

Tab 1	CS/SB 8 by HP, Benacquisto (CO-INTRODUCERS) Perry, Stargel, Bean, Passidomo; (Similar to CS/H 00021) Controlled Substances
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Tab 2	SB 222 by Bean; (Identical to H 00275) Guardian Ad Litem Direct-support Organization
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Tab 3	SB 290 by Rouson (CO-INTRODUCERS) Rader; (Similar to CS/H 00135) Motor Vehicle Registration Applications
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494184	PCS	S		AP, ATD		12/08 09:33 AM
746538	A	S	WD	AP, Rouson	Delete L.24 - 25:	01/24 12:50 PM
282406	A	S		AP, Rouson	Delete L.24 - 25:	01/24 12:51 PM
656774	A	S		AP, Rouson	btw L.25 - 26:	01/23 02:52 PM

Tab 4	SB 498 by Garcia; (Identical to H 06057) Office of Public and Professional Guardians Direct-support Organization
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Tab 5	CS/SB 520 by HP, Young (CO-INTRODUCERS) Campbell; (Compare to CS/H 01047) Optometry
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Tab 6	CS/SB 540 by ED, Hukill; (Similar to H 00831) Postsecondary Education
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294156	D	S	RCS	AP, Hukill	Delete everything after	01/25 12:47 PM
866876	AA	S	RCS	AP, Galvano	btw L.6044 - 6045:	01/25 12:47 PM

Tab 7	SB 622 by Grimsley; (Similar to CS/H 00597) Health Care Facility Regulation
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452688	PCS	S		AP, AHS		01/12 02:52 PM
324104	A	S		AP, Grimsley	Delete L.1013 - 1014:	01/22 01:52 PM
571910	A	S		AP, Grimsley	btw L.1538 - 1539:	01/23 11:06 AM

Tab 8	CS/SB 1134 by HP, Rouson (CO-INTRODUCERS) Bradley, Young; (Similar to H 06049) Department of Health Responsibilities Related to the Medical Use of Marijuana
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382248	A	S		AP, Rouson	Delete L.182:	01/23 02:50 PM
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS
Senator Bradley, Chair
Senator Flores, Vice Chair

MEETING DATE: Wednesday, January 24, 2018
TIME: 2:00—3:30 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Bradley, Chair; Senator Flores, Vice Chair; Senators Baxley, Bean, Benacquisto, Book, Bracy, Brandes, Braynon, Gainer, Galvano, Gibson, Grimsley, Montford, Passidomo, Powell, Simmons, Simpson, Stargel, and Stewart

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 8 Health Policy / Benacquisto (Similar CS/H 21, Compare H 1159, S 458)	Controlled Substances; Prohibiting managed care plans and their fiscal agents or intermediaries from imposing certain requirements or conditions on recipients as a prerequisite to receiving medication-assisted treatment (MAT) services to treat substance abuse disorders; authorizing certain boards to require practitioners to complete a specified board-approved continuing education course to obtain authorization to prescribe controlled substances as part of biennial license renewal; authorizing disciplinary action against practitioners for violating specified provisions relating to controlled substances; prohibiting the dispensing of certain controlled substances in an amount that exceeds a 3-day supply or a medically necessary 7-day supply if certain criteria are met, etc. HP 01/10/2018 Workshop-Discussed HP 01/16/2018 Fav/CS AP 01/24/2018 Favorable RC	Favorable Yeas 19 Nays 0
2	SB 222 Bean (Identical H 275, H 6021)	Guardian Ad Litem Direct-support Organization; Abrogating the future repeal of provisions related to the guardian ad litem direct-support organization, etc. CF 10/09/2017 Favorable ACJ 12/07/2017 Favorable AP 01/24/2018 Favorable	Favorable Yeas 20 Nays 0
With subcommittee recommendation – Criminal and Civil Justice			
A proposed committee substitute for the following bill (SB 290) is available:			
3	SB 290 Rouson (Similar CS/H 135)	Motor Vehicle Registration Applications; Requiring the application for motor vehicle registration to include language to indicate an applicant is hearing impaired; requiring such information to be included in certain databases, etc. TR 10/24/2017 Favorable ATD 12/07/2017 Fav/CS AP 01/24/2018 Not Considered	Not Considered

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Wednesday, January 24, 2018, 2:00—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
With subcommittee recommendation – Transportation, Tourism, and Economic Development			
4	SB 498 Garcia (Identical H 6057)	Office of Public and Professional Guardians Direct-support Organization; Abrogating the scheduled repeal of provisions governing a direct-support organization established under the Office of Public and Professional Guardians within the Department of Elderly Affairs, etc. CF 11/13/2017 Favorable AHS 12/07/2017 Favorable AP 01/24/2018 Favorable	Favorable Yeas 20 Nays 0
With subcommittee recommendation – Health and Human Services			
5	CS/SB 520 Health Policy / Young	Optometry; Requiring an applicant for licensure as an optometrist to submit proof to the Department of Health that she or he meets certain requirements; providing that an applicant must pass the licensure examination within a specified timeframe as a condition of licensure as an optometrist and certification to administer and prescribe ocular pharmaceutical agents, etc. HP 12/05/2017 Fav/CS AP 01/24/2018 Favorable RC	Favorable Yeas 19 Nays 0
6	CS/SB 540 Education / Hukill (Similar H 831, Compare CS/H 423, CS/S 4)	Postsecondary Education; Citing this act as the “Community College Competiveness Act of 2018”; creating the State Board of Community Colleges; revising the function and mission of the Florida K-20 education system; revising requirements for the performance-based metrics used to award Florida Community College System institutions with performance-based incentives; providing the primary mission of a charter technical career center; requiring each Florida Community College System institution and each state university to execute at least one “2+2” targeted pathway articulation agreement by a specified time, etc. ED 11/13/2017 Fav/CS AHE 01/17/2018 Favorable AP 01/24/2018 Fav/CS	Fav/CS Yeas 15 Nays 4
With subcommittee recommendation – Higher Education			

A proposed committee substitute for the following bill (SB 622) is available:

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Wednesday, January 24, 2018, 2:00—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 622 Grimsley (Similar CS/H 597, Compare H 27, H 119, H 213, H 283, S 144, S 408, S 1088, S 1492)	Health Care Facility Regulation; Providing that a designated facility owned or operated by a public health trust and located within the boundaries of a municipality is under the exclusive jurisdiction of the county creating the public health trust; eliminating state licensure requirements for clinical laboratories; requiring a birth center to be federally certified and meet specified requirements to perform certain laboratory tests, etc. HP 12/05/2017 Favorable AHS 01/10/2018 Fav/CS AP 01/24/2018 Not Considered RC	Not Considered
With subcommittee recommendation – Health and Human Services			
8	CS/SB 1134 Health Policy / Rouson (Similar H 6049)	Department of Health Responsibilities Related to the Medical Use of Marijuana; Requiring the department to adopt rules to allow qualified patients to change qualified physicians; revising a requirement that the department license one applicant who is a member of a certain class to exclude a requirement that the applicant also be a member of the Black Farmers and Agriculturalist Association-Florida Chapter, etc. HP 01/16/2018 Fav/CS AP 01/24/2018 Temporarily Postponed RC	Temporarily Postponed
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 8

INTRODUCER: Health Policy Committee and Senator Benacquisto and others

SUBJECT: Controlled Substances

DATE: January 23, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Looke</u>	<u>Stovall</u>	<u>HP</u>	Fav/CS
2.	<u>Loe</u>	<u>Hansen</u>	<u>AP</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 8 amends various sections of law to increase the regulation, training, and reporting required when prescribing and dispensing controlled substances. The bill:

- Restricts Medicaid managed care plans and health insurers from requiring prior authorization or step therapy or imposing any other conditions as a prerequisite to receiving medication-assisted treatment (MAT) services.
- Requires all prescribing practitioners to complete a two-hour training course on the proper manner to prescribe controlled substances.
- Requires applicable health care regulatory boards to create guidelines for prescribing controlled substances for the treatment of acute pain.
- Limits prescriptions to no more than three days of opioids listed in Schedule II to treat acute pain as defined in the bill. This limit is increased to seven days if determined to be medically necessary, and properly documented, by the prescribing practitioner.
- Requires clinics that are exempt from the requirement to register as a pain management clinic to obtain a certificate of exemption from the Department of Health (DOH).
- Requires pharmacists and dispensing practitioners to verify a patient's identity prior to dispensing controlled substances.
- Conforms an exemption allowing health care practitioners to dispense controlled substances in connection with a surgical procedure to the limits on prescribing established for Schedule II opioid medications.

- Creates an exemption to allow a physician to dispense Schedule II and III controlled substances approved by the United States Food and Drug Administration (FDA) for the MAT of his or her own patients.
- Adds and reschedules substances to the various schedules of controlled substances.
- Substantially rewords the Prescription Drug Monitoring Program (PDMP) with changes including, but not limited to:
 - Including Schedule V controlled substances in the list of drugs that must be reported to the PDMP, and eliminating an exemption for reporting controlled substances dispensed to minors under the age of 16;
 - Requiring prescribing practitioners to consult the PDMP before prescribing controlled substances; and
 - Allowing the DOH to coordinate and share Florida's PDMP data with other states' PDMPs.

The DOH will incur additional costs related to increased investigations of unlicensed pain management clinics. These costs may be offset through fees collected for initial issuance and renewal of pain management clinic exemption certificates.

The bill provides supplemental appropriations of:

- \$27,035,360 in non-recurring federal grants trust funds and \$15,520,000 in recurring general revenue funds to the DCF for substance use disorder treatment services.
 - From the \$15.5 million in recurring general revenue funds, the bill earmarks \$4.7 million of recurring general revenue funds for specific MAT drugs.
- \$6 million in recurring general revenue funds to the state courts administrator for substance abuse treatment services related to the criminal justice system. The bill requires these funds be spent on specific MAT drugs.
- \$5 million in recurring general revenue funds to the DOH to purchase naloxone for emergency medical services (EMS) responders.

The effective date of the bill is July 1, 2018, except that Sections 5, 6, 13, and 14 take effect January 1, 2019.

II. Present Situation:

Opioid Abuse in Florida

Both nationally and in Florida, opioid addiction and abuse has become an epidemic. By nearly every measure, the opioid crisis has worsened in recent years. The Florida Department of Law Enforcement (FDLE) reported that, when compared to 2015, 2016 saw:

- 5,725 (35 percent more) opioid-related deaths;
- 6,658 (24 percent more) individuals died with one or more prescription drugs in their system;¹
- 3,550 (40 percent more) individuals died with at least one prescription drug in their system that was identified as the cause of death;

¹ The drugs were identified as either the cause of death or merely present in the decedent. These drugs may have also been mixed with illicit drugs and/or alcohol. These drugs were not necessarily opioids.

