions. Miami-Dade Community College shall serve as fiscal agent for the school.

(3) The school shall submit annually a formula-driven budget request to the commissioner, Board of Governors, and the Legislature. This formula shall be developed in consultation with the Department of Education and staff of the Legislature. However, the actual funding for the school shall be determined by the Legislature in the General Appropriations Act.

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

1004.03 Program approval

(1) The ~~State Board of Education~~ Board of Governors shall establish criteria for the approval of new programs at state universities, which criteria include, but are not limited to, the following:

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

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

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

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

1004.22 Divisions of sponsored research at state universities

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

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

1004.24 ~~State Board of Education~~ Board of Governors authorized to secure liability insurance

(1) The ~~State Board of Education~~ Board of Governors is authorized to secure, or otherwise provide as a self-insurer, or by a combination thereof, comprehensive general liability insurance, including professional liability for health care and veterinary sciences, for:

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

(2) In the event the ~~State Board of Education~~ Board of Governors adopts a self-insurance program, a governing council chaired by the vice president for health affairs or his or her academic equivalent shall be established to administer the program and its duties and responsibilities, including the administration of self-insurance program assets and expenditure policies, which shall be defined in rules as authorized by this section. The council shall have an annual actuary review performed to establish funding requirements to maintain the fiscal integrity of the self-insurance program. The assets of a self-insurance program shall be deposited outside the State Treasury and shall be administered in accordance with rules as authorized by this section.

(3) Any self-insurance program created under this section shall be funded by the entities and individuals protected by such program. There shall be no funds appropriated to any self-insurance program. The assets of the self-insurance program shall be the property of the ~~State Board of Education~~ Board of Governors and shall be used only to pay the administrative expenses of the self-insurance program and to pay any claim; judgment, or claims bill arising out of activities for which the self-insurance program was created. Investment income that is in excess of that income necessary to ensure the solvency of a self-insurance program as established by a casualty actuary may be used to defray the annual contribution paid into the program by the entities and individuals protected by the program.

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

(5) Each self-insurance program council shall make provision for an annual postaudit of its financial accounts to be conducted by an independent certified public accountant. The annual audit report must include a management letter and shall be submitted to the ~~State Board of Education~~ Board of Governors for review. The ~~State Board of Education~~ Board of Governors shall have the authority to require and receive from the self-insurance program council or from its independent auditor any detail or supplemental data relative to the operation of the self-insurance program.

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

1004.28 Direct-support organizations; use of property; board of directors; activities; audit; facilities

(5) ANNUAL AUDIT.--Each direct-support organization shall provide for an annual financial audit of its accounts and records to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8) and by the

university board of trustees. The annual audit report shall be submitted, within 9 months after the end of the fiscal year, to the Auditor General and the ~~State Board of Education~~ Board of Governors for review. The ~~State Board of Education~~ Board of Governors, the university board of trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the organization or from its independent auditor any records relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report. All records of the organization other than the auditor's report, management letter, and any supplemental data requested by the ~~State Board of Education~~ Board of Governors, the university board of trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall be confidential and exempt from the provisions of s. 119.07(1).

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

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

1004.29 University health services support organizations

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

1004.33 The University of South Florida St. Petersburg

(2) The Board of Trustees of the University of South Florida shall appoint to the Campus Board, from recommendations of the President of the University of South Florida, five residents of Pinellas County. If a resident of Pinellas County is appointed to the Board of Trustees of the University of South Florida, the board shall appoint that member to serve jointly as a member of the Campus Board. If more than one Pinellas County resident is appointed to the Board of Trustees, the board shall select one joint member. The Board of Trustees may reappoint a member to the Campus Board for one additional term. The Campus Board has the powers and duties provided by law, which include the authority to:

(a) Review and approve an annual legislative budget request to be submitted to the ~~Board of Governors~~ Commissioner of Education. The Campus Executive Officer shall prepare the legislative budget request in accordance with guidelines established by the ~~State Board of Education~~ Board of Governors. This request must include items for campus operations and fixed capital outlay.

1004.34 The University of South Florida Sarasota/Manatee

(2) The Board of Trustees of the University of South Florida shall appoint to the Campus Board, from recommendations of the President of the University of South Florida, three residents of Manatee County and two residents of Sarasota County, to serve 4-year staggered terms. If one or more residents of Sarasota County or Manatee County are appointed to the Board of Trustees of the University of South Florida, the board shall, at the next vacancy of the Campus Board, appoint one of those members to serve jointly as a member of the Campus Board. The Board of Trustees may reappoint a member to the Campus Board for one additional term. The Campus Board has the powers and duties provided by law, which include the authority to:

(a) Review and approve an annual legislative budget request to be submitted to the Board of Governors~~Commissioner of Education~~. The Campus Executive Officer shall prepare the legislative budget request in accordance with guidelines established by the ~~State Board of Education~~ Board of Governors. This request must include items for campus operations and fixed capital outlay.

1004.35 Broward County campuses of Florida Atlantic University; coordination with other institutions

The ~~State Board of Education~~ Board of Governors and Florida Atlantic University shall consult with Broward Community College and Florida International University in coordinating course offerings at the postsecondary level in Broward County. Florida Atlantic University may contract with the Board of Trustees of Broward Community College and with Florida International University to provide instruction in courses offered at the Southeast Campus. Florida Atlantic University shall increase course offerings at the Southeast Campus as facilities become available.

1004.36 Florida Atlantic University campuses

(4) ~~The State Board of Education~~ Board of Governors, as a function of its comprehensive master planning process, shall continue to evaluate the need for undergraduate programs in Broward County and shall assess the extent to which existing postsecondary programs are addressing those needs.

1004.39 College of law at Florida International University

(5) The Florida International University Board of Trustees shall commence the planning of a college of law at Florida International University. In planning the college of law, the Florida International University Board of Trustees and the ~~State Board of Education~~ Board of Governors may accept grants, donations, gifts, and moneys available for this purpose, including moneys for planning and constructing the college. The Florida International University Board of Trustees may procure and accept any federal funds that are available for the planning, creation, and establishment of the college of law. Classes must commence by the fall semester 2003. If the American Bar Association or any other nationally recognized association for the accreditation of colleges of law issues a third disapproval of an application for provisional approval or for full

approval or fails to grant, within 5 years following the graduation of the first class, a provisional approval, to the college of law at Florida International University, the ~~State Board of Education~~ Board of Governors shall make recommendations to the Governor and the Legislature as to whether the college of law will cease operations at the end of the full academic year subsequent to the receipt by the college of law of any such third disapproval, or whether the college of law will continue operations and any conditions for continued operations. If the college of law ceases operations pursuant to this section, the following conditions apply:

(a) The authority for the college of law at Florida International University and the authority of the Florida International University Board of Trustees and the ~~State Board of Education~~ Board of Governors provided in this section shall terminate upon the cessation of operations of the college of law at Florida International University. The college of law at Florida International University shall receive no moneys allocated for the planning, construction, or operation of the college of law after its cessation of operations other than moneys to be expended for the cessation of operations of the college of law. Any moneys allocated to the college of law at Florida International University not expended prior to or scheduled to be expended after the date of the cessation of the college of law shall be appropriated for other use by the Legislature of the State of Florida.

1004.40 College of law at Florida Agricultural and Mechanical University

(5) The Florida Agricultural and Mechanical University Board of Trustees shall commence the planning of a college of law under the auspices of Florida Agricultural and Mechanical University to be located in the I-4 corridor area. In planning the college of law, the Florida Agricultural and Mechanical University Board of Trustees and the ~~State Board of Education~~ Board of Governors may accept grants, donations, gifts, and moneys available for this purpose, including moneys for planning and constructing the college. The Florida Agricultural and Mechanical University Board of Trustees may procure and accept any federal funds that are available for the planning, creation, and establishment of the college of law. Classes must commence by the fall semester 2003. If the American Bar Association or any other nationally recognized association for the accreditation of colleges of law issues a third disapproval of an application for provisional approval or for full approval or fails to grant, within 5 years following the graduation of the first class, a provisional approval, to the college of law at Florida Agricultural and Mechanical University, the ~~State Board of Education~~ Board of Governors shall make recommendations to the Governor and Legislature as to whether the college of law will cease operations at the end of the full academic year subsequent to the receipt by the college of law of any such third disapproval, or whether the college of law will continue operations and any conditions for continued operations. If the college of law ceases operations of the college of law pursuant to this section, the following conditions apply:

(a) The authority for the college of law at Florida Agricultural and Mechanical University and the authority of the Florida Agricultural and Mechanical University Board of Trustees and the ~~State Board of Education~~ Board of Governors provided in this section shall terminate upon the cessation of operations of the college of law at Florida Agricultural and Mechanical University. The college of law at Florida Agricultural and Mechanical University shall receive no moneys allocated for the planning, construction, or operation of the college of law after its cessation of operations other than moneys to be expended for the cessation of operations of the college of law. Any moneys allocated to the college of law at Florida Agricultural and Mechanical

University not expended prior to or scheduled to be expended after the date of the cessation of the college of law shall be appropriated for other use by the Legislature of the State of Florida.

1004.43 H. Lee Moffitt Cancer Center and Research Institute

There is established the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida.