- Occurrences of heroin increased by 31 percent, and deaths caused by heroin increased by 30 percent;
- Occurrences of fentanyl increased by 80 percent, and deaths caused by fentanyl increased by 97 percent;
- Occurrences of methadone (10 percent) and hydrocodone (2 percent) increased. Deaths caused by methadone (40 more) and hydrocodone (9 more) also increased;
- Occurrences of morphine increased by 38 percent, and deaths caused by morphine increased by 49 percent;
- Occurrences of oxycodone increased by 28 percent, and deaths caused by oxycodone also increased by 28 percent; and
- Occurrences of buprenorphine increased by 90 percent, and deaths caused by buprenorphine (14 more) increased.²

Additionally, collateral impacts of controlled substance and opioid misuse have increased. For example, between 2007 and 2015, the instance of neonatal abstinence syndrome – an infant disorder that occurs when babies are exposed to drugs in the womb before birth – increased by nearly 500 percent, from 536 cases to 2,487 cases. Overall hospital costs that can be attributed to the opioid crisis more than doubled between 2010 and 2015, from \$460 million to \$1.1 billion.³

History of the Opioid Crisis

In the late 1990s, pharmaceutical companies reassured the medical community that patients would not become addicted to prescription opioid pain relievers, and health care providers began to prescribe them at greater rates. This subsequently led to widespread diversion and misuse of these medications before it became clear that these medications could indeed be highly addictive.⁴ Between the early 2000s and the early 2010s, 93 of the top 100 oxycodone-dispensing doctors in the United States were in Florida,⁵ and at one point, doctors in Florida bought 89 percent of all Oxycodone sold in the county.⁶

Between 2009 and 2011, the Legislature enacted a series of reforms to combat prescription drug abuse. These reforms included strict regulation of pain management clinics, creating the PDMP, and stricter regulation on selling, distributing, and dispensing controlled substances.⁷ Between 2010 and 2014, deaths from prescription drugs dropped, but deaths from illegal opioids, such as heroin, began to rise.⁸ As evidenced in the prescription controlled substance and opioid-related mortality data reported by the FDLE, deaths from prescription controlled substances are once

² FDLE, *Drugs Identified in Deceased Persons by Florida Medical Examiners 2016 Annual Report* (Nov. 2017) <https://www.fdle.state.fl.us/MEC/Publications-and-Forms/Documents/Drugs-in-Deceased-Persons/2016-Annual-Drug-Report.aspx> (last visited on Jan. 6, 2018).

³ Florida Behavioral Health Association, *Florida's Opioid Crisis* (Jan. 2017) http://www.fadaa.org/links/Opioid%20Media%20Kit_FINAL.pdf, (last visited on Jan. 6, 2018).

⁴ National Institute on Drug Abuse, *Opioid Overdose Crisis*, (Jan. 2018) <https://www.drugabuse.gov/drugs-abuse/opioids/opioid-overdose-crisis> (last visited on Jan. 6, 2018).

⁵ Elaine Silvestrini, *Florida heals from pill mill epidemic*, TAMPA BAY TIMES, Aug. 30, 2014, available at <http://www.tbo.com/news/crime/florida-heals-from-pill-mill-epidemic-20140830/> (last visited on Jan. 6, 2018).

⁶ Lizette Alvarez, *Florida Shutting 'Pill Mill' Clinics*, THE NEW YORK TIMES, Aug. 31, 2011, available at <http://www.nytimes.com/2011/09/01/us/01drugs.html> (last visited on Jan. 6, 2018).

⁷ See chs. 2009-198, 2010-211, and 2011-141, Laws of Fla.

⁸ *Supra* note 3

again on the rise. In early 2017, the United States Centers for Disease Control and Prevention (CDC) declared the opioid crisis an epidemic, and shortly thereafter, on May 3, 2017, Governor Rick Scott signed executive order 17-146 declaring the opioid epidemic a public health emergency in Florida.

The federal government and many states have mobilized to combat the opioid epidemic. The United States Department of Health and Human Services (HHS) has focused its efforts on five major priorities:

- Improving access to treatment and recovery services;
- Promoting use of overdose-reversing drugs;
- Strengthening the understanding of the epidemic through better public health surveillance;
- Providing support for cutting-edge research on pain and addiction; and
- Advancing better practices for pain management.⁹

Individual states have taken actions to combat the opioid crisis, such as: increasing the availability of Naloxone and other related medications to prevent overdose deaths, increasing the availability and funding of MAT, and establishing stricter guidelines and regulations on the prescribing and dispensing of controlled substances.

Medication-Assisted Treatment

Medication-assisted treatment is the use of medications in combination with counseling and behavioral therapies for the treatment of substance use disorders.¹⁰ Medications including buprenorphine (Suboxone and Subutex), methadone, and extended release naltrexone (Vivitrol) are effective in treating opioid use disorders. MAT medications do not substitute one addiction for another since, when properly administered, MAT medications do not cause a high but serve to reduce opioid cravings and withdrawal. Additionally, diversion of buprenorphine is uncommon and when diversion does occur it is primarily used to manage withdrawal symptoms. Patients treated with medications were more likely to remain in therapy compared to patients receiving treatment without medication.¹¹

State and Federal Prescribing Guidelines

CDC Prescribing Guidelines

The CDC has established guidelines to reduce the risk of addiction and dependency when prescribing opioids. These guidelines are applicable to both chronic and acute pain and include:

- Not using opioids as first-line therapy.
- Establishing realistic goals for pain and function and discontinuing opioid therapy if the benefits do not outweigh the risks.
- Discussing the risks and benefits with patients before and during opioid therapy.

⁹ Supra note 4

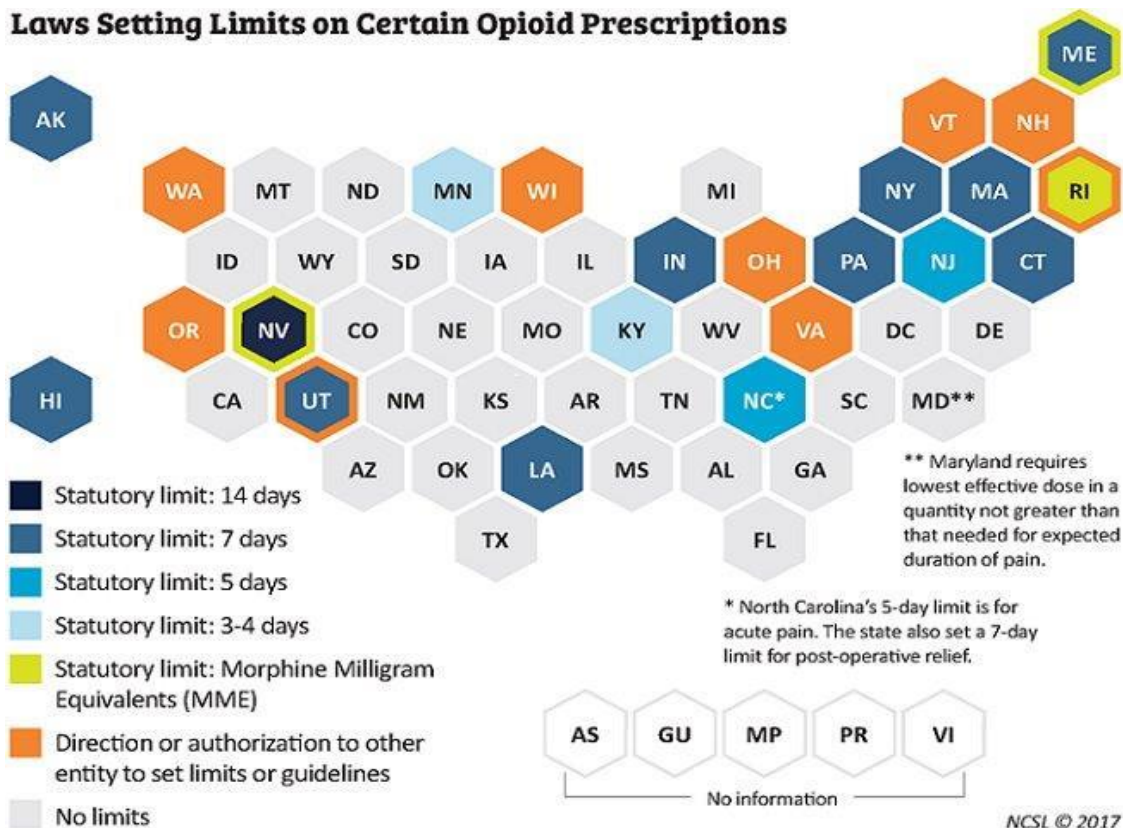
¹⁰ MAT overview, Substance Abuse and Mental Health Services Administration, available at <https://www.integration.samhsa.gov/clinical-practice/mat/mat-overview>, (last visited on Jan. 17, 2018).

¹¹ Effective Treatments of Opioid Addiction, National Institute on Drug Abuse, available at <https://www.drugabuse.gov/publications/effective-treatments-opioid-addiction/effective-treatments-opioid-addiction>, (last visited Jan. 17, 2018).

- Using immediate-release opioids at first and using the lowest effective dose.
- Prescribing short durations for acute pain. The CDC states that, generally, three days or less will be sufficient and more than seven days will rarely be needed.
- Evaluating benefits and harms within one to four weeks of starting the medication and at least every three months throughout the course the medication is prescribed.
- Reviewing PDMP data, using urine drug testing, and avoiding prescribing opioids and benzodiazepine concurrently.
- Offering treatment for opioid use disorders.¹²

State Opioid Prescription Limits

Beginning in 2016, more than 30 states have considered at least 130 bills related to opioid prescribing, and 24 states have enacted legislation that imposes some type of limit, guideline, or requirement related to opioid prescribing. Most legislation limits first time opioid prescriptions to a certain number of days’ supply, with seven days being most common. Some states have set limits as low as three days and as high as 14 days. In some cases, states may also set dosage limits using morphine milligram equivalents. Most states also specify that the dosage limits are for acute pain only or exclude chronic pain, palliative care, and cancer treatment.¹³ Specific states’ laws can be seen on the map below:



¹² CDC Guidelines for Prescribing Opioids for Chronic Pain https://www.cdc.gov/drugoverdose/pdf/guidelines_at-a-glance-a.pdf, (last visited Jan. 10, 2018).

¹³ Prescribing policies: States Confront Opioid Overdose Epidemic, National Conference of State Legislatures, <http://www.ncsl.org/research/health/prescribing-policies-states-confront-opioid-overdose-epidemic.aspx> (last visited Jan. 10, 2018). A table of specific legislation is also available at this site under the tab: “Table: Legislation.”

Florida's Prescription Drug Monitoring Program

Chapter 2009-197, Laws of Florida, established the PDMP in s. 893.055, F.S. The PDMP uses a comprehensive electronic database to monitor the prescribing and dispensing of certain controlled substances.¹⁴ The PDMP became operational on September 1, 2011, when it began receiving prescription data from pharmacies and dispensing practitioners.¹⁵ Dispensers have reported over 232 million controlled substance prescriptions to the PDMP since its inception.¹⁶ Health care practitioners began accessing the PDMP on October 17, 2011.¹⁷ Law enforcement agencies began requesting data from the PDMP in support of active criminal investigations on November 14, 2011.¹⁸

Dispensers of controlled substances listed in Schedule II, Schedule III, or Schedule IV¹⁹ must report specific information to the PDMP database each time the controlled substance is dispensed by the close of the next business day after dispensing. The information required to be reported includes the:²⁰

- Name of the dispensing practitioner and Drug Enforcement Administration registration number, National Provider Identification, or other applicable identifier;
- Date the prescription is dispensed;
- Name, address, and date of birth of the person to whom the controlled substance is dispensed; and
- Name, national drug code, quantity, and strength of the controlled substance dispensed.²¹

Certain acts of dispensing or administering are exempt from PDMP reporting. Current law exempts:

- A health care practitioner when administering a controlled substance directly to a patient if the amount of the controlled substance is adequate to treat the patient during that particular treatment session.
- A pharmacist or health care practitioner when administering a controlled substance to a patient or resident receiving care as a patient at a hospital, nursing home, ambulatory surgical center, hospice, or intermediate care facility for the developmentally disabled which is licensed in Florida.
- A practitioner when administering or dispensing a controlled substance in the health care system of the Department of Corrections.
- A practitioner when administering a controlled substance in the emergency room of a licensed hospital.

¹⁴ Section 893.055(2)(a), F.S.

¹⁵ Florida Dep't of Health, *2012-2013 Prescription Drug Monitoring Program Annual Report* (Dec. 1, 2013), available at http://www.floridahealth.gov/reports-and-data/e-forcse/news-reports/_documents/2012-2013pdmp-annual-report.pdf (last visited on Jan. 7, 2018).

¹⁶ Florida Dep't of Health, *2016-2017 Prescription Drug Monitoring Program Annual Report* (Dec. 1, 2017), available at <http://www.floridahealth.gov/statistics-and-data/e-forcse/funding/2017PDMPAnnualReport.pdf> (last visited on Jan. 7, 2017).

¹⁷ *Supra* note 13

¹⁸ *Supra* note 13

¹⁹ Currently, Florida is one of 16 states that do not require the dispensing of Schedule V controlled substances to be reported to their state's PDMP. For more details please see http://pdmpassist.org/pdf/PDMP_Substances_Tracked_20171205.pdf, (last visited on Jan. 8, 2018).

²⁰ The specific information reported depends upon the whether the reporter is a pharmacy or practitioner.

²¹ *See* s. 893.055(3), F.S.

- A health care practitioner when administering or dispensing a controlled substance to a person under the age of 16.
- A pharmacist or a dispensing practitioner when dispensing a one-time, 72-hour emergency resupply of a controlled substance to a patient.
- A rehabilitative hospital, assisted living facility, or nursing home dispensing a certain dosage of a controlled substance, as needed, to a patient while the patient is present and receiving care as ordered by the patient's treating physician.²²

Accessing the PDMP database

Section 893.0551, F.S., makes certain identifying information²³ of a patient or patient's agent, a health care practitioner, a dispenser, an employee of the practitioner who is acting on behalf of and at the direction of the practitioner, a pharmacist, or a pharmacy that is contained in records held by the department under s. 893.055, F.S., confidential and exempt from the public records laws in s. 119.07(1), F.S., and in article I, section 24(a) of the State Constitution.²⁴

Direct access to the PDMP database is presently limited to medical doctors, osteopathic physicians, dentists, podiatric physicians, advanced registered nurse practitioners, physician assistants, and pharmacists, and their designees.²⁵ Currently, prescribers are not required to consult the PDMP database before prescribing a controlled substance for a patient; however, physicians and pharmacists queried the database more than 3.7 million times in 2012, over 9.3 million times in 2014, over 18.6 million times in 2015, and over 35.8 million times in 2016.²⁶ Qualified physicians who are issuing physician certifications for the medical use of marijuana under s. 381.986, F.S., are currently required to review the patient's controlled drug prescription history in the PDMP.²⁷

Indirect access to the PDMP database is provided to:

- The DOH or certain health care regulatory boards;
- The Attorney General for Medicaid fraud cases;
- Law enforcement agencies during active investigations²⁸ involving potential criminal activity, fraud, or theft regarding prescribed controlled substances if the law enforcement agency has entered into a user agreement with the DOH;
- Patients, or the legal guardians or designated health care surrogates, of incapacitated patients; and
- Impaired practitioner consultants.²⁹

²² Section 893.055(5), F.S.

²³ Such information includes name, address, telephone number, insurance plan number, government-issued identification number, provider number, and Drug Enforcement Administration number, or any other unique identifying information or number.

²⁴ Section 893.0551(2)(a)-(h), F.S.

²⁵ Section 893.055(7)(b), F.S.

²⁶ *Supra* notes 14 and 15.

²⁷ See s. 381.986(4)(a)5., F.S.

²⁸ Section 893.055(1)(h), F.S., defines an "active investigation" as an investigation being conducted with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings, or that is ongoing and continuing and for which there is a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future.

²⁹ Section 893.055(7)(c)1.-5., F.S.

Indirect access means the person must request the information from the PDMP manager at the DOH. After an extensive process to validate and authenticate the request and the requestor, the PDMP manager or support staff provides the specific information requested.³⁰

Controlled Substances

Chapter 893, F.S., sets forth the Florida Comprehensive Drug Abuse Prevention and Control Act. This chapter classifies controlled substances into five schedules in order to regulate the manufacture, distribution, preparation, and dispensing of the substances. The scheduling of substances in Florida law is generally consistent with the federal scheduling of substances under 21 U.S.C. s. 812:

- A Schedule I substance has a high potential for abuse and no currently accepted medical use in treatment in the United States and its use under medical supervision does not meet accepted safety standards. Examples include heroin and methaqualone.
- A Schedule II substance has a high potential for abuse, a currently accepted but severely restricted medical use in treatment in the United States, and abuse may lead to severe psychological or physical dependence. Examples include cocaine and morphine.
- A Schedule III substance has a potential for abuse less than the substances contained in Schedules I and II, a currently accepted medical use in treatment in the United States, and abuse may lead to moderate or low physical dependence or high psychological dependence or, in the case of anabolic steroids, may lead to physical damage. Examples include lysergic acid; ketamine; and some anabolic steroids.
- A Schedule IV substance has a low potential for abuse relative to the substances in Schedule III, a currently accepted medical use in treatment in the United States, and abuse may lead to limited physical or psychological dependence relative to the substances in Schedule III. Examples include alprazolam, diazepam, and phenobarbital.
- A Schedule V substance has a low potential for abuse relative to the substances in Schedule IV, a currently accepted medical use in treatment in the United States, and abuse may lead to limited physical or psychological dependence relative to the substances in Schedule IV. Examples include low dosage levels of codeine, certain stimulants, and certain narcotic compounds.

Pain Management Clinics

A pain management clinic is any facility that advertises pain management services or a facility where a majority of patients are prescribed opioids, benzodiazepines, barbiturates, or carisoprodol for the treatment of chronic nonmalignant pain.³¹ Pain management clinics must register with the DOH and meet provisions concerning staffing, sanitation, recordkeeping, and quality assurance.³² A clinic is exempt from these provisions if it is:

- Licensed as a hospital, ambulatory surgical center, or mobile surgical facility;
- Staffed primarily by surgeons;

³⁰ See s. 893.055(7)(c), F.S., and Rule 64K-1.003, F.A.C.

³¹ “Chronic nonmalignant pain” is defined as pain unrelated to cancer which persists beyond the usual course of disease or injury that is the cause of pain for more than 90 days after surgery. See ss. 458.3265 and 459.0137, F.S.

³² Sections 458.3265 and 459.0137, F.S. Chapter 458, F.S., is the Medical Practice Act, and Chapter 459, F.S., is the Osteopathic Medical Practice Act. The two sections regulating pain management clinics are substantively identical.

- Owned by a publicly-held corporation with total assets exceeding \$50 million;
- Affiliated with an accredited medical school;
- Not involved in prescribing controlled substances for the treatment of pain;
- Owned by a corporate entity exempt from federal taxation as a charitable organization;
- Wholly owned and operated by board-eligible or board-certified anesthesiologists, psychiatrists, rheumatologists, or neurologists; or
- Wholly owned and operated by a physician multispecialty practice with physicians holding credentials in pain medicine that perform interventional pain procedures routinely billed using surgical codes.

All clinics must be owned by at least one licensed physician or be licensed as a health care clinic under part X of ch. 400, F.S., to be eligible for registration as a pain management clinic. Pain management clinics must also designate a physician who is responsible for complying with all the registration and operation requirements designated in ss. 458.3265 or 459.0137, F.S. A pain management clinic may not be owned by, or have a contractual or employee relationship with, a physician who has had his or her Drug Enforcement Administration (DEA) license number revoked, has had his or her application for a license to practice using controlled substances denied by any jurisdiction, or has had any convictions or pleas for illicit drug felonies within the previous 10 years.

The DOH must conduct an annual inspection of each pain management clinic. Through the inspection, the DOH ensures the following requirements are met:

- The pain management clinic is registered with the DOH and the DOH has been notified of the designated physician;
- Every physician meets the training requirements to practice at the clinic;
- The clinic, including its grounds, buildings, furniture, appliances, and equipment is structurally sound, in good repair, clean, and free from health and safety hazards;
- Storage and handling of prescription drugs complies with ss. 499.0121 and 893.07, F.S.;
- Physicians maintain control and security of prescription blanks and other methods for prescribing controlled substances and report in writing any theft or loss of prescription blanks to the DOH within 24 hours;
- Physicians are in compliance with the requirements for counterfeit-resistant prescription blanks; and
- The designated physician has reported all adverse incidents to the DOH as set forth in s. 458.351, F.S.³³

The DOH may suspend or revoke a clinic registration or impose administrative fines of up to \$5,000 per violation for any offenses against state pain management clinic provisions or related federal laws and rules. If the registration for a pain management clinic is revoked for any reason, the clinic must cease to operate immediately, remove all signs or symbols identifying the facility as a pain management clinic, and dispose of any medication on the premises. The DOH may impose an administrative fine of up to \$5,000 per day for a clinic that operates without a registration, unless exempt. No owner or operator of a pain management clinic that has had its

³³ Department of Health, *Senate Bill 450 Analysis* (2016) (on file with the Senate Committee on Health Policy).

registration revoked may own or operate another pain clinic for five years after such revocation.³⁴

Currently, if a pain clinic meets one of the statutorily approved exemptions from registering with the DOH, they are not required to register or show proof of a valid exemption from registration nor are they required to meet any of the requirements established pursuant to sections 458.3265 and 459.0137, F.S. The determination as to whether the pain clinic meets one of the exemptions is made by the owner of the pain clinic and the DOH is unaware of which approved exemption the unregistered clinic meets and, without a formal complaint being filed, does not have the authority to inquire. If a clinic no longer qualifies for an exemption they are required to register; however, because the DOH is not aware of clinics that qualify for an exemption from registration and inspection, it is also not aware when the clinic no longer meets the criteria for an exemption from registration.³⁵

In 2010, when pain management clinic registration was first required by law, there were 921 registered pain management clinics. There were 259 clinics at the end of the 2016-2017 fiscal year. It is indeterminate how many clinics closed voluntarily because they could not meet the more stringent requirements established by law and how many were no longer registered because they self-determined they operated under one of the exemptions outlined earlier in this section.³⁶

III. Effect of Proposed Changes:

Sections 1 and 9 amend ss. 409.967 and 627.42392, F.S., respectively, to restrict Medicaid managed care plans and health insurers from requiring prior authorization or step therapy or imposing any other conditions as a prerequisite to receiving MAT services. Section 627.42392, F.S., defines “health insurer” to include health insurers, managed care plans, and health maintenance organizations.

Section 2 creates s. 456.0301, F.S., to require that, if not already required under a licensee’s individual practice act, each appropriate board must require a practitioner licensed with the DEA and authorized to prescribe controlled substances to complete a board-approved two-hour continuing education course on prescribing controlled substances when renewing his or her license.³⁷ Each licensee must submit confirmation of completing the course when applying for licensure renewal, and the DOH is prohibited from renewing the license of any practitioner who has failed to complete the course. The course may be offered in a distance learning format and be included within the number of continuing education hours required by law. The course must include:

- Information on the current standards regarding prescribing controlled substances, particularly opiates;
- Alternatives to these standards; and
- Information on the risks of opioid addiction following all stages of treatment in the management of acute pain.

³⁴ Section 458.3265, F.S. Similar language is found in s. 459.0137, F.S. Related rules are found in Rules 64B8-9 and 64B15-14, F.A.C.

³⁵ DOH, *Senate Bill 8 Analysis* (Oct. 23, 2017) (on file with the Senate Committee on Health Policy).

³⁶ *Id.*

³⁷ Beginning on January 31, 2019.

Each board may adopt rules to implement the required course.

Section 3 amends s. 456.072, F.S., to add violations of ss. 893.055 or 893.0551, F.S., relating to the PDMP and the public records exemption for the PDMP to the list of actions that constitute grounds for disciplinary action against a health care practitioner.

Section 4 amends s. 456.44, F.S., to establish standards for the treatment of acute pain.

The bill defines the term “acute pain” to mean the normal, predicted, physiological, and time-limited response to an adverse chemical, thermal, or mechanical stimulus associated with surgery, trauma, or acute illness. The applicable regulatory boards are required to adopt rules establishing guidelines for prescribing controlled substances for acute pain, including:

- Evaluating the patient;
- Creating and maintaining a treatment plan;
- Obtaining informed consent;
- Periodic review of the treatment plan;
- Consultation;
- Medical record review; and
- Compliance with controlled substances laws and regulations.

The bill specifies that failure to follow these guidelines is a practice act violation.