- (1) ~~The State Board of Education~~ Board of Governors shall enter into an agreement for the utilization of the facilities on the campus of the University of South Florida to be known as the H. Lee Moffitt Cancer Center and Research Institute, including all furnishings, equipment, and other chattels used in the operation of said facilities, with a Florida not-for-profit corporation organized solely for the purpose of governing and operating the H. Lee Moffitt Cancer Center and Research Institute. This not-for-profit corporation, acting as an instrumentality of the State of Florida, shall govern and operate the H. Lee Moffitt Cancer Center and Research Institute in accordance with the terms of the agreement between the ~~State Board of Education~~ Board of Governors and the not-for-profit corporation. The not-for-profit corporation may, with the prior approval of the ~~State Board of Education~~ Board of Governors, create not-for-profit corporate subsidiaries to fulfill its mission. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys received from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission. The affairs of the corporation shall be managed by a board of directors who shall serve without compensation. The President of the University of South Florida and the chair of the ~~State Board of Education~~ Board of Governors, or his or her designee, shall be directors of the not-for-profit corporation, together with 5 representatives of the state universities and no more than 14 nor fewer than 10 directors who are not medical doctors or state employees. Each director shall have only one vote, shall serve a term of 3 years, and may be reelected to the board. Other than the President of the University of South Florida and the chair of the ~~State Board of Education~~ Board of Governors, directors shall be elected by a majority vote of the board. The chair of the board of directors shall be selected by majority vote of the directors.
- (2) The ~~State Board of Education~~ Board of Governors shall provide in the agreement with the not-for-profit corporation for the following:
- (a) Approval of the articles of incorporation of the not-for-profit corporation by the ~~State Board of Education~~ Board of Governors.
- (d) Preparation of an annual financial audit of the not-for-profit corporation's accounts and records and the accounts and records of any subsidiaries to be conducted by an independent certified public accountant. The annual audit report shall include a management letter, as defined in s. 11.45, and shall be submitted to the Auditor General and the ~~State Board of Education~~ Board of Governors. The ~~State Board of Education~~ Board of Governors, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the not-for-profit corporation and any subsidiaries or from their independent auditor any detail or supplemental data relative to the operation of the not-for-profit corporation or subsidiary.
- (3) The ~~State Board of Education~~ Board of Governors is authorized to secure comprehensive general liability protection, including professional liability protection, for the not-for-profit corporation and its subsidiaries pursuant to s. 1004.24.

(4) In the event that the agreement between the not-for-profit corporation and the ~~State Board of Education~~ Board of Governors is terminated for any reason, the ~~State Board of Education~~ Board of Governors shall resume governance and operation of said facilities.

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

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

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

(6) The board of directors of the not-for-profit corporation shall create a council of scientific advisers to the chief executive officer comprised of leading researchers, physicians, and scientists. This council shall review programs and recommend research priorities and initiatives so as to maximize the state's investment in the institute. The council shall be appointed by the board of directors of the not-for-profit corporation and shall include five appointees of the ~~State Board of Education~~ Board of Governors. Each member of the council shall be appointed to serve a 2-year term and may be reappointed to the council.

(8)(b) Proprietary confidential business information is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, the Auditor General, the Office of Program Policy Analysis and Government Accountability, and the ~~State Board of Education~~ Board of Governors, pursuant to their oversight and auditing functions, must be given access to all proprietary confidential business information upon request and without subpoena and must maintain the confidentiality of information so received. As used in this paragraph, the term "proprietary confidential business information" means information, regardless of its form or characteristics, which is owned or controlled by the not-for-profit corporation or its subsidiaries; is intended to be and is treated by the not-for-profit corporation or its subsidiaries as private and the disclosure of which would harm the business operations of the not-for-profit corporation or its subsidiaries; has not been intentionally disclosed by the corporation or its subsidiaries unless pursuant to law, an order of a court or administrative body, a legislative proceeding pursuant to s. 5, Art. III of the State Constitution, or a private agreement that provides that the information may be released to the public; and which is information concerning:

1004.435 Cancer control and research

(3) DEFINITIONS.--The following words and phrases when used in this section have, unless the context clearly indicates otherwise, the meanings given to them in this subsection:

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

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

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

(l) In order to implement in whole or in part the Florida Cancer Plan, the council shall recommend to the ~~State Board of Education~~ Board of Governors or the secretary the awarding of grants and contracts to qualified profit or nonprofit associations or governmental agencies in order to plan, establish, or conduct programs in cancer control or prevention, cancer education and training, and cancer research.

(n) The council shall have the responsibility to advise the ~~State Board of Education~~ Board of Governors and the secretary on methods of enforcing and implementing laws already enacted and concerned with cancer control, research, and education.

(o) The council may recommend to the ~~State Board of Education~~ Board of Governors or the secretary rules not inconsistent with law as it may deem necessary for the performance of its duties and the proper administration of this section.

(5) RESPONSIBILITIES OF THE ~~STATE BOARD OF EDUCATION~~ BOARD OF GOVERNORS, THE H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC., AND THE SECRETARY.--

(a) The ~~State Board of Education~~ Board of Governors or the secretary, after consultation with the council, shall award grants and contracts to qualified nonprofit associations and governmental agencies in order to plan, establish, or conduct programs in cancer control and prevention, cancer education and training, and cancer research.

(c) The ~~State Board of Education~~ Board of Governors or the secretary, after consultation with the council, may adopt rules necessary for the implementation of this section.

1004.445 Florida Alzheimer's Center and Research Institute

(2)(a) The ~~State Board of Education~~ Board of Governors shall enter into an agreement for the utilization of the facilities on the campus of the University of South Florida to be known as the Florida Alzheimer's Center and Research Institute, including all furnishings, equipment, and other chattels used in the operation of those facilities, with a Florida not-for-profit corporation organized solely for the purpose of governing and operating the Florida Alzheimer's Center and Research Institute. This not-for-profit corporation, acting as an instrumentality of the state, shall govern and operate the Florida Alzheimer's Center and Research Institute in accordance with the terms of the agreement between the ~~State Board of Education~~ Board of Governors and the not-for-profit corporation. The not-for-profit corporation may, with the prior approval of the ~~State Board of Education~~ Board of Governors, create not-for-profit corporate subsidiaries to fulfill its mission. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys¹ acquired from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission.

(b)1. The affairs of the not-for-profit corporation shall be managed by a board of directors who shall serve without compensation. The board of directors shall consist of the President of the University of South Florida and the chair of the ~~State Board of Education~~ Board of Governors or their designees, 5 representatives of the state universities, and no fewer than 9 nor more than 14

representatives of the public who are neither medical doctors nor state employees. Each director who is a representative of a state university or of the public shall be appointed to serve a term of 3 years. The chair of the board of directors shall be selected by a majority vote of the directors. Each director shall have only one vote.

2. The initial board of directors shall consist of the President of the University of South Florida and the chair of the ~~State Board of Education~~ Board of Governors, or their designees; the five university representatives, of whom one shall be appointed by the Governor, two by the President of the Senate, and two by the Speaker of the House of Representatives; and nine public representatives, of whom three shall be appointed by the Governor, three by the President of the Senate, and three by the Speaker of the House of Representatives. Upon the expiration of the terms of the initial appointed directors, all directors subject to 3-year terms of office under this paragraph shall be² appointed by a majority vote of the directors and the board may be expanded to include additional public representative directors up to the maximum number allowed. Any vacancy in office shall be filled for the remainder of the term by majority vote of the directors. Any director may be³ reappointed.

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

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

(b) Approval by the ~~State Board of Education~~ Board of Governors of the articles of incorporation of any not-for-profit corporate subsidiary created by the not-for-profit corporation.

(d) Preparation of an annual postaudit of the not-for-profit corporation's financial accounts and the financial accounts of any subsidiaries to be conducted by an independent certified public accountant. The annual audit report shall include management letters and shall be submitted to the Auditor General and the ~~State Board of Education~~ Board of Governors for review. The Board of Governors the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the not-for-profit corporation and any subsidiaries, or from their independent auditor, any detail or supplemental data relative to the operation of the not-for-profit corporation or subsidiary.

(4) The ~~State Board of Education~~ Board of Governors is authorized to secure comprehensive general liability protection, including professional liability protection, for the not-for-profit corporation and its subsidiaries, pursuant to s. 1004.24.

(5) In the event that the agreement between the not-for-profit corporation and the ~~State Board of Education~~ Board of Governors is terminated for any reason, the ~~State Board of Education~~ Board of Governors shall assume governance and operation of the facilities.

(6) The institute shall be administered by a chief executive officer, who shall be appointed by and serve at the pleasure of the board of directors of the not-for-profit corporation, and who shall⁴ exercise the following powers and duties, subject to the approval of the board of directors:

(a) The chief executive officer shall establish programs that fulfill the mission of the institute in research, education, treatment, prevention, and early detection of Alzheimer's disease; however, the chief executive officer may not establish academic programs for which academic credit is awarded and which⁵ culminate in the conferring of a degree, without prior approval of the ~~State Board of Education~~ Board of Governors.

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

(7) The board of directors of the not-for-profit corporation shall create a council of scientific advisers to the chief executive officer comprised of leading researchers, physicians, and scientists. The council shall review programs and recommend research priorities and initiatives to maximize the state's investment in the institute. The members of the council shall be appointed by the board of directors of the not-for-profit corporation, except for five members who shall be appointed by the ~~State Board of Education~~ Board of Governors. Each member of the council shall be appointed to serve a 2-year term and may be reappointed to the council.

(9) The following information is confidential and exempt from the provisions of s. 119.07(1) and s. 24, Art. I of the State Constitution:

(a) Personal identifying information relating to clients of programs created or funded through the Florida Alzheimer's Center and Research Institute which is held by the institute, University of South Florida, or ~~State Board of Education~~ Board of Governors or by persons who provide services to clients of programs created or funded through contracts with the Florida Alzheimer's Center and Research Institute;

1004.47 Research activities relating to solid and hazardous waste management

Research, training, and service activities related to solid and hazardous waste management conducted by state universities shall be coordinated by the ~~State Board of Education~~ Board of Governors. Proposals for research contracts and grants; public service assignments; and responses to requests for information and technical assistance by state and local government, business, and industry shall be addressed by a formal ~~Type I Center~~ process involving an advisory board of university personnel appointed by the Commissioner of Education and chaired and directed by an individual appointed by the Commissioner of Education. The ~~State Board of Education~~ Board of Governors shall consult with the Department of Environmental Protection in developing the research programs and provide the department with a copy of the proposed research program for review and comment before the research is undertaken. Research contracts shall be awarded to independent nonprofit colleges and universities within the state which are accredited by the Southern Association of Colleges and Schools on the same basis as those research contracts awarded to the state universities. Research activities shall include, but are not limited to, the following areas:

1004.54 Learning Development and Evaluation Center

(5) On or before November 1, the president of the university shall submit to the State Board of Education, the Board of Governors and the Legislature a report on program effectiveness, which report shall include:

1004.58 Leadership Board for Applied Research and Public Service

(1) There is created the Leadership Board for Applied Research and Public Service to be staffed by the Institute of Science and Public Affairs at Florida State University. The purpose of the board is to focus, coordinate, and maximize university resources on current issues and events

affecting Florida's residents and elected officials. Emphasis shall be placed on being responsive to and providing accurate, timely, useful, and relevant information to decisionmakers in state and local governments. The board shall set forth a process to provide comprehensive guidance and advice for improving the types and quality of services to be delivered by the state universities. Specifically, the board shall better identify and define the missions and roles of existing institutes and centers at each state university, work to eliminate duplication and confusion over conflicting roles and missions, involve more students in learning with applied research and public service activities, and be organizationally separate from academic departments. The board shall meet at least quarterly. The board may create internal management councils that may include working institute and center directors. The board is responsible for, but is not limited to:

(b) Addressing state university policy matters and making recommendations to the ~~State Board of Education~~ Board of Governors as they relate to applied public service and research.