The bill restricts a practitioner from prescribing more than a three-day supply of an opioid listed in Schedule II when treating acute pain except that up to a seven-day supply may be prescribed if:

- The practitioner, in his or her professional judgement, believes that more than a three-day supply is medically necessary;
- The practitioner indicates “medically necessary” on the prescription; and
- The practitioner adequately documents in the patient’s medical record the acute patient’s acute condition and lack of alternative treatment options.

Sections 5 and 6 amend ss. 458.3265 and 459.0137, F.S., respectively, to require clinics that are exempt from registration as pain management clinics to obtain a certificate of exemption from the DOH. The bill requires the DOH to adopt an application form in rule for a certificate of exemption. The form must include:

- The name or names under which the applicant does business;
- The address where the pain management clinic is located;
- The specific exemption, with supporting documentation, that the applicant is claiming; and
- Any other information deemed necessary by the DOH.

The DOH must approve or deny a certificate within 30 days, and certificates must be renewed biennially.³⁸ A certificate holder must prominently display the certificate and make it available to the DOH or board upon request. A new certificate is required for a change of address and

³⁸ The DOH may issue initial certificates for three years in order to stagger renewal dates.

certificates are only valid for the applicant, owners, licenses, registrations, certifications, and services provided under the specific exemption claimed. A certificate holder must notify the DOH at least 60 days before any anticipated relocation, name change, or change of ownership. If a pain management clinic ceases to qualify for a certificate of exemption, the certificate holder must notify the DOH within three days and register as a pain management clinic or cease operations.

Sections 5 and 6 take effect January 1, 2019.

Sections 7 and 8 amend ss. 465.0155 and 465.0276, F.S., to require pharmacists and dispensing practitioners to confirm a person's identity before dispensing controlled substances to that person if he or she is not personally known to the pharmacist. If the person does not have proper identification,³⁹ the dispenser must verify the validity of the prescription and the identity of the patient with the prescriber or his or her agent. This requirement does not apply in an institutional setting or long-term care facility including, but not limited, to an assisted living facility or a hospital.

Section 8 amends several provisions in s. 465.0276, F.S., related to the dispensing of controlled substances by health care practitioners. Current law allows health care practitioners who are authorized to prescribe medicinal drugs to dispense such drugs if they are registered with their professional licensing boards; however, current law also restricts such practitioners from dispensing Schedule II or III controlled substances unless there is a specific exemption that allows them to do so. One such exemption allows practitioners to dispense up to a 14-day supply of Schedule II or III controlled substances in connection with the performance of a surgical procedure. The bill amends this exemption to require practitioners to follow the prescribing limits established in **section 4** of the bill when dispensing Schedule II controlled substances under the exemption. The bill creates a new exemption for practitioners authorized under 21 U.S.C. 823⁴⁰ to dispense Schedule II or III controlled substances that are approved for MAT by the FDA to their own patients for MAT of opiate addiction.

Section 10 amends s. 893.03, F.S., to add substances to lists of controlled substances as follows:

- Dihydroetorphine, hydrocodone combination products, oripavine, remifentanyl, tapentadol, thiafentanyl, lisdexamfetamine, and dornabinol (synthetic THC) in oral solution in a drug product approved by the FDA are added to Schedule II.
- Buprenorphine,⁴¹ embutramide, and perampanel are added to Schedule III.
- Alfaxalone, dexfenfluramine, dichloralphenazone, eluxadoline, eszopiclone, fospropofol, lorcaserin, modafinil, petrichloral, sibutramine, suvorexant, tramadol, zaleplon, zolpidem, and zopiclone are added to Schedule IV.

³⁹ The bill defines "proper identification" as an identification that is issued by a state or federal government containing the person's photograph, printed name, and signature or a document considered acceptable under 8 C.F.R. s. 274a.2(b)(1)(v)(A) and (B). The verification of health plan eligibility is also considered to be proper identification.

⁴⁰ Such practitioners include qualifying physicians (who must be licensed under state law and hold a specialty in addiction treatment or has had specified training) and nurse practitioners and physician assistants who are supervised by, or working in collaboration with, a qualifying physician.

⁴¹ Buprenorphine is rescheduled from Schedule V to Schedule III.

- Not more than .5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dose, and any amount of brivaracetum, ezogabine, lacosamide, and pregabalin are added to Schedule V.

These changes conform Florida law to federal law.⁴²

Section 11 substantially rewords s. 893.055, F.S., creating the PDMP. Many of the provisions in existing law are reordered. The section:

- Defines the terms:
 - “Active investigation” to mean an investigation that is being conducted with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings, or that is ongoing and continuing and for which there is a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future.
 - “Administration” to mean the obtaining and giving of a single dose of controlled substance by a legally authorized person to a patient for his or her consumption.
 - “Controlled substance” to mean a controlled substance listed in Schedule II, III, IV, or V of s. 893.03, F.S., or 21 U.S.C. s. 812. Schedule Vs are added to the reporting requirements. Most states include the dispensing of Schedule V controlled substances in their PDMPs.⁴³
 - “Dispense” to mean the transfer of possession of one or more doses of a controlled substance by a dispenser to the ultimate consumer or to his or her agent.
 - “Dispenser” to mean a dispensing health care practitioner, pharmacy or pharmacist licensed to dispense controlled substances in or into Florida.
 - “Health care practitioner,” or “practitioner,” means any practitioner licensed under chapters 458, 459, 461, 463, 464, 465, or 466, F.S.
 - “Health care regulatory board” to have the same meaning as s. 456.001(1), F.S.
 - “Law enforcement agency” to mean the Department of Law Enforcement, a sheriff’s office or police department in Florida, or a law enforcement agency of the Federal Government which enforces the laws of this state or the United States relating to controlled substances, and which its agents and officers are empowered by law to conduct criminal investigations and make arrests.
 - “Pharmacy” to include a community pharmacy, an institutional pharmacy, a nuclear pharmacy, a special pharmacy, or an Internet pharmacy that is licensed by the DOH under chapter 465 and that dispenses or delivers controlled substances, including controlled substances, to an individual or address in Florida.
 - “Prescriber” to mean a prescribing physician, practitioner, or other health care practitioner authorized by the laws of this state to order controlled substances.
 - “Program manager” to mean an employee of, or a person contracted by, the DOH who is designated to ensure the integrity of the PDMP in accordance with the requirements established in this section.

⁴² Supra note 33

⁴³ Supra note 13

- Requires the DOH to maintain an electronic system to collect and store controlled substance dispensing information and release the information as authorized in s. 893.0551, F.S.⁴⁴ The system must:
 - Not infringe on the legitimate prescribing and dispensing of controlled substances;
 - Be consistent with standards of the American Society for Automation in Pharmacy; and
 - Comply with the Health Insurance Portability and Accountability Act (HIPAA) and all other relevant state and federal privacy and security laws and regulations;
- Allows the DOH to collaborate with health care regulatory boards, appropriate organizations, and other state agencies to identify indicators of controlled substance abuse.
- Requires the dispenser, when dispensing a controlled substance to a patient, to report the following information to the PDMP no later than the close of business the day after the controlled substance was dispensed:
 - The name of the prescribing practitioner, his or her DEA registration number, his or her National Provider Identification (NPI), and the date of the prescription.
 - The date the prescription was filled and the method of payment.
 - The full name, address, telephone number, and date of birth of the person for whom the prescription was written.
 - The name, national drug code, quantity, and strength of the controlled substance dispensed.
 - The full name, DEA registration number, DOH pharmacy permit number, and address of the pharmacy where the controlled substance was dispensed or, if dispensed by a practitioner other than a pharmacist, the practitioner's name, address, DEA registration number, DOH license number, and NPI.
 - Whether the drug was dispensed as an initial prescription or a refill and the number of refills ordered;
 - The name of the individual picking up the controlled substance prescription and type of identification provided; and
 - Other appropriate identifying information as determined by the DOH in rule.
- Exempts all acts of administration from the reporting requirement.
- Eliminates an exemption for reporting the dispensing of controlled substances to minors under the age of 16.
- Grants direct access to the PDMP system to:
 - Prescribers and dispensers and their designees;
 - Employees of the United State Department of Veterans Affairs,⁴⁵ the United States Department of Defense, or the Indian Health Service who provide health care services pursuant to such employment and who have authority to prescribe controlled substances;
 - The program manager and designated support staff to administer the PDMP system. The program manager or designated support staff:
 - Must complete a level II background screening;
 - May have access to de-identified data in order to calculate performance measures; and
 - Must provide the DOH de-identified data for public health care and safety initiatives;
 - The program manager:

⁴⁴ Section 893.0551, F.S., establishes the public records exemption for information in the PDMP.

⁴⁵ Employees of the US Department of Veterans Affairs were allowed access last year in Ch. 2017-169, Laws of Fla.

- May provide relevant information to the prescriber and dispenser when determining a pattern that indicates controlled substance abuse; and
 - May provide relevant information to law enforcement upon determining a pattern of controlled substance abuse and upon having cause to believe that a violation of controlled substance laws has occurred.
- Grants indirect access to the PDMP system to:
 - The DOH and its health care regulatory boards for investigations involving licensees authorized to prescribe or dispense controlled substances. The bill removes access for the DOH's regulatory boards;
 - The Attorney General for Medicaid fraud cases involving prescribed controlled substances;
 - A law enforcement agency during an active investigation of potential criminal activity, fraud, or theft regarding prescribed controlled substances;
 - A medical examiner when conducting an authorized investigation to determine the cause of death of an individual;⁴⁶
 - An impaired practitioner consultant who is retained by the DOH to review the PDMP system information of an impaired practitioner program participant or a referral who has agreed to be evaluated or monitored through the program and has agreed in writing to the consultant's access; and
 - A patient, legal guardian, or designated health care surrogate of an incapacitated patient who submits a written and notarized request including the patient's name, address, phone number, date of birth, and a copy of a government-issued photo identification.
- Allows the DOH to enter into a reciprocal agreement or contract to share PDMP information with other states, districts, and territories if their PDMPs are compatible with Florida's.⁴⁷ To determine compatibility, the DOH must consider for the other states', districts', or territories' PDMP:
 - Privacy safeguards and the program's success in protecting patient privacy;
 - The persons who are authorized to view the data collected by the program. Persons and entities in other states who are comparable to those granted access to Florida's PDMP may have access to Florida's PDMP upon approval by the DOH;
 - The schedules of controlled substances monitored;
 - Data reported to the program;
 - Any implementing criteria deemed essential; and
 - The costs and benefits to Florida of sharing prescription information.
- Requires the DOH to assess continued compatibility every four years and requires any agreements with other states to contain the same restrictions as Florida's program and s. 893.0551, F.S.
- Allows the DOH to enter into agreements and contracts to establish secure connections between the PDMP and health care providers' electronic health recordkeeping system.
- Requires all prescribers and dispensers, or their designees, to consult the PDMP system before prescribing or dispensing a controlled substance. Prescribers and dispensers are exempt from this requirement if the system is not operational or temporarily cannot be accessed. Any prescriber or dispenser who does not consult the system must document the reason why he or she could not consult the system and may not prescribe or dispense more

⁴⁶ This access is newly added.

⁴⁷ This authorization to share data is newly added.

than a three-day supply of a controlled substance. The DOH is required to issue a non-disciplinary citation pursuant to the procedure in s. 456.077, F.S., to any prescriber or dispenser who fails to consult the system. Under s. 456.077, F.S., the first citation is non-disciplinary and the second and subsequent citations are disciplinary.