(3) The board shall prepare a report for the ~~State Board of Education~~ Board of Governors to be submitted to the Governor and the Legislature by January 1 of each year which summarizes the work and recommendations of the board in meeting its purpose and mission.

1004.78 TECHNOLOGY TRANSFER CENTERS AT COMMUNITY COLLEGES.--

(10) The State Board of Education may award grants to community colleges, or consortia of public and private colleges and universities and other public and private entities, for the purpose of supporting the objectives of this section. This shall be in consultation with the Board of Governors to the extent state universities are involved. Grants awarded pursuant to this subsection shall be in accordance with rules of the State Board of Education. Such rules shall include the following provisions:

1006.53 Religious observances.--Each public postsecondary educational institution shall adopt a policy in accordance with rules of the State Board of Education and Board of Governors which reasonably accommodates the religious observance, practice, and belief of individual students in regard to admissions, class attendance, and the scheduling of examinations and work assignments. Each policy shall include a grievance procedure by which a student who believes that he or she has been unreasonably denied an educational benefit due to his or her religious belief or practices may seek redress. Such policy shall be made known to faculty and students annually in inclusion in the institution's handbook, manual, or other similar document regularly provided to faculty and students.

1006.60 Codes of conduct; disciplinary measures; rulemaking authority.--

(3) Sanctions authorized by such codes of conduct may be imposed only for acts or omissions in violation of rules adopted by the institution, including rules adopted under this section, rules of the State Board of Education or Board of Governors, county and municipal ordinances, and the laws of this state, the United States, or any other state.

1006.61 Participation by students in disruptive activities at public postsecondary educational institution; penalties.--

(1) Any person who accepts the privilege extended by the laws of this state of attendance at any public postsecondary educational institution shall, by attending such institution, be deemed to have given his or her consent to the policies of that institution, the State Board of Education, the Board of Governors, and the laws of this state. Such policies shall include prohibition against disruptive activities at public postsecondary educational institutions.

1006.62 Expulsion and discipline of students of community colleges and state universities.--

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

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

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

(1) The State Board of Education or the Board of Governors shall adopt rules to ensure that policies and procedures are in place to protect the health and safety of students, instructional personnel, and visitors who participate in courses offered by a public postsecondary educational institution.

1006.71 Gender equity in intercollegiate athletics.--

(1) GENDER EQUITY PLAN.--

(c) The Commissioner of Education shall annually assess the progress of each institution's plan and advise the State Board of Education and, where appropriate, Board of Governors regarding compliance.

(f) If a community college or state university is not in compliance with Title IX of the Education Amendments of 1972 and the Florida Educational Equity Act, the State Board of Education or, where appropriate, Board of Governors shall:

(2) FUNDING.--

(b) The level of funding and percentage share of support for women's intercollegiate athletics shall be determined by the State Board of Education or, where appropriate, Board of Governors. The level of funding and percentage share attained in the 1980-1981 fiscal year shall be the minimum level and percentage maintained by each institution, except as the State Board of Education or, where appropriate, Board of Governors otherwise directs for the purpose of assuring equity. Consideration shall be given by the State Board of Education and Board of Governors to emerging athletic programs at institutions which may not have the resources to

secure external funds to provide athletic opportunities for women. It is the intent that the effect of any redistribution of funds among institutions shall not negate the requirements as set forth in this section.

(3) STATE BOARD OF EDUCATION AND BOARD OF GOVERNORS.--The State Board of Education or, where appropriate, Board of Governors shall assure equal opportunity for female athletes and establish:

(a) Guidelines for reporting of intercollegiate athletics data concerning financial, program, and facilities information for review by the State Board of Education or, where appropriate, Board of Governors annually.

1007.01 Articulation; legislative intent; purpose; role of the State Board of Education

(2) To improve and facilitate articulation systemwide, the State Board of Education, in coordination with the Board of Governors, shall develop policies and guidelines with input from statewide K-20 advisory groups established by the Commissioner of Education relating to:

(a) The alignment between the exit requirements of one system and the admissions requirements of another system into which students typically transfer.

(b) The identification of common courses, the level of courses, institutional participation in a statewide course numbering system, and the transferability of credits among such institutions.

(c) Identification of courses that meet general education or common degree program prerequisite requirements at public postsecondary educational institutions.

(d) Dual enrollment course equivalencies.

(e) Articulation agreements.

1007.23 Statewide articulation agreement

(1) The State Board of Education, in coordination with the Board of Governors, shall establish in rule a statewide articulation agreement that governs:

(a) Articulation between secondary and postsecondary education;

(b) Admission of associate in arts degree graduates from community colleges and state universities;

(c) Admission of applied technology diploma program graduates from community colleges or technical centers;

(d) Admission of associate in science degree and associate in applied science degree graduates from community colleges;

(e) The use of acceleration mechanisms, including nationally standardized examinations through which students may earn credit;

(f) General education requirements and statewide course numbers as provided for in ss. 1007.24 and 1007.25; and

(g) Articulation among programs in nursing.

1007.24 Statewide course numbering system

(1) The Department of Education shall develop, coordinate, and maintain a statewide course numbering system for postsecondary and dual enrollment education in school districts, public postsecondary educational institutions, and participating nonpublic postsecondary educational institutions that will improve program planning, increase communication among all delivery systems, and facilitate student acceleration and the transfer of students and credits between public school districts, public postsecondary educational institutions, and participating nonpublic educational institutions. The continuing maintenance of the system shall be accomplished with the assistance of appropriate faculty committees representing public and participating nonpublic educational institutions.

(3) The Commissioner of Education shall recommend to the State Board of Education and the Board of Governors the levels for the courses.

(8) The State Board of Education and Board of Governors shall adopt rules that provide for the conduct of regularly scheduled purges of courses that are listed in the statewide course numbering system but have not been taught at an institution for the preceding 5 years. These rules must include waiver provisions that allow course continuation if an institution has reasonable cause for having not offered a course within the 5-year limit and an expectation that the course will be offered again within the following 5 years.

1007.25 General education courses; common prerequisites; and other degree requirements

(5) The department shall identify common prerequisite courses and course substitutions for degree programs across all institutions. Common degree program prerequisites shall be offered and accepted by all state universities and community colleges, except in cases approved by the Board of Governors, or, when appropriate, the State Board of Education ~~pursuant to s. 1001.02(2)(x)~~. The department shall develop a centralized database containing the list of courses and course substitutions that meet the prerequisite requirements for each baccalaureate degree program.

(6) The boards of trustees of the community colleges and state universities shall identify their core curricula, which shall include courses required by the State Board of Education for community colleges and the Board of Governors for the state universities. The universities and community colleges shall work with their school districts to assure that high school curricula coordinate with the core curricula and to prepare students for college-level work. Core curricula for associate in arts programs shall be adopted in rule by the State Board of Education and shall include 36 semester hours of general education courses in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences.

(8) A baccalaureate degree program shall require no more than 120 semester hours of college credit, including 36 semester hours of general education coursework, unless prior approval has been granted by the Board of Governors, or where appropriate, the State Board of Education.

(9) A student who received an associate in arts degree for successfully completing 60 semester credit hours may continue to earn additional credits at a community college. The university must provide credit toward the student's baccalaureate degree for an additional community college course if, according to the statewide course numbering, the community college course is a course listed in the university catalog as required for the degree or as prerequisite to a course required

for the degree. Of the courses required for the degree, at least half of the credit hours required for the degree shall be achievable through courses designated as lower division, except in degree programs jointly approved by the State Board of Education and the Board of Governors.

(10) Students at state universities may request associate in arts certificates if they have successfully completed the minimum requirements for the degree of associate in arts (A.A.). The university must grant the student an associate in arts degree if the student has successfully completed minimum requirements for college-level communication and computation skills adopted by the ~~State Board of Education~~ Board of Governors and 60 academic semester hours or the equivalent within a degree program area, with 36 semester hours in general education courses in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences, consistent with the general education requirements specified in the articulation agreement pursuant to s. 1007.23.

1007.261 State universities; admissions of students.--Each university board of trustees is authorized to adopt rules governing the admission of students, subject to this section and rules of the ~~State Board of Education~~ Board of Governors.

(1) Minimum academic standards for undergraduate admission to a university include:

(b) Each student must have successfully completed a college-preparatory curriculum of 18 credits, which shall include, but not be limited to, four credits in English, with major concentration in composition and literature; three credits in mathematics; three credits in natural science, two of which must have a laboratory component; three credits in social sciences; and two credits in the same second language. A student who completes a home education program according to s. 1002.41 is not required to document completion of the 18 credits required by this paragraph. A student whose native language is not English is exempt from the foreign language requirement, provided that the student demonstrates proficiency in the native language. If a standardized test is not available in the student's native language for the demonstration of proficiency, the university may provide an alternative method of assessment. The ~~State Board of Education and~~ Board of Governors shall adopt rules for the articulation of foreign language competency and equivalency between secondary and postsecondary institutions. A student who received an associate in arts degree prior to September 1, 1989, or who enrolled in a program of studies leading to an associate degree from a community college prior to August 1, 1989, and maintains continuous enrollment shall be exempt from this admissions requirement.

(2) The minimum admission standards adopted by the ~~State Board of Education,~~ Board of Governors, or a university board of trustees must permit a student to earn at least 3 of the 18 credits constituting the college-preparatory curriculum required for admission as electives in any one of the following manners:

(3) Each university may admit a limited number of students notwithstanding the admission requirements of paragraph (1)(b) relating to credits in foreign language, if there is evidence that the applicant is expected to do successful academic work at the admitting university. The percent of applicants admitted under this subsection may not exceed a level established for the university by the ~~State Board of Education~~ Board of Governors. Any lower-division student admitted

without meeting the foreign language requirement must earn such credits prior to admission to the upper division of a state university. Any associate in arts degree graduate from a community college or university in Florida, or other upper-division transfer student, admitted without meeting the foreign language requirement, must earn such credits prior to graduation from a state university. Students shall be exempt from the provisions of this subsection if they can demonstrate proficiency in American sign language equivalent to that of students who have completed two credits of such instruction in high school.

(4) Nonresident students may be admitted to the university upon such terms as the university may establish. However, such terms shall include, but shall not be limited to: completion of a secondary school curriculum which includes 4 years of English; 3 years each of mathematics, science, and social sciences; and 2 years of a foreign language.

(5) Within the admission standards provided for in subsection (1), ~~the State Board of Education~~ Board of Governors shall develop procedures for weighting courses which are necessary to meet the requirements of a college-preparatory curriculum at a higher value than less rigorous courses. Credits received in such courses shall be given greater value in determining admission by universities than cumulative grade point averages in high school.

(8) Rules of the ~~State Board of Education~~ Board of Governors shall require the use of scores on tests of college-level communication and computation skills provided in s. 1008.29 as a condition for admission of students to upper-division instructional programs from community colleges, including those who have been awarded associate in arts degrees. Use of such test scores as an admission requirement shall extend equally and uniformly to students enrolled in lower divisions in a state university and to transfer students from other colleges and universities. The tests shall be required for community college students seeking associate in arts degrees and students seeking admission to upper-division instructional programs in a state university. The use of test scores prior to August 1, 1984, shall be limited to student counseling and curriculum improvement.

1007.264 Impaired and learning disabled persons; admission to postsecondary educational institutions; substitute requirements; rules.--Any student with a disability, as defined in s. 1007.02(2), except those students who have been documented as having mental retardation, shall be eligible for reasonable substitution for any requirement for admission into a public postsecondary educational institution where documentation can be provided that the person's failure to meet the admission requirement is related to the disability. The State Board of Education and the Board of Governors shall adopt rules to implement this section and shall develop substitute admission requirements where appropriate.

1007.265 Impaired and learning disabled persons; graduation, study program admission, and upper-division entry; substitute requirements; rules.--Any student with a disability, as defined in s. 1007.02(2), in a public postsecondary educational institution, except those students who have been documented as having mental retardation, shall be eligible for reasonable substitution for any requirement for graduation, for admission into a program of study, or for entry into the upper division where documentation can be provided that the person's failure to meet the requirement is related to the disability and where failure to meet the graduation

requirement or program admission requirement does not constitute a fundamental alteration in the nature of the program. The State Board of Education and Board of Governors shall adopt rules to implement this section and shall develop substitute requirements where appropriate.

1007.27 Articulated acceleration mechanisms.--

(7) Credit by examination shall be the program through which secondary and postsecondary students generate postsecondary credit based on the receipt of a specified minimum score on nationally standardized general or subject-area examinations. For the purpose of statewide application, such examinations and the corresponding minimum scores required for an award of credit shall be delineated by the State Board of Education in coordination with the Board of Governors in the statewide articulation agreement. The maximum credit generated by a student pursuant to this subsection shall be mitigated by any related postsecondary credit earned by the student prior to the administration of the examination. This subsection shall not preclude community colleges and universities from awarding credit by examination based on student performance on examinations developed within and recognized by the individual postsecondary institutions.

(8) The International Baccalaureate Program shall be the curriculum in which eligible secondary students are enrolled in a program of studies offered through the International Baccalaureate Program administered by the International Baccalaureate Office. The State Board of Education in coordination with the Board of Governors shall establish rules which specify the cutoff scores and International Baccalaureate Examinations which will be used to grant postsecondary credit at community colleges and universities. Any such rules, which have the effect of raising the required cutoff score or of changing the International Baccalaureate Examinations which will be used to grant postsecondary credit, shall only apply to students taking International Baccalaureate Examinations after such rules are adopted by the State Board of Education. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The specific course for which a student receives such credit shall be determined by the department. Students enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations regardless of whether or not the student achieves a passing score on the examination.

(9) The Advanced International Certificate of Education Program shall be the curriculum in which eligible secondary students are enrolled in a program of studies offered through the Advanced International Certificate of Education Program administered by the University of Cambridge Local Examinations Syndicate. The State Board of Education in consultation with the Board of Governors shall establish rules which specify the cutoff scores and Advanced International Certificate of Education examinations which will be used to grant postsecondary credit at community colleges and universities. Any such rules, which have the effect of raising the required cutoff score or of changing the Advanced International Certification of Education examinations which will be used to grant postsecondary credit, shall apply to students taking Advanced International Certificate of Education Examinations after such rules are adopted by the State Board of Education. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The specific course for which a student receives such credit shall be determined by the community college or university that accepts the student for admission.

Students enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations regardless of whether or not the student achieves a passing score on the examination.

1007.28 Computer-assisted student advising system.--~~The State Board of Education~~ Department of Education shall establish and maintain ~~within the Department of Education~~ a single, statewide computer-assisted student advising system, which must be an integral part of the process of advising, registering, and certifying students for graduation. It is intended that an advising system be the primary advising and tracking tool for students enrolled in public postsecondary educational institutions and be accessible to all Florida students. The state universities and community colleges shall interface institutional systems with the computer-assisted advising system required by this section. The State Board of Education in coordination with the Board of Governors shall prescribe by rule the roles and responsibilities of the department, the state universities, and the community colleges in the design, implementation, promotion, development, and analysis of the system. The system shall consist of a degree audit and an articulation component that includes the following characteristics:

1007.31 Limited access programs

(1) ~~The State Board of Education~~ Board of Governors shall establish criteria for assigning limited access status to an educational program and a process for the periodic review of such programs so that a university board of trustees can determine the need for retention or removal of limited access status.

1008.29 College-level communication and mathematics skills examination (CLAST)

(4) The State Board of Education in coordination with the Board of Governors, by rule, shall set the minimum scores that constitute successful completion of the examination. In establishing the minimum scores that constitute successful completion of the examination, the State Board of Education in coordination with the Board of Governors shall consider any possible negative impact of the tests on minority students. Determinations regarding a student's successful completion of the examination shall be based on the minimum standards prescribed by rule for the date the student initially takes the examination.

(8) The State Board of Education in coordination with the Board of Governors, by rule, shall establish fees for the administration of the examination at times other than regularly scheduled dates to accommodate examinees who are unable to be tested on those dates. The board shall establish the conditions under which examinees may be admitted to the special administrations.

(9) Any student fulfilling one or both of the following requirements before completion of associate in arts degree requirements or baccalaureate degree requirements is exempt from the testing requirements of this section:

(a) Achieves a score that meets or exceeds a minimum score on a nationally standardized examination, as established by the State Board of Education in coordination with the Board of Governors; or

(b) Demonstrates successful remediation of any academic deficiencies identified by the college placement test and achieves a cumulative grade point average of 2.5 or above, on a 4.0 scale, in postsecondary-level coursework identified by the State Board of Education. The Department of Education shall specify the means by which a student may demonstrate successful remediation

or, where appropriate, Board of Governors.

Any student denied a degree prior to January 1, 1996, based on the failure of at least one subtest of the CLAST may use either of the alternatives specified in this subsection for receipt of a degree if such student meets all degree program requirements at the time of application for the degree under the exemption provisions of this subsection. This section does not require a student to take the CLAST before being given the opportunity to use any of the alternatives specified in this subsection. The exemptions provided herein do not apply to requirements for certification as provided in s. 1012.56.

1008.30 Common placement testing for public postsecondary education

(1) The State Board of Education in coordination with the Board of Governors shall develop and implement a common placement test for the purpose of assessing the basic computation and communication skills of students who intend to enter a degree program at any public postsecondary educational institution. The State Board of Education and the Board of Governors shall adopt rules which enable public postsecondary educational institutions to implement appropriate modifications of the test instruments or test procedures for students with disabilities.

1008.31 Florida's K-20 education performance accountability system; legislative intent; performance-based funding; mission, goals, and systemwide measures

(1) LEGISLATIVE INTENT.--It is the intent of the Legislature that:

(d) The State Board of Education, in coordination with the Board of Governors, recommend to the Legislature systemwide performance standards; the Legislature establish systemwide performance measures and standards; and the systemwide measures and standards provide Floridians with information on what the public is receiving in return for the funds it invests in education and how well the K-20 system educates its students.

(e) The State Board of Education, in coordination with the Board of Governors, establish performance measures and set performance standards for individual components of the public education system, including individual schools and postsecondary educational institutions, with measures and standards based primarily on student achievement.

(2) PERFORMANCE-BASED FUNDING.

(c) The State Board of Education and the Board of Governors shall adopt guidelines required to implement performance-based funding that allow 1 year to demonstrate achievement of specified performance standards prior to a reduction in appropriations pursuant to this section.

(d) By December 1, 2003, the State Board of Education and the Board of Governors shall adopt common definitions, measures, standards, and performance improvement targets required to:

(3) MISSION, GOALS, AND SYSTEMWIDE MEASURES.—

(b) The State Board of Education and the Board of Governors shall adopt guiding principles for establishing state and sector-specific standards and measures.

(c) The State Board of Education and Board of Governors shall maintain an accountability system that measures student progress toward the following goals:

(4) SYSTEMWIDE DATA COLLECTION.--School districts and public postsecondary educational institutions shall maintain information systems that will provide the State Board of Education, Board of Governors, and Legislature with information and reports necessary to

address the specifications of the accountability system. The State Board of Education and Board of Governors shall determine the standards for the required data. The level of comprehensiveness and quality shall be no less than that which was available as of June 30, 2001.

1008.32 State Board of Education and Board of Governors cooperative oversight enforcement authority

The State Board of Education shall oversee the performance of district school boards and public postsecondary educational institution boards with the exception of the state university system in enforcement of all laws and rules. District school boards and public postsecondary educational institution boards shall be primarily responsible for compliance with law and state board rule. The Board of Governors shall oversee the performance of the state university system in enforcement of all laws and rules. The state university system shall be primarily responsible for compliance with law and Board of Governor rule.