- Establishes the penalty of a first-degree misdemeanor for any person who willfully and knowingly fails to report the dispensing of a controlled substance to the PDMP.
- Restricts information in the PDMP system from being released other than as specified in this section and s. 893.0551, F.S.
- Specifies that the content of the PDMP system is informational only.
- Restricts information in the PDMP system from being introduced as evidence in any civil or administrative action against a prescriber, dispenser, pharmacy, or patient and exempts the program manager and staff from being required to testify to any findings, recommendations, evaluations, opinions, or other actions taken in connection with the management of the system.
- Allows a prescriber or dispenser, or his or her designee, to have access to information in the PDMP system that relates to his or her patient as needed for the purpose of reviewing the patient's controlled substance prescription history. A prescriber or dispenser acting in good faith is immune from civil, criminal, or administrative liability that might otherwise be incurred or imposed for receiving or using information in the system. The bill specifies that accessing or failing to access information in the system does not create a private cause of action against a prescriber or dispenser.
- Specifies that the PDMP must be funded through federal grants, private funding, or state funds appropriated in the General Appropriations Act. The DOH may not commit funds for the PDMP without ensuring funding is available and may not use funds provided directly or indirectly by prescription drug manufacturers.
- Allows the DOH to establish a direct support organization to raise funds for the PDMP and incorporates an automatic repeal date of October 1, 2027, that is in existing law unless saved from repeal by the Legislature.
- Requires the DOH to conduct or contract for studies to examine the feasibility of enhancing the PDMP for public health initiatives and statistical reporting. Such studies must respect the privacy of patients and be focused on:
 - Improving the quality of health care services and safety by improving the prescribing and dispensing practices for prescription drugs;
 - Taking advantage of advances in technology;
 - Reducing duplicative prescriptions and the overprescribing of prescription drugs; and
 - Reducing drug abuse.
- Requires the DOH to annually report to the Governor and the Legislature on specific performance measures for the PDMP.
- Requires the DOH to adopt rules necessary to implement this section.

Section 12 amends s. 893.0551, F.S., to amend the public records exemption for the PDMP to conform to changes made to s. 893.055, F.S., and to conform the section to the requirement in s. 381.986, F.S., that a qualified physician must check the PDMP prior to issuing a physician certification recommending the medical use of marijuana.

Sections 13 through 19 amend various sections of law to conform cross references to changes made in the bill.

Section 20 provides supplemental appropriations for the 2018-2019 fiscal year as follows:

- \$27,035,360 in nonrecurring funds from the Federal Grants Trust Fund and \$15,520,000 in recurring general revenue funds are appropriated to the Department of Children and Families (DCF) for outpatient, case management, and after care services; residential treatment; MAT, including the purchase and medical use of methadone, buprenorphine, and naltrexone extended-release injectable; peer recovery support; hospital and first responder outreach; and targeted outreach to pregnant women.
 - From the \$15.5 million in recurring general revenue funds, the DCF must use \$4,720,000 to contract with a nonprofit organization for the distribution of drugs for MAT as follows:
 - \$472,000 for methadone;
 - \$1,888,000 for buprenorphine; and
 - \$2,360,000 for naltrexone extended-release injectable.
- \$6 million in recurring general revenue funds are appropriated to the Office of the State Courts Administrator (OSCA) for treatment of substance abuse disorders in individuals involved in the criminal justice system, individuals who have a high likelihood of criminal justice involvement, or who are in court-ordered, community-based drug treatment. The OSCA must contract with a non-profit entity to make available the following drugs:
 - \$600,000 for methadone;
 - \$2.4 million for buprenorphine; and
 - \$3 million for naltrexone extended-release injectable.
- \$5 million of recurring general revenue funds are appropriated to the DOH for the purchase of naloxone to be made available to EMS responders.

Section 21 establishes an effective date of July 1, 2018, unless otherwise specified in the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill establishes fees for the issuance of certificates of exemption for pain management clinics.

B. Private Sector Impact:

CS/SB 8 may cost clinics that are required to obtain a certificate of exemption from the requirement to register as a pain management clinic.

The bill may cost health care practitioners who are required to attend the additional training established in the bill.

The bill may cost patients due to the supply limits imposed for prescription of opioid medications listed in Schedule II.

The bill may increase the cost of the administrative operations of health care providers who are required to consult the PDMP prior to prescribing controlled substances and do not currently do so.

Any non-profit entities that are awarded contracts with the DCF or the OSCA to provide MAT medications, pursuant to the supplemental appropriations established in the bill, will have increased revenues.

C. Government Sector Impact:

The DOH will incur additional costs related to increased investigations of unlicensed pain management clinics. These costs may be offset through fees collected for initial issuance and renewal of pain management clinic exemption certificates.⁴⁸

The bill provides appropriations as detailed in the Effects of Proposed Changes section above.

VI. Technical Deficiencies:

CS/SB 8 amends the public records exemption for the PDMP and consolidates access to the PDMP for pharmacists with other health care practitioners on lines 1669-1672. This change is a result of pharmacists being added to the definition of “health care practitioner” in s. 893.055, F.S., by the bill; however, the bill leaves out a reference to s. 893.04, F.S., when allowing access to health care practitioners that is currently incorporated into the access allowed to pharmacists by s. 893.0551(3)(e), F.S. The reference to s. 893.04, F.S., should be added to line 1671 of the bill.

VII. Related Issues:

None.

⁴⁸ Supra note 28.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 409.967, 456.072, 456.44, 458.3265, 459.0137, 465.0155, 465.0276, 627.42392, 893.03, 893.055, 893.0551, 458.331, 459.015, 463.0055, 782.04, 893.13, 893.135, and 921.0022.

This bill creates section 456.0301 and one unnumbered section of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health Policy on January 16, 2018.

The CS makes several substantive changes along with numerous conforming, clarifying, and technical changes. Substantive changes include:

- Restricting Medicaid and health insurers from requiring prior authorization for MAT.
- Requiring applicable boards, rather than the DOH, to establish guidelines for prescribing controlled substances to treat acute pain.
- Requiring physicians to maintain treatment plans when prescribing Schedule II opioids for the treatment of acute pain.
- Conforming provisions relating to practitioners dispensing Schedule II and Schedule III controlled substances.
- Establishing an exception to allow physicians to dispense MAT drugs to their own patients to treat substance abuse disorders.
- Modifying the definitions of “dispense” and “dispenser” within the PDMP to ensure that out-of-state dispensers must report controlled substances dispensed into the state.
- Reestablishing indirect access to the PDMP for the DOH’s health care regulatory boards.
- Eliminating language stating that the content of the PDMP creates no obligations or legal duties for prescribers, dispensers, pharmacies, or patients.
- Providing supplemental appropriations of:
 - \$27,035,360 in nonrecurring federal grants trust funds and \$15,520,000 in recurring general revenue funds to the DCF for substance use disorder treatment services.
 - From the \$15.5 million in recurring general revenue funds, the bill earmarks \$4.7 million of recurring general revenue funds for specific MAT drugs.
 - \$6 million in recurring general revenue funds to the state courts administrator for substance abuse treatment services related to the criminal justice system. The bill requires these funds be spent on specific MAT drugs.
 - \$5 million in recurring general revenue funds to the DOH to purchase naloxone for EMS responders.

B. Amendments:

None.

By the Committee on Health Policy; and Senators Benacquisto,
Perry, Stargel, Bean, and Passidomo

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1 A bill to be entitled
2 An act relating to controlled substances; amending s.
3 409.967, F.S.; prohibiting managed care plans and
4 their fiscal agents or intermediaries from imposing
5 certain requirements or conditions on recipients as a
6 prerequisite to receiving medication-assisted
7 treatment (MAT) services to treat substance abuse
8 disorders; creating s. 456.0301, F.S.; authorizing
9 certain boards to require practitioners to complete a
10 specified board-approved continuing education course
11 to obtain authorization to prescribe controlled
12 substances as part of biennial license renewal;
13 providing exceptions; providing course requirements;
14 prohibiting the Department of Health from renewing a
15 license of a prescriber under specified circumstances;
16 requiring a licensee to submit confirmation of course
17 completion; providing for each licensing board
18 requiring such continuing education course to include
19 hours of completion with the total hours of continuing
20 education required in certain circumstances;
21 authorizing rulemaking; amending s. 456.072, F.S.;

22 authorizing disciplinary action against practitioners
23 for violating specified provisions relating to
24 controlled substances; amending s. 456.44, F.S.;

25 defining the term "acute pain"; requiring the
26 applicable boards to adopt rules establishing certain
27 guidelines for prescribing controlled substances for
28 acute pain; providing that failure of a practitioner
29 to follow specified guidelines is grounds for

Page 1 of 136

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588-02151C-18

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30 disciplinary action; limiting opioid drug
31 prescriptions for the treatment of acute pain to a
32 specified period under certain circumstances;
33 authorizing prescriptions for such opioids for an
34 extended period if specified requirements are met;
35 amending ss. 458.3265 and 459.0137, F.S.; requiring
36 certain pain management clinic owners to register
37 approved exemptions with the department; requiring
38 certain clinics to obtain certificates of exemption;
39 providing requirements for such certificates;
40 requiring the department to adopt rules necessary to
41 administer such exemptions; amending s. 465.0155,
42 F.S.; providing requirements for pharmacists for the
43 dispensing of controlled substances to persons not
44 known to them; defining the term "proper
45 identification"; amending s. 465.0276, F.S.;

46 prohibiting the dispensing of certain controlled
47 substances in an amount that exceeds a 3-day supply or
48 a medically necessary 7-day supply if certain criteria
49 are met; providing an exception for the dispensing of
50 certain controlled substances by a practitioner to the
51 practitioner's own patients for the medication-
52 assisted treatment of opiate addiction; providing
53 requirements for practitioners for the dispensing of
54 controlled substances to persons not known to them;
55 defining the term "proper identification"; amending s.
56 627.42392, F.S.; prohibiting a health insurer from
57 imposing certain requirements or conditions on
58 insureds as a prerequisite to receiving medication-

Page 2 of 136

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588-02151C-18

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59 assisted treatment (MAT) services to treat substance
 60 abuse disorders; amending s. 893.03, F.S.; conforming
 61 the state controlled substances schedule to the
 62 federal controlled substances schedule; amending s.
 63 893.055, F.S.; revising and providing definitions;
 64 revising requirements for the prescription drug
 65 monitoring program; authorizing rulemaking; requiring
 66 the department to maintain an electronic system for
 67 certain purposes which meets specified requirements;
 68 requiring certain information to be reported to the
 69 system by a specified time; specifying direct access
 70 to system information; authorizing the department to
 71 enter into reciprocal agreements or contracts to share
 72 prescription drug monitoring information with certain
 73 entities; providing requirements for such agreements;
 74 authorizing the department to enter into agreements or
 75 contracts for secure connections with practitioner
 76 electronic systems; requiring specified persons to
 77 consult the system for certain purposes within a
 78 specified time; providing exceptions to the duty of
 79 specified persons to consult the system under certain
 80 circumstances; authorizing the department to issue
 81 citations to specified entities for failing to meet
 82 certain requirements; prohibiting the failure to
 83 report the dispensing of a controlled substance when
 84 required to do so; providing penalties; authorizing
 85 the department to enter into agreements or contracts
 86 for specified purposes; providing for the release of
 87 information obtained by the system; allowing specified

Page 3 of 136

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588-02151C-18

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88 persons to have direct access to information for the
 89 purpose of reviewing the controlled drug prescription
 90 history of a patient; providing prescriber or
 91 dispenser immunity from liability for review of
 92 patient history when acting in good faith; providing
 93 construction; prohibiting the department from
 94 specified uses of funds; requiring the department to
 95 conduct or participate in studies for specified
 96 purposes; requiring an annual report to be submitted
 97 to the Governor and Legislature by a specified date;
 98 providing report requirements; authorizing the
 99 department to establish a certain direct-support
 100 organization for specified purposes; defining the term
 101 "direct-support organization"; requiring a direct-
 102 support organization to operate under written contract
 103 with the department; providing contract requirements;
 104 requiring the direct-support organization to obtain
 105 written approval from the department for specified
 106 purposes; authorizing the department to adopt certain
 107 rules relating to resources used by the direct-support
 108 organization; providing for an independent annual
 109 financial audit by the direct-support organization;
 110 providing that copies of such audit be provided to
 111 specified entities; providing for future repeal of
 112 provisions relating to the direct-support
 113 organization; requiring the department to adopt rules
 114 to implement the system; amending s. 893.0551, F.S.;
 115 revising provisions concerning the release of
 116 information held by the prescription drug monitoring