- (1) In order to ensure compliance with law or state board rule, the State Board of Education shall have the authority to request and receive information, data, and reports from school districts and public postsecondary educational institutions, with the exception of the state university system. District school superintendents and public postsecondary educational institution presidents are responsible for the accuracy of the information and data reported to the state board.
- (2) The Commissioner of Education may investigate allegations of noncompliance with law or rule and determine probable cause, the commissioner shall report to the State Board of Education or, where appropriate, the Board of Governors, which shall require the district school board or public postsecondary educational institution board to document compliance with law or state board rule.
- (3) If the district school board or public postsecondary educational institution board cannot satisfactorily document compliance, the State Board of Education or, where appropriate, the Board of Governors may order compliance within a specified timeframe.
- (4) If the State Board of Education or, where appropriate, the Board of Governors determines that a district school board or public postsecondary educational institution board is unwilling or unable to comply with law or rule within the specified time, ~~the state board~~ they shall have the authority to initiate any of the following actions:

1008.38 Articulation accountability process

The State Board of Education in coordination with the Board of Governors, shall develop articulation accountability measures which assess the status of systemwide articulation processes authorized under s. 1007.23. The State Board of Education in coordination with the Board of Governors shall establish an articulation accountability process which at a minimum shall address:

1008.46 State university accountability process

It is the intent of the Legislature that an accountability process be implemented that provides for the systematic, ongoing evaluation of quality and effectiveness of state universities. It is further the intent of the Legislature that this accountability process monitor performance at the system

level in each of the major areas of instruction, research, and public service, while recognizing the differing missions of each of the state universities as approved by the Board of Governors. The accountability process shall provide for the adoption of systemwide performance standards and performance goals for each standard identified through a collaborative effort involving the Board of Governors, state universities, the Legislature, and the Governor's Office. These standards and goals shall be consistent with s. 216.011(1) to maintain congruity with the performance-based budgeting process. This process requires that university accountability reports reflect measures defined through performance-based budgeting. The performance-based budgeting measures must also reflect the elements of teaching, research, and service inherent in the missions of the state universities as approved by the Board of Governors.

(1) By December 31 of each year, the State Board of Education and the Board of Governors, shall jointly submit an annual accountability report providing information on the implementation of performance standards, actions taken to improve university achievement of performance goals, the achievement of performance goals during the prior year, and initiatives to be undertaken during the next year. The accountability reports shall be designed in consultation with the Governor's Office, the Office of Program Policy Analysis and Government Accountability, and the Legislature.

(2) The State Board of Education and Board of Governors, shall recommend in the annual accountability report any appropriate modifications to this section.

1008.51 Council for Education Policy Research and Improvement.--

(4) The council shall:

(c) Prepare and submit to the State Board of Education and the Board of Governors a long-range master plan for education. The plan must include consideration of the promotion of quality, fundamental educational goals, programmatic access, needs for remedial education, regional and state economic development, international education programs, demographic patterns, student demand for programs, needs of particular subgroups of the population, implementation of innovative educational techniques and technology, and requirements of the labor market. The plan must evaluate the capacity of existing programs in public and independent institutions to respond to identified needs, and the council shall recommend efficient alternatives to address unmet needs. The council shall update the master plan at least every 5 years.

(d) Prepare and submit for approval by the State Board of Education and the Board of Governors a long-range performance plan for K-20 education in Florida, and annually review and recommend improvement in the implementation of the plan.

(f) Recommend to the Legislature, ~~and~~ the State Board of Education, and the Board of Governors legislation and rules for the educational accountability system that support the policies and guiding principles of s. 1000.02.

(g) Recommend to the State Board of Education and the Board of Governors revisions and new initiatives to further improve the K-20 education accountability system.

(i) On its own initiative or in response to the Governor, the Legislature, the State Board of Education, the Board of Governors, or the Commissioner of Education, issue reports and recommendations on matters relating to any education sector.

(l) Assist the State Board of Education and Board of Governors in the conduct of its educational responsibilities in such capacities as the board considers appropriate.

1009.01 Definitions.--The term:

(2) "Out-of-state fee" means the additional fee for instruction provided by a public postsecondary educational institution in this state, which fee is charged to a non-Florida student as defined in rules of the State Board of Education or the Board of Governors. A charge for any other purpose shall not be included within this fee.

1009.21 Determination of resident status for tuition purposes

Students shall be classified as residents or nonresidents for the purpose of assessing tuition in community colleges and state universities.

(11) The State Board of Education and the Board of Governors shall by rule designate classifications of students as residents or nonresidents for tuition purposes at community colleges and state universities.

1009.24 State university student fees

(6) A university board of trustees is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the tuition and out-of-state fee. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. A minimum of 75 percent of funds from the student financial aid fee for new financial aid awards shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that were used at the time of his or her original award. ~~The State Board of Education~~ Board of Governors shall develop criteria for making financial aid awards. Each university shall report annually to the Department of Education on the revenue collected pursuant to this subsection, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the ~~State Board of Education~~ Board of Governors. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(9)(a) Each university board of trustees shall establish a student activity and service fee on the main campus of the university. The university board may also establish a student activity and service fee on any branch campus or center. Any subsequent increase in the activity and service fee must be recommended by an activity and service fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the university board of trustees. An increase in the activity and service fee may occur only once each fiscal year and must be implemented beginning with the fall term. ~~The State Board of Education~~ Board of Governors is responsible for promulgating the rules and timetables necessary to implement this fee.

(10) Each university board of trustees shall establish a student health fee on the main campus of the university. The university board of trustees may also establish a student health fee on any branch campus or center. Any subsequent increase in the health fee must be recommended by a health committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the university board of trustees. An increase in the health fee may occur only once each fiscal year and must be implemented beginning with the fall term. The ~~State Board of Education~~ Board of Governors is responsible for promulgating the rules and timetables necessary to implement this fee.

(11) Each university board of trustees shall establish a separate athletic fee on the main campus of the university. The university board may also establish a separate athletic fee on any branch campus or center. Any subsequent increase in the athletic fee must be recommended by an athletic fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the university board of trustees. An increase in the athletic fee may occur only once each fiscal year and must be implemented beginning with the fall term. The ~~State Board of Education~~ Board of Governors is responsible for promulgating the rules and timetables necessary to implement this fee.

1009.26 Fee waivers

(4) A state university may waive any or all application, tuition, and related fees for persons 60 years of age or older who are residents of this state and who attend classes for credit. No academic credit shall be awarded for attendance in classes for which fees are waived under this subsection. This privilege may be granted only on a space-available basis, if such classes are not filled as of the close of registration. A university may limit or deny the privilege for courses which are in programs for which the ~~State Board of Education~~ Board of Governors has established selective admissions criteria. Persons paying full fees and state employees taking courses on a space-available basis shall have priority over those persons whose fees are waived in all cases where classroom spaces are limited.

(6) The ~~State Board of Education~~ Board of Governors may establish rules to allow for the waiver of out-of-state fees for nondegree-seeking students enrolled at a state university if the earned student credit hours generated by such students are nonfundable and the direct cost for the program of study is recovered from the fees charged to all students.

1009.27 Deferral of fees

(1) The State Board of Education and the Board of Governors shall adopt rules to allow the deferral of tuition and registration fees for students receiving financial aid from a federal or state assistance program when the aid is delayed in being transmitted to the student through

circumstances beyond the control of the student. The failure to make timely application for the aid is an insufficient reason to receive a deferral of fees. The rules must provide for the enforcement and collection or other settlement of delinquent accounts.

1009.285 Fees for repeated enrollment in college-credit courses

A student enrolled in the same undergraduate college-credit course more than twice shall pay tuition at 100 percent of the full cost of instruction and shall not be included in calculations of full-time equivalent enrollments for state funding purposes. However, students who withdraw or fail a class due to extenuating circumstances may be granted an exception only once for each class, provided that approval is granted according to policy established by the community college board of trustees or the university board of trustees. Each community college and state university may review and reduce fees paid by students due to continued enrollment in a college-credit class on an individual basis contingent upon the student's financial hardship, pursuant to definitions and fee levels established by the State Board of Education and the Board of Governors. For purposes of this section, first-time enrollment in a class shall mean enrollment in a class beginning fall semester 1997, and calculations of the full cost of instruction shall be based on the systemwide average of the prior year's cost of undergraduate programs for the community colleges and the state universities. Boards of trustees may make exceptions to this section for individualized study, elective coursework, courses that are repeated as a requirement of a major, and courses that are intended as continuing over multiple semesters, excluding the repeat of coursework more than two times to increase grade point average or meet minimum course grade requirements.

1009.29 Increased fees for funding financial aid program

(1) Student tuition and registration fees at each state university and community college shall include up to \$4.68 per quarter, or \$7.02 per semester, per full-time student, or the per-student credit hour equivalents of such amounts. The fees provided for by this section shall be adjusted from time to time, as necessary, to comply with the debt service coverage requirements of the student loan revenue bonds issued pursuant to s. 1009.79. If the Division of Bond Finance of ~~and the State Board of Education and the Commissioner of Education;~~ or the Division of Bond Finance and the Board of Governors, determine that such fees are no longer required as security for revenue bonds issued pursuant to ss. 1009.78-1009.88, moneys previously collected pursuant to this section which are held in escrow, after administrative expenses have been met and up to \$150,000 has been used to establish a financial aid data processing system for the state universities incorporating the necessary features to meet the needs of all ¹nine universities for application through disbursement processing, shall be reallocated to the generating institutions to be used for student financial aid programs, including, but not limited to, scholarships and grants for educational purposes. Upon such determination, such fees shall no longer be assessed and collected.

1009.971 Florida Prepaid College Board.--

(2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.--The board shall consist of seven members to be composed of the Attorney General, the Chief Financial Officer, the ~~Deputy Commissioner~~ Chancellor of Colleges and Universities, the ~~Deputy Commissioner~~ Chancellor of Community Colleges, and three members appointed by the Governor and subject to confirmation by the Senate. Each member appointed by the Governor shall possess knowledge, skill, and experience in the areas of accounting, actuary, risk management, or investment management. Each member of the board not appointed by the Governor may name a designee to serve on the board on behalf of the member; however, any designee so named shall meet the qualifications required of gubernatorial appointees to the board. Members appointed by the Governor shall serve terms of 3 years. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment and shall serve until a successor qualifies. Members of the board shall serve without compensation but shall be reimbursed for per diem and travel in accordance with s. 112.061. Each member of the board shall file a full and public disclosure of his or her financial interests pursuant to s. 8, Art. II of the State Constitution and corresponding statute.

1010.01 Uniform records and accounts.--

(1) The financial records and accounts of each school district, community college, university, and other institution or agency under the supervision of the State Board of Education or Board of Governors shall be prepared and maintained as prescribed by law and rules of the State Board of Education or Board of Governors.

1010.02 Financial accounting and expenditures.--All funds accruing to a school district, a community college, or a university must be received, accounted for, and expended in accordance with law and rules of the State Board of Education or, when appropriate, Board of Governors.

1010.04 Purchasing.--

(1) Purchases and leases by school districts, community colleges, and universities shall comply with the requirements of law and rules of the State Board of Education or, when appropriate, Board of Governors.

(4) The State Board of Education and Board of Governors may, by rule, provide for alternative procedures for bidding or purchasing in cases in which the character of the item requested renders competitive bidding impractical.

1010.07 Bonds or insurance required.--

(2) Contractors paid from school district, community college, or university funds shall give bond for the faithful performance of their contracts in such amount and for such purposes as prescribed by s. 255.05 or by rules of the State Board of Education or, when appropriate, Board of Governors relating to the type of contract involved. It shall be the duty of the district school board, community college board of trustees, and university board of trustees to require from construction contractors a bond adequate to protect the board and the board's funds involved.

1010.09 Direct-support organizations.--School district, community college, and university direct-support organizations shall be organized and conducted under the provisions of ss. 1001.453, 1004.28, and 1004.70 and rules of the State Board of Education or the Board of Governors, as applicable.

1010.30 Audits required.--School districts, community colleges, universities, and other institutions and agencies under the supervision of the State Board of Education or the Board of Governors are subject to the audit provisions under ss. 11.45 and 218.39.

1010.60 ~~State Board of Education~~ Board of Governors; issuance of bonds pursuant to s. 11(~~fd~~), Art. VII, State Constitution

(1) Pursuant to s. 11(~~fd~~), Art. VII of the State Constitution, the ~~State Board of Education~~ Board of Governors supported by the building fee, the capital improvement fee, or any other revenue approved by the Legislature for facilities construction, is authorized to request the issuance of bonds or other forms of indebtedness pursuant to the State Bond Act to finance or refinance capital projects authorized by the Legislature. In order to take advantage of economic conditions, the Division of Bond Finance shall process requests by the ~~State Board of Education~~ Board of Governors to refinance capital projects under this section on a priority basis. All of the powers, duties, functions, and responsibilities relating to bonds previously issued pursuant to this subsection are hereby transferred to the Board of Governors.

(2) The ~~State Board of Education~~ Board of Governors may approve the issuance of revenue bonds or other forms of indebtedness by a direct-support organization when such revenue bonds or other forms of indebtedness are used to finance or refinance capital projects which are to provide facilities necessary and desirable to serve the needs and purposes of the university, as determined by the systemwide strategic plan adopted by the Board of Governors ~~State Board of Education~~, and when the project has been approved by the Legislature.

1010.61 Powers

The ~~State Board of Education~~ Board of Governors shall have all the powers necessary or advisable to carry out and effectuate the purposes and provisions of s. 1010.60 and this part and is hereby authorized:

1010.611 Resolution for issuance of revenue certificates

The issuance of revenue certificates under the provisions of this part and the State Bond Act shall be requested by resolution of the ~~State Board of Education~~ Board of Governors. Said revenue certificates shall bear interest at such rate or rates not exceeding the interest rate limitations set forth in s. 215.84(3), provided that certificates may be sold at a reasonable discount to par not to exceed 3 percent, except that this limitation on discount does not apply to the portion of the discount that constitutes original issue discount. The revenue certificates may be issued in one or more series, may bear such date or dates, may be in such denomination or denominations, may mature at such time or times, not exceeding 30 years from their respective dates, may be in such form, either coupon or registered, may carry such registration privileges, may be executed in such manner, may be payable in such medium of payment and at such place or places, may be

subject to such terms of redemption, with or without premium, may contain such terms, covenants, and conditions, and may be declared or become due before the maturity date thereof as such resolution or other resolutions may provide. The revenue certificate may be sold at public sale by competitive bid or negotiated sale. Pending the preparation of the definitive certificates, interim receipts or certificates in such form and with such provisions as the board may determine may be issued to the purchaser or purchasers of certificates sold pursuant to this part. The certificates and interim receipts shall be fully negotiable within the meaning and for all the purposes of the negotiable instruments law.

1010.612 Powers to secure revenue certificates.

The ~~State Board of Education~~Board of Governors, in connection with the issuance of revenue certificates to acquire any projects for an institution or in order to secure the payment of such revenue certificates and interest thereon, shall have power by resolution:

1010.613 Remedies of any holder of revenue certificates

Any holder or holders of revenue certificates, including a trustee, or trustees for holders of such revenue certificates, shall have the right, in addition to all other rights, by mandamus or other suit, action, or proceeding in any court of competent jurisdiction to enforce his or her or their rights against the ~~State Board of Education~~Board of Governors, to fix and collect such rentals and other charges adequate to carry out any agreement as to or pledge of such fees, rentals, or other charges, and require the ~~State Board of Education~~Board of Governors to carry out any other covenants and agreements and to perform its duties under this part.

1010.614 Validity of revenue certificates

The revenue certificates bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor any or all of the persons whose signatures appear thereon shall have ceased to be officers of the ~~State Board of Education~~Board of Governors. The validity of the revenue certificates shall not be dependent on nor affected by the validity or regularity of any proceedings to acquire the project financed by the revenue certificates or taken in connection therewith.

1010.615 Prohibitions against obligating state

Nothing in this part shall be construed to authorize the ~~State Board of Education~~Board of Governors, to contract a debt on behalf of, or in any way to obligate, the state, or to pledge, assign, or encumber in any way, or to permit the pledging, assigning, or encumbering in any way of, appropriations made by the Legislature.

1010.616 Revenue certificate obligations of ~~State Board of~~ Education Board of Governors

All revenue certificates issued pursuant to this part shall be obligations of the ~~State Board of Education~~ Board of Governors payable only in accordance with the terms thereof and shall not be obligations general, special, or otherwise of the state. Such revenue certificates shall not be a bond or debt of the state, and shall not be enforceable against the state, nor shall payment thereof be enforceable out of any funds of the board other than the income and revenue pledged and assigned to, or in trust for the benefit of, the holder or holders of such revenue certificates.

1010.617 Tax exemption and eligibility as legal investments.--

(1) The exercise of the powers granted by this part in all respects constitutes the performance of essential public functions for the benefit of the people of the state. All properties, revenues, or other assets of the ~~State Board of Education~~ Board of Governors for which revenue certificates are issued under this part, and all revenue certificates issued hereunder and the interest thereon, shall be exempt from all taxation by any agency or instrumentality of a county, municipality, or the state. The exemption granted by this section is not applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

1010.619 Board of Administration to act as fiscal agent

Prior to the issuance of any revenue certificates, the ~~State Board of Education~~ Board of Governors, may request the State Board of Administration to advise the ~~State Board of Education~~ Board of Governors as to the fiscal sufficiency of the proposed issue. Upon sale and delivery of any revenue certificates and disbursement of the proceeds thereof pursuant to this part, the State Board of Administration may upon request of the ~~State Board of Education~~ Board of Governors, take over the management, control, administration, custody, and payment of any or all debt services or funds or assets now or hereafter available for any revenue certificates issued pursuant to this part. The State Board of Administration shall upon request of the ~~State Board of Education~~ Board of Governors, invest all funds, including reserve funds, available for any revenue certificates issued pursuant to this part in the manner provided in s. 215.47. The ~~State Board of Education~~ Board of Governors may from time to time provide by its duly adopted resolution the duties the State Board of Administration shall perform, and such duties may be changed, modified, or repealed by subsequent resolution as the ~~State Board of Education~~ Board of Governors may deem appropriate.

1011.01 Budget system established

(1) Pursuant to ss. 1001.02 and 1001.701, ~~the~~ State Board of Education shall prepare and submit a coordinated K-20 education annual legislative budget request to the Governor and the Legislature on or before the date provided by the Governor and the Legislature. The board's legislative budget request must clearly define the needs of school districts, community colleges, universities, other institutions, organizations, programs, and activities under the supervision of the boards and that are assigned by law or the General Appropriations Act to the Department of Education.

(2) There shall be established in each school district, community college, and university a budget system as prescribed by law and rules of the State Board of Education, or the Board of Governors, where appropriate.

(3) Each district school board, each community college board of trustees, and each state university board of trustees shall prepare, adopt, and submit to the ~~Commissioner~~ Department of Education for review an annual operating budget. Operating budgets shall be prepared and submitted in accordance with the provisions of law, rules of the State Board of Education or, where appropriate, the Board of Governors, the General Appropriations Act, and for district school boards in accordance with the provisions of ss. 200.065 and 1011.64.

1011.011 Legislative capital outlay budget request

Pursuant to ss. 1001.02 and 1001.701, ~~the~~ State Board of Education shall submit an integrated, comprehensive K-20 budget request for educational facilities construction and fixed capital outlay needs for school districts, community colleges, and universities pursuant to this section and s. 1013.46 and applicable provisions of chapter 216.

1011.40 Budgets for universities

(1) LEGISLATIVE BUDGET REQUEST.--~~The State Board of Education~~ Board of Governors shall provide instructions, guidelines, and standard formats to be used by each university that will provide to the ~~State Board of Education~~ Board of Governors and the Legislature adequate information to support and justify the legislative budget requests submitted pursuant to ss. 216.023, 1011.90, and 1013.60 for each university.