Page 4 of 136

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588-02151C-18

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117 program; amending ss. 458.331, 459.015, 463.0055,
 118 782.04, 893.13, 893.135, and 921.0022, F.S.;

119 ~~correcting cross-references; conforming provisions to~~
 120 ~~changes made by the act; providing appropriations;~~
 121 ~~providing effective dates.~~

122

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

124

125 Section 1. Paragraph (c) of subsection (2) of section
 126 409.967, Florida Statutes, is amended to read:

127 409.967 Managed care plan accountability.—

128 (2) The agency shall establish such contract requirements
 129 as are necessary for the operation of the statewide managed care
 130 program. In addition to any other provisions the agency may deem
 131 necessary, the contract must require:

132 (c) Access.—

133 1. The agency shall establish specific standards for the
 134 number, type, and regional distribution of providers in managed
 135 care plan networks to ensure access to care for both adults and
 136 children. Each plan must maintain a regionwide network of
 137 providers in sufficient numbers to meet the access standards for
 138 specific medical services for all recipients enrolled in the
 139 plan. The exclusive use of mail-order pharmacies may not be
 140 sufficient to meet network access standards. Consistent with the
 141 standards established by the agency, provider networks may
 142 include providers located outside the region. A plan may
 143 contract with a new hospital facility before the date the
 144 hospital becomes operational if the hospital has commenced
 145 construction, will be licensed and operational by January 1,

Page 5 of 136

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588-02151C-18

20188c1

146 2013, and a final order has issued in any civil or
 147 administrative challenge. Each plan shall establish and maintain
 148 an accurate and complete electronic database of contracted
 149 providers, including information about licensure or
 150 registration, locations and hours of operation, specialty
 151 credentials and other certifications, specific performance
 152 indicators, and such other information as the agency deems
 153 necessary. The database must be available online to both the
 154 agency and the public and have the capability to compare the
 155 availability of providers to network adequacy standards and to
 156 accept and display feedback from each provider's patients. Each
 157 plan shall submit quarterly reports to the agency identifying
 158 the number of enrollees assigned to each primary care provider.

159 2. Each managed care plan must publish any prescribed drug
 160 formulary or preferred drug list on the plan's website in a
 161 manner that is accessible to and searchable by enrollees and
 162 providers. The plan must update the list within 24 hours after
 163 making a change. Each plan must ensure that the prior
 164 authorization process for prescribed drugs is readily accessible
 165 to health care providers, including posting appropriate contact
 166 information on its website and providing timely responses to
 167 providers. For Medicaid recipients diagnosed with hemophilia who
 168 have been prescribed anti-hemophilic-factor replacement
 169 products, the agency shall provide for those products and
 170 hemophilia overlay services through the agency's hemophilia
 171 disease management program.

172 3. Managed care plans, and their fiscal agents or
 173 intermediaries, must accept prior authorization requests for any
 174 service electronically.

Page 6 of 136

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588-02151C-18

20188c1

175 4. Managed care plans, and their fiscal agents and
 176 intermediaries, may not implement, manage, or require a prior
 177 authorization process or step therapy procedures and may not
 178 impose any other conditions on recipients as a prerequisite to
 179 receiving medication-assisted treatment (MAT) services, as
 180 defined in s. 397.311, to treat substance abuse disorders.

181 5. Managed care plans serving children in the care and
 182 custody of the Department of Children and Families must maintain
 183 complete medical, dental, and behavioral health encounter
 184 information and participate in making such information available
 185 to the department or the applicable contracted community-based
 186 care lead agency for use in providing comprehensive and
 187 coordinated case management. The agency and the department shall
 188 establish an interagency agreement to provide guidance for the
 189 format, confidentiality, recipient, scope, and method of
 190 information to be made available and the deadlines for
 191 submission of the data. The scope of information available to
 192 the department shall be the data that managed care plans are
 193 required to submit to the agency. The agency shall determine the
 194 plan's compliance with standards for access to medical, dental,
 195 and behavioral health services; the use of medications; and
 196 followup on all medically necessary services recommended as a
 197 result of early and periodic screening, diagnosis, and
 198 treatment.

199 Section 2. Section 456.0301, Florida Statutes, is created
 200 to read:

201 456.0301 Requirement for instruction on controlled
 202 substance prescribing.-

203 (1) (a) If not already required by the licensee's practice

588-02151C-18

20188c1

204 act, the appropriate board shall require each person registered
 205 with the United States Drug Enforcement Administration and
 206 authorized to prescribe controlled substances pursuant to 21
 207 U.S.C. s. 822 to complete a board-approved 2-hour continuing
 208 education course on prescribing controlled substances as part of
 209 biennial license renewal. The course must include information on
 210 the current standards for prescribing controlled substances,
 211 particularly opiates; alternatives to these standards; and
 212 information on the risks of opioid addiction following all
 213 stages of treatment in the management of acute pain. The course
 214 may be offered in a distance learning format and must be
 215 included within the number of continuing education hours
 216 required by law. The department may not renew the license of any
 217 prescriber registered with the United States Drug Enforcement
 218 Administration to prescribe controlled substances who has failed
 219 to complete the course. When required by this paragraph, the
 220 course must be completed by January 31, 2019, and at each
 221 subsequent renewal.

222 (b) Each such licensee shall submit confirmation of having
 223 completed such course when applying for biennial license
 224 renewal.

225 (2) Each board may adopt rules to administer this section.

226 Section 3. Paragraph (gg) of subsection (1) of section
 227 456.072, Florida Statutes, is amended to read:

228 456.072 Grounds for discipline; penalties; enforcement.-

229 (1) The following acts shall constitute grounds for which
 230 the disciplinary actions specified in subsection (2) may be
 231 taken:

232 (gg) Engaging in a pattern of practice when prescribing

588-02151C-18

20188c1

233 medicinal drugs or controlled substances which demonstrates a
 234 lack of reasonable skill or safety to patients, a violation of
 235 ~~any provision of this chapter or ss. 893.055 and 893.0551~~, a
 236 violation of the applicable practice act, or a violation of any
 237 rules adopted under this chapter or the applicable practice act
 238 of the prescribing practitioner. Notwithstanding s. 456.073(13),
 239 the department may initiate an investigation and establish such
 240 a pattern from billing records, data, or any other information
 241 obtained by the department.

242 Section 4. Paragraphs (a) through (g) of subsection (1) of
 243 section 456.44, Florida Statutes, are redesignated as paragraphs
 244 (b) through (h), respectively, a new paragraph (a) is added to
 245 that subsection, subsection (3) is amended, and subsections (4)
 246 and (5) are added to that section, to read:

247 456.44 Controlled substance prescribing.—

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

249 (a) “Acute pain” means the normal, predicted,
 250 physiological, and time-limited response to an adverse chemical,
 251 thermal, or mechanical stimulus associated with surgery, trauma,
 252 or acute illness.

253 (3) STANDARDS OF PRACTICE FOR TREATMENT OF CHRONIC
 254 NONMALIGNANT PAIN.—The standards of practice in this section do
 255 not supersede the level of care, skill, and treatment recognized
 256 in general law related to health care licensure.

257 (a) A complete medical history and a physical examination
 258 must be conducted before beginning any treatment and must be
 259 documented in the medical record. The exact components of the
 260 physical examination shall be left to the judgment of the
 261 registrant who is expected to perform a physical examination

588-02151C-18

20188c1

262 proportionate to the diagnosis that justifies a treatment. The
 263 medical record must, at a minimum, document the nature and
 264 intensity of the pain, current and past treatments for pain,
 265 underlying or coexisting diseases or conditions, the effect of
 266 the pain on physical and psychological function, a review of
 267 previous medical records, previous diagnostic studies, and
 268 history of alcohol and substance abuse. The medical record shall
 269 also document the presence of one or more recognized medical
 270 indications for the use of a controlled substance. Each
 271 registrant must develop a written plan for assessing each
 272 patient’s risk of aberrant drug-related behavior, which may
 273 include patient drug testing. Registrants must assess each
 274 patient’s risk for aberrant drug-related behavior and monitor
 275 that risk on an ongoing basis in accordance with the plan.

276 (b) Each registrant must develop a written individualized
 277 treatment plan for each patient. The treatment plan shall state
 278 objectives that will be used to determine treatment success,
 279 such as pain relief and improved physical and psychosocial
 280 function, and shall indicate if any further diagnostic
 281 evaluations or other treatments are planned. After treatment
 282 begins, the registrant shall adjust drug therapy to the
 283 individual medical needs of each patient. Other treatment
 284 modalities, including a rehabilitation program, shall be
 285 considered depending on the etiology of the pain and the extent
 286 to which the pain is associated with physical and psychosocial
 287 impairment. The interdisciplinary nature of the treatment plan
 288 shall be documented.

289 (c) The registrant shall discuss the risks and benefits of
 290 the use of controlled substances, including the risks of abuse

588-02151C-18

20188c1

291 and addiction, as well as physical dependence and its
 292 consequences, with the patient, persons designated by the
 293 patient, or the patient's surrogate or guardian if the patient
 294 is incompetent. The registrant shall use a written controlled
 295 substance agreement between the registrant and the patient
 296 outlining the patient's responsibilities, including, but not
 297 limited to:

- 298 1. Number and frequency of controlled substance
 299 prescriptions and refills.
 - 300 2. Patient compliance and reasons for which drug therapy
 301 may be discontinued, such as a violation of the agreement.
 - 302 3. An agreement that controlled substances for the
 303 treatment of chronic nonmalignant pain shall be prescribed by a
 304 single treating registrant unless otherwise authorized by the
 305 treating registrant and documented in the medical record.
- 306 (d) The patient shall be seen by the registrant at regular
 307 intervals, not to exceed 3 months, to assess the efficacy of
 308 treatment, ensure that controlled substance therapy remains
 309 indicated, evaluate the patient's progress toward treatment
 310 objectives, consider adverse drug effects, and review the
 311 etiology of the pain. Continuation or modification of therapy
 312 shall depend on the registrant's evaluation of the patient's
 313 progress. If treatment goals are not being achieved, despite
 314 medication adjustments, the registrant shall reevaluate the
 315 appropriateness of continued treatment. The registrant shall
 316 monitor patient compliance in medication usage, related
 317 treatment plans, controlled substance agreements, and
 318 indications of substance abuse or diversion at a minimum of 3-
 319 month intervals.

Page 11 of 136

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588-02151C-18

20188c1

320 (e) The registrant shall refer the patient as necessary for
 321 additional evaluation and treatment in order to achieve
 322 treatment objectives. Special attention shall be given to those
 323 patients who are at risk for misusing their medications and
 324 those whose living arrangements pose a risk for medication
 325 misuse or diversion. The management of pain in patients with a
 326 history of substance abuse or with a comorbid psychiatric
 327 disorder requires extra care, monitoring, and documentation and
 328 requires consultation with or referral to an addiction medicine
 329 specialist or a psychiatrist.

330 (f) A registrant must maintain accurate, current, and
 331 complete records that are accessible and readily available for
 332 review and comply with the requirements of this section, the
 333 applicable practice act, and applicable board rules. The medical
 334 records must include, but are not limited to:

- 335 1. The complete medical history and a physical examination,
 336 including history of drug abuse or dependence.
- 337 2. Diagnostic, therapeutic, and laboratory results.
- 338 3. Evaluations and consultations.
- 339 4. Treatment objectives.
- 340 5. Discussion of risks and benefits.
- 341 6. Treatments.
- 342 7. Medications, including date, type, dosage, and quantity
 343 prescribed.
- 344 8. Instructions and agreements.
- 345 9. Periodic reviews.
- 346 10. Results of any drug testing.
- 347 11. A photocopy of the patient's government-issued photo
 348 identification.

Page 12 of 136

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588-02151C-18

20188c1

349 12. If a written prescription for a controlled substance is
350 given to the patient, a duplicate of the prescription.

351 13. The registrant's full name presented in a legible
352 manner.