(2) OPERATING BUDGET.--Each university board of trustees shall adopt an operating budget for the operation of the university as prescribed by law and rules of the ~~State Board of Education~~ Board of Governors. Each university president shall prepare and implement the operating budget of the university as prescribed by law, rules of the ~~State Board of Education~~ Board of Governors, policies of the university board of trustees, and provisions of the General Appropriations Act. The proposed expenditures, plus transfers, and balances shall not exceed the estimated income, transfers, and balances. The budget and each part thereof shall balance. If at any time the unencumbered balance in the education and general fund of the university board of trustees approved operating budget goes below 5 percent, the president shall provide written notification to the ~~State Board of Education~~ Board of Governors.

(3) EXPENDITURES.--Expenditures from any source of funds by any university shall not exceed the funds available. Expenditures shall not exceed the amount budgeted under each classification of accounts for each fund and the total amount of the budget, as amended as prescribed by rules of the ~~State Board of Education~~ Board of Governors. No expenditure of funds, contract, or agreement of any nature shall be made that requires additional appropriation of funds by the Legislature unless specifically authorized in advance by law or the General Appropriations Act.

(4) DISTRIBUTION OF APPROPRIATION.--Funds appropriated in the General Appropriations Act for the operation of state universities shall be distributed by the ~~State Board of Education~~ Board of Governors to the universities twice monthly. The Executive Office of the Governor may modify this schedule if required to meet specific needs of a university.

1011.48 Establishment of educational research centers for child development

(3) Each center is authorized to charge fees for the care and services it provides. Such fees must be approved by the ~~State Board of Education~~ Board of Governors and may be imposed on a sliding scale based on ability to pay or any other factors deemed relevant by the board.

(4) The ~~State Board of Education~~ Board of Governors is authorized and directed to promulgate rules for the establishment, operation, and supervision of educational research centers for child development. Such rules shall include, but need not be limited to: a defined method of establishment of and participation in the operation of centers by the appropriate student government associations; guidelines for the establishment of an intern program in each center; and guidelines for the receipt and monitoring of funds from grants and other sources of funds consistent with existing laws.

(5) Each educational research center for child development shall be funded by a portion of the Capital Improvement Trust Fund fee established by the ~~State Board of Education~~ pursuant to s. 1009.24(7). Each university that establishes a center shall receive a portion of such fees collected from the students enrolled at that university, usable only at that university, equal to 22.5 cents per student per credit hour taken per term, based on the summer term and fall and spring semesters. This allocation shall be used by the university only for the establishment and operation of a center as provided by this section and rules promulgated hereunder. Said allocation may be made only after all bond obligations required to be paid from such fees have been met.

1011.90 State university funding

(4) The ~~State Board of Education~~ Board of Governors shall establish and validate a cost-estimating system consistent with the requirements of subsection (1) and shall report as part of its legislative budget request the actual expenditures for the fiscal year ending the previous June 30. Expenditure analysis, operating budgets, and annual financial statements of each university must be prepared using the standard financial reporting procedures and formats prescribed by the ~~State Board of Education~~ Board of Governors. These formats shall be the same as used for the 2000-2001 fiscal year reports. Any revisions to these financial and reporting procedures and formats must be approved by the Executive Office of the Governor and the appropriations committees of the Legislature jointly under the provisions of s. 216.023(3). The ~~State Board of Education~~ Board of Governors shall continue to collect and maintain at a minimum the management information databases existing on June 30, 2002. The expenditure analysis report shall include total expenditures from all sources for the general operation of the university and shall be in such detail as needed to support the legislative budget request.

1011.91 Additional appropriation

(1) All moneys received by universities, other than from state and federal sources, from student building and capital improvement fees, and from vending machine collections, are hereby appropriated to the use of the respective universities collecting same, to be expended as the university board of trustees may direct; however, the funds shall not be expended except in pursuance of detailed budgets filed with the ~~State Board of Education~~ Board of Governors and shall not be expended for the construction or reconstruction of buildings except as provided under s. 1013.74.

(2) All moneys received from vending machine collections by universities shall be expended only as set forth in detailed budgets approved by the State Board of Education Board of Governors.

1011.94 Trust Fund for University Major Gifts

(1) There is established a Trust Fund for University Major Gifts. The purpose of the trust fund is to enable each university and New College to provide donors with an incentive in the form of matching grants for donations for the establishment of permanent endowments and sales tax exemption matching funds received pursuant to s. 212.08(5)(j), which must be invested, with the proceeds of the investment used to support libraries and instruction and research programs, as defined the State Board of Education Board of Governors. All funds appropriated for the challenge grants, new donors, major gifts, sales tax exemption matching funds pursuant to s. 212.08(5)(j), or eminent scholars program must be deposited into the trust fund and invested pursuant to s. 17.61 until the State Board of Education Board of Governors allocates the funds to universities to match private donations. Notwithstanding s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and interest income accruing to the portion of the trust fund which is not matched and distributed to universities must remain in the trust fund and be used to increase the total funds available for challenge grants. Funds deposited in the trust fund for the sales tax exemption matching program authorized in s. 212.08(5)(j), and interest earnings thereon, shall be maintained in a separate account within the Trust Fund for University Major Gifts, and may be used only to match qualified sales tax exemptions that a certified business designates for use by state universities and community colleges to support research and development projects requested by the certified business. The State Board of Education Board of Governors may authorize any university to encumber the state matching portion of a challenge grant from funds available under s. 1011.45.

(2) The State Board of Education Board of Governors shall specify the process for submission, documentation, and approval of requests for matching funds, accountability for endowments and proceeds of endowments, allocations to universities, restrictions on the use of the proceeds from endowments, and criteria used in determining the value of donations.

(3)(a) The State Board of Education Board of Governors shall allocate the amount appropriated to the trust fund to each university and New College based on the amount of the donation and the restrictions applied to the donation.

(c) The State Board of Education Board of Governors shall encumber state matching funds for any pledged contributions, pro rata, based on the requirements for state matching funds as specified for the particular challenge grant and the amount of the private donations actually received by the university for the respective challenge grant.

(4) Matching funds may be provided for contributions encumbered or pledged under the Eminent Scholars Act prior to July 1, 1994, and for donations or pledges of any amount equal to or in excess of the prescribed minimums which are pledged for the purpose of this section.

(5)(a) Each university foundation and New College Foundation shall establish a challenge grant account for each challenge grant as a depository for private contributions and state matching funds to be administered on behalf of the State Board of Education Board of Governors, the university, or New College. State matching funds must be transferred to a university foundation

or New College Foundation upon notification that the university or New College has received and deposited the amount specified in this section in a foundation challenge grant account.

(b) The foundation serving a university and New College Foundation each has the responsibility for the maintenance and investment of its challenge grant account and for the administration of the program on behalf of the university or New College, pursuant to procedures specified by the ~~State Board of Education~~ Board of Governors. Each foundation shall include in its annual report to the ~~State Board of Education~~ Board of Governors information concerning collection and investment of matching gifts and donations and investment of the account.

(c) A donation of at least \$600,000 and associated state matching funds may be used to designate an Eminent Scholar Endowed Chair pursuant to procedures specified by the ~~State Board of Education~~ Board of Governors.

1012.80 Participation by employees in disruptive activities at public postsecondary educational institutions; penalties.--

(1) Any person who accepts the privilege extended by the laws of this state of employment at any public postsecondary educational institution shall, by so working at such institution, be deemed to have given his or her consent to the policies of that institution, the State Board of Education or, where appropriate, Board of Governors, and the laws of this state. Such policies shall include prohibition against disruptive activities at public postsecondary educational institutions.

1012.92 Personnel codes of conduct; disciplinary measures; rulemaking authority

(2) Sanctions authorized by university codes of conduct may be imposed only for acts or omissions in violation of rules adopted by the university, including rules adopted under this section, rules of the ~~State Board of Education~~ Board of Governors, county and municipal ordinances, and the laws of this state, the United States, or any other state.

1012.93 Faculty members; test of spoken English

The ~~State Board of Education~~ Board of Governors shall adopt rules requiring that all faculty members in each state university and New College, other than those persons who teach courses that are conducted primarily in a foreign language, be proficient in the oral use of English, as determined by a satisfactory grade on the "Test of Spoken English" of the Educational Testing Service or a similar test approved by the state board.

1012.94 Evaluations of faculty members; report

(2) The ~~State Board of Education~~ Board of Governors shall establish criteria for evaluating the quantity and quality of service to public schools by university faculty members and shall require consideration of this service in promotion, tenure, and other reward measures. Each university board of trustees shall ensure that the following policies are implemented:

1012.95 University employment equity accountability program.--

(2)(a) By April 1 of each year, each state university president shall submit an annual equity report to the Commissioner of Education and the ~~State Board of Education~~ Board of Governors. The equity report shall consist of a status update, an analysis, and a status report of selected personnel transactions. As used in this paragraph, the term, "selected personnel transactions" means new hires in, promotions into, tenure actions in, and terminations from a category. Each university shall provide the following information for the selected personnel transactions including, but not limited to:

(3)(b) The university boards of trustees shall annually evaluate the performance of the university presidents in achieving the annual equity goals and objectives. A summary of the results of such evaluations shall be included as part of the annual equity progress report submitted by the university boards of trustees to the Legislature and the ~~State Board of Education~~ Board of Governors.

(4) The ~~State Board of Education~~ Board of Governors shall submit an annual equity progress report to the President of the Senate and the Speaker of the House of Representatives on or before August 1 of each year.

(5) Each university shall develop a budgetary incentive plan to support and ensure attainment of the goals developed pursuant to this section. The plan shall specify, at a minimum, how resources shall be allocated to support the achievement of goals and the implementation of strategies in a timely manner. After prior review and approval by the university president and the university board of trustees, the plan shall be submitted as part of the annual equity report submitted by each university to the ~~State Board of Education~~ Board of Governors.

1013.01 Definitions.--The following terms shall be defined as follows for the purpose of this chapter:

(3) "Board," unless otherwise specified, means a district school board, a community college board of trustees, a university board of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind. The term "board" does not include the State Board of Education or the Board of Governors.

1013.02 Purpose; rules

(2) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and the Board of Governors shall also adopt rules for purposes of the state university system.

1013.12 Casualty, safety, sanitation, and firesafety standards and inspection of property

(4) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION FACILITIES.--Firesafety inspections of community college and university facilities shall comply with rules of the State Board of Education ~~rules~~ or the Board of Governors, where appropriate.