353 (g) A registrant shall immediately refer patients with
354 signs or symptoms of substance abuse to a board-certified pain
355 management physician, an addiction medicine specialist, or a
356 mental health addiction facility as it pertains to drug abuse or
357 addiction unless the registrant is a physician who is board-
358 certified or board-eligible in pain management. Throughout the
359 period of time before receiving the consultant's report, a
360 prescribing registrant shall clearly and completely document
361 medical justification for continued treatment with controlled
362 substances and those steps taken to ensure medically appropriate
363 use of controlled substances by the patient. Upon receipt of the
364 consultant's written report, the prescribing registrant shall
365 incorporate the consultant's recommendations for continuing,
366 modifying, or discontinuing controlled substance therapy. The
367 resulting changes in treatment shall be specifically documented
368 in the patient's medical record. Evidence or behavioral
369 indications of diversion shall be followed by discontinuation of
370 controlled substance therapy, and the patient shall be
371 discharged, and all results of testing and actions taken by the
372 registrant shall be documented in the patient's medical record.

373
374 This subsection does not apply to a board-eligible or board-
375 certified anesthesiologist, physiatrist, rheumatologist, or
376 neurologist, or to a board-certified physician who has surgical
377 privileges at a hospital or ambulatory surgery center and

Page 13 of 136

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588-02151C-18

20188c1

378 primarily provides surgical services. This subsection does not
379 apply to a board-eligible or board-certified medical specialist
380 who has also completed a fellowship in pain medicine approved by
381 the Accreditation Council for Graduate Medical Education or the
382 American Osteopathic Association, or who is board eligible or
383 board certified in pain medicine by the American Board of Pain
384 Medicine, the American Board of Interventional Pain Physicians,
385 the American Association of Physician Specialists, or a board
386 approved by the American Board of Medical Specialties or the
387 American Osteopathic Association and performs interventional
388 pain procedures of the type routinely billed using surgical
389 codes. This subsection does not apply to a registrant who
390 prescribes medically necessary controlled substances for a
391 patient during an inpatient stay in a hospital licensed under
392 chapter 395.

393 (4) STANDARDS OF PRACTICE FOR TREATMENT OF ACUTE PAIN.-The
394 applicable boards shall adopt rules establishing guidelines for
395 prescribing controlled substances for acute pain, including
396 evaluation of the patient, creation and maintenance of a
397 treatment plan, obtaining informed consent and agreement for
398 treatment, periodic review of the treatment plan, consultation,
399 medical record review, and compliance with controlled substance
400 laws and regulations. Failure of a prescriber to follow such
401 guidelines constitutes grounds for disciplinary action pursuant
402 to s. 456.072(1)(gg), punishable as provided in s. 456.072(2).

403 (5) PRESCRIPTION SUPPLY.-

404 (a) Except as provided in paragraph (b), a prescription for
405 an opioid drug listed as a Schedule II controlled substance in
406 s. 893.03 or 21 U.S.C. s. 812, for the treatment of acute pain

Page 14 of 136

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588-02151C-18

20188c1

407 may not exceed a 3-day supply.

408 (b) Up to a 7-day supply of an opioid described in
409 paragraph (a) may be prescribed if:

410 1. The practitioner, in his or her professional judgment,
411 believes that more than a 3-day supply of such an opioid is
412 medically necessary to treat the patient's pain as an acute
413 medical condition.

414 2. The practitioner indicates "MEDICALLY NECESSARY" on the
415 prescription.

416 3. The prescriber adequately documents in the patient's
417 medical records the acute medical condition and lack of
418 alternative treatment options that justify deviation from the 3-
419 day supply limit established in this subsection.

420 Section 5. Effective January 1, 2019, subsections (2)
421 through (5) of section 458.3265, Florida Statutes, are
422 renumbered as subsections (3) through (6), respectively,
423 paragraphs (a) and (g) of subsection (1), paragraph (a) of
424 present subsection (2), paragraph (a) of present subsection (3)
425 and paragraph (a) of present subsection (4) of that section, are
426 amended, and a new subsection (2) is added to that section, to
427 read:

428 458.3265 Pain-management clinics.—

429 (1) REGISTRATION.—

430 (a)1. As used in this section, the term:

431 a. "Board eligible" means successful completion of an
432 anesthesia, physical medicine and rehabilitation, rheumatology,
433 or neurology residency program approved by the Accreditation
434 Council for Graduate Medical Education or the American
435 Osteopathic Association for a period of 6 years from successful

Page 15 of 136

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588-02151C-18

20188c1

436 completion of such residency program.

437 b. "Chronic nonmalignant pain" means pain unrelated to
438 cancer which persists beyond the usual course of disease or the
439 injury that is the cause of the pain or more than 90 days after
440 surgery.

441 c. "Pain-management clinic" or "clinic" means any publicly
442 or privately owned facility:

443 (I) That advertises in any medium for any type of pain-
444 management services; or

445 (II) Where in any month a majority of patients are
446 prescribed opioids, benzodiazepines, barbiturates, or
447 carisoprodol for the treatment of chronic nonmalignant pain.

448 2. Each pain-management clinic must register with the
449 department or hold a valid certificate of exemption pursuant to
450 subsection (2). ~~unless:~~

451 3. The following clinics are exempt from the registration
452 requirement of paragraphs (c)-(m), and must apply to the
453 department for a certificate of exemption:

454 a. A ~~The~~ clinic ~~is~~ licensed as a facility pursuant to
455 chapter 395;

456 b. A clinic in which the majority of the physicians who
457 provide services in the clinic primarily provide surgical
458 services;

459 c. A ~~The~~ clinic ~~is~~ owned by a publicly held corporation
460 whose shares are traded on a national exchange or on the over-
461 the-counter market and whose total assets at the end of the
462 corporation's most recent fiscal quarter exceeded \$50 million;

463 d. A ~~The~~ clinic ~~is~~ affiliated with an accredited medical
464 school at which training is provided for medical students,

Page 16 of 136

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588-02151C-18

20188c1

465 residents, or fellows;

466 e. ~~A~~ The clinic that does not prescribe controlled
467 substances for the treatment of pain;

468 f. ~~A~~ The clinic is owned by a corporate entity exempt from
469 federal taxation under 26 U.S.C. s. 501(c)(3);

470 g. ~~A~~ The clinic is wholly owned and operated by one or more
471 board-eligible or board-certified anesthesiologists,
472 physiatrists, rheumatologists, or neurologists; or

473 h. ~~A~~ The clinic is wholly owned and operated by a physician
474 multispecialty practice where one or more board-eligible or
475 board-certified medical specialists, who have also completed
476 fellowships in pain medicine approved by the Accreditation
477 Council for Graduate Medical Education or who are also board-
478 certified in pain medicine by the American Board of Pain
479 Medicine or a board approved by the American Board of Medical
480 Specialties, the American Association of Physician Specialists,
481 or the American Osteopathic Association, perform interventional
482 pain procedures of the type routinely billed using surgical
483 codes.

484 (g) The department may revoke the clinic's certificate of
485 registration and prohibit all physicians associated with that
486 pain-management clinic from practicing at that clinic location
487 based upon an annual inspection and evaluation of the factors
488 described in subsection ~~(4)(3)~~.

489 (2) CERTIFICATE OF EXEMPTION.-

490 (a) A pain management clinic claiming an exemption from the
491 registration requirements of subsection (1) must apply for a
492 certificate of exemption on a form adopted in rule by the
493 department. The form must require the applicant to provide:

Page 17 of 136

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588-02151C-18

20188c1

494 1. The name or names under which the applicant does
495 business.

496 2. The address at which the pain management clinic is
497 located.

498 3. The specific exemption the applicant is claiming with
499 supporting documentation.

500 4. Any other information deemed necessary by the
501 department.

502 (b) The department must approve or deny the application
503 within 30 days after the receipt of a complete application.

504 (c) The certificate of exemption must be renewed
505 biennially, except that the department may issue the initial
506 certificates of exemption for up to 3 years in order to stagger
507 renewal dates.

508 (d) A certificateholder must prominently display the
509 certificate of exemption and make it available to the department
510 or the board upon request.

511 (e) A new certificate of exemption is required for a change
512 of address and is not transferable. A certificate of exemption
513 is valid only for the applicant, qualifying owners, licenses,
514 registrations, certifications, and services provided under a
515 specific statutory exemption and is valid only to the specific
516 exemption claimed and granted.

517 (f) A certificateholder must notify the department at least
518 60 days before any anticipated relocation or name change of the
519 pain management clinic or a change of ownership.

520 (g) If a pain management clinic no longer qualifies for a
521 certificate of exemption, the certificateholder must notify the
522 department within 3 days after becoming aware that the clinic no

Page 18 of 136

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588-02151C-18

20188c1

523 longer qualifies for a certificate of exemption and register as
 524 a pain management clinic under subsection (1) or cease
 525 operations.

526 ~~(3)(2)~~ PHYSICIAN RESPONSIBILITIES.—These responsibilities
 527 apply to any physician who provides professional services in a
 528 pain-management clinic that is required to be registered in
 529 subsection (1).

530 (a) A physician may not practice medicine in a pain-
 531 management clinic, as described in subsection ~~(5)(4)~~, if the
 532 pain-management clinic is not registered with the department as
 533 required by this section. Any physician who qualifies to
 534 practice medicine in a pain-management clinic pursuant to rules
 535 adopted by the Board of Medicine as of July 1, 2012, may
 536 continue to practice medicine in a pain-management clinic as
 537 long as the physician continues to meet the qualifications set
 538 forth in the board rules. A physician who violates this
 539 paragraph is subject to disciplinary action by his or her
 540 appropriate medical regulatory board.

541 ~~(4)(3)~~ INSPECTION.—

542 (a) The department shall inspect the pain-management clinic
 543 annually, including a review of the patient records, to ensure
 544 that it complies with this section and the rules of the Board of
 545 Medicine adopted pursuant to subsection ~~(5)(4)~~ unless the clinic
 546 is accredited by a nationally recognized accrediting agency
 547 approved by the Board of Medicine.

548 ~~(5)(4)~~ RULEMAKING.—

549 (a) The department shall adopt rules necessary to
 550 administer the registration, exemption, and inspection of pain-
 551 management clinics which establish the specific requirements,

Page 19 of 136

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588-02151C-18

20188c1

552 procedures, forms, and fees.

553 Section 6. Effective January 1, 2019, subsections (2)
 554 through (5) of section 459.0137, Florida Statutes, are
 555 renumbered as subsections (3) through (6), respectively,
 556 paragraphs (a) and (g) of subsection (1), paragraph (a) of
 557 present subsection (2), paragraph (a) of present subsection (3)
 558 and paragraph (a) of present subsection (4) of that section, are
 559 amended, and a new subsection (2) is added to that section, to
 560 read:

561 459.0137 Pain-management clinics.—

562 (1) REGISTRATION.—

563 (a)1. As used in this section, the term:

564 a. "Board eligible" means successful completion of an
 565 anesthesia, physical medicine and rehabilitation, rheumatology,
 566 or neurology residency program approved by the Accreditation
 567 Council for Graduate Medical Education or the American
 568 Osteopathic Association for a period of 6 years from successful
 569 completion of such residency program.

570 b. "Chronic nonmalignant pain" means pain unrelated to
 571 cancer which persists beyond the usual course of disease or the
 572 injury that is the cause of the pain or more than 90 days after
 573 surgery.

574 c. "Pain-management clinic" or "clinic" means any publicly
 575 or privately owned facility:

576 (I) That advertises in any medium for any type of pain-
 577 management services; or

578 (II) Where in any month a majority of patients are
 579 prescribed opioids, benzodiazepines, barbiturates, or
 580 carisoprodol for the treatment of chronic nonmalignant pain.