1013.25 When university or community college board of trustees may exercise power of eminent domain.

Whenever it becomes necessary for the welfare and convenience of any of its institutions or divisions to acquire private property for the use of such institutions, and this cannot be acquired

by agreement satisfactory to a university or community college board of trustees and the parties interested in, or the owners of, the private property, the board of trustees may exercise the power of eminent domain after receiving approval therefor from the State Board of Education, or the Board of Governors, where appropriate, and may then proceed to condemn the property in the manner provided by chapter 73 or chapter 74.

1013.30 University campus master plans and campus development agreements

(4) Campus master plans may contain additional elements at the discretion of the Board of Governors ~~State Board of Education~~; however, such elements are not subject to review under this section. These additional elements may include the academic mission of the institution, academic program, utilities, public safety, architectural design, landscape architectural design, and facilities maintenance.

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(13)(b) The university board of trustees' fair share of the cost of the measures identified in paragraph (a) must be stated in the campus development agreement. In determining the fair share, the effect of any demand management techniques, which may include such techniques as flexible work hours and carpooling, that are used by the Board of Governors ~~State Board of Education~~ to minimize the offsite impacts shall be considered.

(22) In consultation with the state land planning agency, the ~~State Board of Education~~ the Board of Governors shall adopt rules implementing subsections (3)-(6). The rules must set specific schedules and procedures for the development and adoption of campus master plans.

1013.31 Educational plant survey; localized need assessment; PECO project funding

(1) At least every 5 years, each board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Office of Workforce and Economic Development shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or community college that delivers career or adult education programs. Information used by the Office of Workforce and Economic Development to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college.

(a) *Survey preparation and required data.*--Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the Office of Educational Facilities and SMART Schools Clearinghouse within the Office of the Commissioner of Education. The survey report shall include at least an inventory of existing educational and ancillary plants, including safe access facilities; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan and safe access facilities; campus master plan update and detail for community

colleges; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the rules of the State Board of Education, or the Board of Governors, where appropriate. This report may be amended, if conditions warrant, at the request of the board or commissioner.

(b) *Required need assessment criteria for district, community college, college and state university plant surveys.*--Educational plant surveys must use uniform data sources and criteria specified in this paragraph. Each revised educational plant survey and each new educational plant survey supersedes previous surveys.

4. Each college and state university's survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the ~~Division of Colleges and Universities~~ Department of Education. Projections of facility space needs must be consistent with standards for determining space needs approved by the ~~Division of Colleges and Universities~~ Department of Education. The projected capital outlay full-time equivalent student enrollment must be consistent with the 5-year planned enrollment cycle for the State University System approved by the ~~Division of Colleges and Universities~~ Board of Governors.

(c) *Review and validation.*--The Office of Educational Facilities and SMART Schools Clearinghouse shall review and validate the surveys of school districts, community colleges, and colleges and universities, and any amendments thereto for compliance with the requirements of this chapter and shall recommend those in compliance for approval by the State Board of Education, or the Board of Governors, where appropriate. Annually, the department shall perform an in-depth analysis of a representative sample of each survey of recommended needs for five districts selected by the commissioner from among districts with the largest need-to-revenue ratio. For the purpose of this subsection, the need-to-revenue ratio is determined by dividing the total 5-year cost of projects listed on the district survey by the total 5-year fixed capital outlay revenue projections from state and local sources as determined by the department. The commissioner may direct fixed capital outlay funds to be withheld from districts until such time as the survey accurately projects facilities needs.

1013.46 Advertising and awarding contracts; prequalification of contractor

(2) Boards shall prequalify bidders for construction contracts according to rules prescribed by the State Board of Education, or the Board of Governors, where appropriate, which require the prequalification of bidders of educational facilities construction. Boards shall require that all construction or capital improvement bids be accompanied by evidence that the bidder holds an appropriate certificate or license or that the prime contractor has a current valid license.

1013.47 Substance of contract; contractors to give bond; penalties

Each board shall develop contracts consistent with this chapter and statutes governing public facilities. Such a contract must contain the drawings and specifications of the work to be done and the material to be furnished, the time limit in which the construction is to be completed, the time and method by which payments are to be made upon the contract, and the penalty to be paid by the contractor for any failure to comply with the terms of the contract. The board may require the contractor to pay a penalty for any failure to comply with the terms of the contract and may provide an incentive for early completion. Upon accepting a satisfactory bid, the board shall enter into a contract with the party or parties whose bid has been accepted. The contractor shall furnish the board with a performance and payment bond as set forth in s. 255.05. A board or

other public entity may not require a contractor to secure a surety bond under s. 255.05 from a specific agent or bonding company. Notwithstanding any other provision of this section, if 25 percent or more of the costs of any construction project is paid out of a trust fund established pursuant to ¹31 U.S.C. s. 1243(a)(1), laborers and mechanics employed by contractors or subcontractors on such construction will be paid wages not less than those prevailing on similar construction projects in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. A person, firm, or corporation that constructs any part of any educational plant, or addition thereto, on the basis of any unapproved plans or in violation of any plans approved in accordance with the provisions of this chapter and rules of the State Board of Education or the Board of Governors, where appropriate, relating to building standards or specifications is subject to forfeiture of bond and unpaid compensation in an amount sufficient to reimburse the board for any costs that will need to be incurred in making any changes necessary to assure that all requirements are met and is also guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for each separate violation.

1013.63 University Concurrency Trust Fund.--

(2) Notwithstanding any other provision of law, the general revenue service charge deducted pursuant to s. 215.20 on revenues raised by any local option motor fuel tax levied pursuant to s. 336.025(1)(b), as created by chapter 93-206, Laws of Florida, shall be deposited in the University Concurrency Trust Fund, which is administered by the ~~State Board of Education and~~ Board of Governors. Moneys in such trust fund shall be for the purpose of funding university offsite improvements required to meet concurrency standards adopted under part II of chapter 163. In addition, in any year in which campus master plans are updated pursuant to s. 1013.30, but no more frequently than once every 5 years, up to 25 percent of the balance in the trust fund for that year may be used to defray the costs incurred in updating those campus master plans.

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects

(4)(a) Community college boards of trustees and university boards of trustees shall receive funds for projects based on a 3-year priority list, to be updated annually, which is submitted to the Legislature in the legislative budget request at least 90 days prior to the legislative session. The State Board of Education shall submit a 3-year priority list for community colleges and a 3-year priority list for universities. The lists shall reflect decisions by the State Board of Education and the Board of Governors concerning program priorities that implement the statewide plan for program growth and quality improvement in education. No remodeling or renovation project shall be included on the 3-year priority list unless the project has been recommended pursuant to s. 1013.31 or is for the purpose of correcting health and safety deficiencies. No new construction project shall be included on the first year of the 3-year priority list unless the educational specifications have been approved by the Department ~~commissioner~~ for a community college or university project, as applicable. The funds requested for a new construction project in the first year of the 3-year priority list shall be in conformance with the scope of the project as defined in the educational specifications. Any new construction project requested in the first year of the 3-

year priority list which is not funded by the Legislature shall be carried forward to be listed first in developing the updated 3-year priority list for the subsequent year's capital outlay budget. Should the order of the priority of the projects change from year to year, a justification for such change shall be included with the updated priority list.

1013.65 Educational and ancillary plant construction funds; Public Education Capital Outlay and Debt Service Trust Fund; allocation of funds

(1) The commissioner, through the department, shall administer the Public Education Capital Outlay and Debt Service Trust Fund. The commissioner shall allocate or reallocate funds as authorized by the Legislature. Copies of each allocation or reallocation shall be provided to members of the State Board of Education, members of the Board of Governors, and to the chairs of the House of Representatives and Senate appropriations committees. The commissioner shall provide for timely encumbrances of funds for duly authorized projects. Encumbrances may include proceeds to be received under a resolution approved by the State Board of Education authorizing the issuance of public education capital outlay bonds pursuant to s. 9(a)(2), Art. XII of the State Constitution, s. 215.61, and other applicable law. The commissioner shall provide for the timely disbursement of moneys necessary to meet the encumbrance authorizations of the boards. Records shall be maintained by the department to identify legislative appropriations, allocations, encumbrance authorizations, disbursements, transfers, investments, sinking funds, and revenue receipts by source. The Department of Education shall pay the administrative costs of the Public Education Capital Outlay and Debt Service Trust Fund from the funds which comprise the trust fund.

1013.74 University authorization for fixed capital outlay projects

(3) Other than those projects currently authorized, no project proposed by a university which is to be funded from Capital Improvement Trust Fund fees or building fees shall be submitted to the ~~State Board of Education~~ Board of Governors for approval without prior consultation with the student government association of that university. The ~~State Board of Education~~ Board of Governors shall promulgate rules which are consistent with this requirement.

1013.79 University Facility Enhancement Challenge Grant Program

(3) There is established the Alec P. Courtelis Capital Facilities Matching Trust Fund for the purpose of providing matching funds from private contributions for the development of high priority instructional and research-related capital facilities, including common areas connecting such facilities, within a university. The Legislature shall appropriate funds to be transferred to the trust fund. The Public Education Capital Outlay and Debt Service Trust Fund, Capital Improvement Trust Fund, Division of Sponsored Research Trust Fund, and Contracts and Grants Trust Fund shall not be used as the source of the state match for private contributions. All appropriated funds deposited into the trust fund shall be invested pursuant to the provisions of s. 18.125. Interest income accruing to that portion of the trust fund shall increase the total funds available for the challenge grant program. Interest income accruing from the private donations shall be returned to the participating foundation upon completion of the project. The ~~State Board~~

~~of Education~~ Board of Governors shall administer the trust fund and all related construction activities.

(7) By September 1 of each year, the ~~State Board of Education~~ Board of Governors shall transmit to the Legislature a list of projects which meet all eligibility requirements to participate in the Alec P. Courtelis Capital Facilities Matching Trust Fund and a budget request which includes the recommended schedule necessary to complete each project.

(11) The surveys, architectural plans, facility, and equipment shall be the property of the State of Florida. A facility constructed pursuant to this section may be named in honor of a donor at the option of the university and the ~~State Board of Education~~ Board of Governors. No facility shall be named after a living person without prior approval by the Legislature.