Page 20 of 136

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588-02151C-18

20188c1

581 2. Each pain-management clinic must register with the
 582 department or hold a valid certificate of exemption pursuant to
 583 subsection (2). unless:

584 3. The following clinics are exempt from the registration
 585 requirement of paragraphs (c)-(m), and must apply to the
 586 department for a certificate of exemption:

587 a. A ~~The~~ clinic ~~is~~ licensed as a facility pursuant to
 588 chapter 395;

589 b. A clinic in which the majority of the physicians who
 590 provide services in the clinic primarily provide surgical
 591 services;

592 c. A ~~The~~ clinic ~~is~~ owned by a publicly held corporation
 593 whose shares are traded on a national exchange or on the over-
 594 the-counter market and whose total assets at the end of the
 595 corporation's most recent fiscal quarter exceeded \$50 million;

596 d. A ~~The~~ clinic ~~is~~ affiliated with an accredited medical
 597 school at which training is provided for medical students,
 598 residents, or fellows;

599 e. A ~~The~~ clinic that does not prescribe controlled
 600 substances for the treatment of pain;

601 f. A ~~The~~ clinic ~~is~~ owned by a corporate entity exempt from
 602 federal taxation under 26 U.S.C. s. 501(c) (3);

603 g. A ~~The~~ clinic ~~is~~ wholly owned and operated by one or more
 604 board-eligible or board-certified anesthesiologists,
 605 physiatrists, rheumatologists, or neurologists; or

606 h. A ~~The~~ clinic ~~is~~ wholly owned and operated by a physician
 607 multispecialty practice where one or more board-eligible or
 608 board-certified medical specialists, who have also completed
 609 fellowships in pain medicine approved by the Accreditation

Page 21 of 136

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588-02151C-18

20188c1

610 Council for Graduate Medical Education or the American
 611 Osteopathic Association or who are also board-certified in pain
 612 medicine by the American Board of Pain Medicine or a board
 613 approved by the American Board of Medical Specialties, the
 614 American Association of Physician Specialists, or the American
 615 Osteopathic Association, perform interventional pain procedures
 616 of the type routinely billed using surgical codes.

617 (g) The department may revoke the clinic's certificate of
 618 registration and prohibit all physicians associated with that
 619 pain-management clinic from practicing at that clinic location
 620 based upon an annual inspection and evaluation of the factors
 621 described in subsection (4)(3).

622 (2) CERTIFICATE OF EXEMPTION.-

623 (a) A pain management clinic claiming an exemption from the
 624 registration requirements of subsection (1) must apply for a
 625 certificate of exemption on a form adopted in rule by the
 626 department. The form shall require the applicant to provide:

627 1. The name or names under which the applicant does
 628 business.

629 2. The address at which the pain management clinic is
 630 located.

631 3. The specific exemption the applicant is claiming with
 632 supporting documentation.

633 4. Any other information deemed necessary by the
 634 department.

635 (b) Within 30 days after the receipt of a complete
 636 application, the department must approve or deny the
 637 application.

638 (c) The certificate of exemption must be renewed

Page 22 of 136

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588-02151C-18

20188c1

639 biennially, except that the department may issue the initial
 640 certificates of exemption for up to 3 years in order to stagger
 641 renewal dates.

642 (d) A certificateholder must prominently display the
 643 certificate of exemption and make it available to the department
 644 or the board upon request.

645 (e) A new certificate of exemption is required for a change
 646 of address and is not transferable. A certificate of exemption
 647 is valid only for the applicant, qualifying owners, licenses,
 648 registrations, certifications, and services provided under a
 649 specific statutory exemption and is valid only to the specific
 650 exemption claimed and granted.

651 (f) A certificateholder must notify the department at least
 652 60 days before any anticipated relocation or name change of the
 653 pain management clinic or a change of ownership.

654 (g) If a pain management clinic no longer qualifies for a
 655 certificate of exemption, the certificateholder must notify the
 656 department within 3 days after becoming aware that the clinic no
 657 longer qualifies for a certificate of exemption and register as
 658 a pain management clinic under subsection (1) or cease
 659 operations.

660 (3)-(2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
 661 apply to any osteopathic physician who provides professional
 662 services in a pain-management clinic that is required to be
 663 registered in subsection (1).

664 (a) An osteopathic physician may not practice medicine in a
 665 pain-management clinic, as described in subsection (5)-(4), if
 666 the pain-management clinic is not registered with the department
 667 as required by this section. Any physician who qualifies to

588-02151C-18

20188c1

668 practice medicine in a pain-management clinic pursuant to rules
 669 adopted by the Board of Osteopathic Medicine as of July 1, 2012,
 670 may continue to practice medicine in a pain-management clinic as
 671 long as the physician continues to meet the qualifications set
 672 forth in the board rules. An osteopathic physician who violates
 673 this paragraph is subject to disciplinary action by his or her
 674 appropriate medical regulatory board.

675 (4)-(3) INSPECTION.—

676 (a) The department shall inspect the pain-management clinic
 677 annually, including a review of the patient records, to ensure
 678 that it complies with this section and the rules of the Board of
 679 Osteopathic Medicine adopted pursuant to subsection (5)-(4)
 680 unless the clinic is accredited by a nationally recognized
 681 accrediting agency approved by the Board of Osteopathic
 682 Medicine.

683 (5)-(4) RULEMAKING.—

684 (a) The department shall adopt rules necessary to
 685 administer the registration, exemption, and inspection of pain-
 686 management clinics which establish the specific requirements,
 687 procedures, forms, and fees.

688 Section 7. Section 465.0155, Florida Statutes, is amended
 689 to read:

690 465.0155 Standards of practice.—

691 (1) Consistent with the provisions of this act, the board
 692 shall adopt by rule standards of practice relating to the
 693 practice of pharmacy which shall be binding on every state
 694 agency and shall be applied by such agencies when enforcing or
 695 implementing any authority granted by any applicable statute,
 696 rule, or regulation, whether federal or state.

588-02151C-18

20188c1

697 (2) (a) Before dispensing a controlled substance to a person
 698 not known to the pharmacist, the pharmacist must require the
 699 person purchasing, receiving, or otherwise acquiring the
 700 controlled substance to present valid photographic
 701 identification or other verification of his or her identity. If
 702 the person does not have proper identification, the pharmacist
 703 may verify the validity of the prescription and the identity of
 704 the patient with the prescriber or his or her authorized agent.
 705 Verification of health plan eligibility through a real-time
 706 inquiry or adjudication system is considered to be proper
 707 identification.

708 (b) This subsection does not apply in an institutional
 709 setting or to a long-term care facility, including, but not
 710 limited to, an assisted living facility or a hospital to which
 711 patients are admitted.

712 (c) As used in this subsection, the term "proper
 713 identification" means an identification that is issued by a
 714 state or the Federal Government containing the person's
 715 photograph, printed name, and signature or a document considered
 716 acceptable under 8 C.F.R. s. 274a.2(b)(1)(v)(A) and (B).

717 Section 8. Paragraph (b) of subsection (1) of section
 718 465.0276, Florida Statutes, is amended, and paragraph (d) is
 719 added to subsection (2) of that section, to read:

720 465.0276 Dispensing practitioner.—

721 (1)

722 (b) A practitioner registered under this section may not
 723 dispense a controlled substance listed in Schedule II or
 724 Schedule III as provided in s. 893.03. This paragraph does not
 725 apply to:

Page 25 of 136

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588-02151C-18

20188c1

726 1. The dispensing of complimentary packages of medicinal
 727 drugs which are labeled as a drug sample or complimentary drug
 728 as defined in s. 499.028 to the practitioner's own patients in
 729 the regular course of her or his practice without the payment of
 730 a fee or remuneration of any kind, whether direct or indirect,
 731 as provided in subsection (4).

732 2. The dispensing of controlled substances in the health
 733 care system of the Department of Corrections.

734 3. The dispensing of a controlled substance listed in
 735 Schedule II or Schedule III in connection with the performance
 736 of a surgical procedure.

737 a. For a controlled substance listed in Schedule II, the
 738 amount dispensed pursuant to this subparagraph may not exceed a
 739 3-day supply unless the criteria in s. 456.44(5)(b) are met, in
 740 which case the amount dispensed may not exceed a 7-day supply.

741 b. For a controlled substance listed in Schedule III, the
 742 amount dispensed pursuant to ~~this~~ ~~the~~ subparagraph may not
 743 exceed a 14-day supply.

744 c. The exception in this subparagraph ~~exception~~ does not
 745 allow for the dispensing of a controlled substance listed in
 746 Schedule II or Schedule III more than 14 days after the
 747 performance of the surgical procedure.

748 d. For purposes of this subparagraph, the term "surgical
 749 procedure" means any procedure in any setting which involves, or
 750 reasonably should involve:

751 (I)a- Perioperative medication and sedation that allows the
 752 patient to tolerate unpleasant procedures while maintaining
 753 adequate cardiorespiratory function and the ability to respond
 754 purposefully to verbal or tactile stimulation and makes intra-

Page 26 of 136

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588-02151C-18

20188c1

755 and postoperative monitoring necessary; or

756 ~~(II)B-~~ The use of general anesthesia or major conduction
757 anesthesia and preoperative sedation.

758 4. The dispensing of a controlled substance listed in
759 Schedule II or Schedule III pursuant to an approved clinical
760 trial. For purposes of this subparagraph, the term "approved
761 clinical trial" means a clinical research study or clinical
762 investigation that, in whole or in part, is state or federally
763 funded or is conducted under an investigational new drug
764 application that is reviewed by the United States Food and Drug
765 Administration.

766 5. The dispensing of methadone in a facility licensed under
767 s. 397.427 where medication-assisted treatment for opiate
768 addiction is provided.

769 6. The dispensing of a controlled substance listed in
770 Schedule II or Schedule III to a patient of a facility licensed
771 under part IV of chapter 400.

772 7. The dispensing of controlled substances listed in
773 Schedule II or Schedule III which have been approved by the
774 United States Food and Drug Administration for the purpose of
775 treating opiate addiction including, but not limited to,
776 buprenorphine and buprenorphine combination products, by a
777 practitioner authorized under 21 U.S.C. 823, as amended, to the
778 practitioner's own patients for the medication-assisted
779 treatment of opiate addiction.

780 (2) A practitioner who dispenses medicinal drugs for human
781 consumption for fee or remuneration of any kind, whether direct
782 or indirect, must:

783 (d)1. Before dispensing a controlled substance to a person

Page 27 of 136

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588-02151C-18

20188c1

784 not known to the dispenser, require the person purchasing,
785 receiving, or otherwise acquiring the controlled substance to
786 present valid photographic identification or other verification
787 of his or her identity. If the person does not have proper
788 identification, the dispenser may verify the validity of the
789 prescription and the identity of the patient with the prescriber
790 or his or her authorized agent. Verification of health plan
791 eligibility through a real-time inquiry or adjudication system
792 is considered to be proper identification.

793 2. This paragraph does not apply in an institutional
794 setting or to a long-term care facility, including, but not
795 limited to, an assisted living facility or a hospital to which
796 patients are admitted.

797 3. As used in this paragraph, the term "proper
798 identification" means an identification that is issued by a
799 state or the Federal Government containing the person's
800 photograph, printed name, and signature or a document considered
801 acceptable under 8 C.F.R. s. 274a.2(b)(1)(v)(A) and (B).

802 Section 9. Subsection (5) is added to section 627.42392,
803 Florida Statutes, to read:

804 627.42392 Prior authorization.—

805 (5) A health insurer may not require a prior authorization
806 process or step therapy procedure or impose any other conditions
807 on insureds as a prerequisite to receiving medication-assisted
808 treatment (MAT) services, as defined in s. 397.311, to treat
809 substance abuse disorders.

810 Section 10. Subsections (2), (3), (4), and (5) of section
811 893.03, Florida Statutes, are amended to read:

812 893.03 Standards and schedules.—The substances enumerated

Page 28 of 136

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588-02151C-18

20188c1

813 in this section are controlled by this chapter. The controlled
 814 substances listed or to be listed in Schedules I, II, III, IV,
 815 and V are included by whatever official, common, usual,
 816 chemical, trade name, or class designated. The provisions of
 817 this section shall not be construed to include within any of the
 818 schedules contained in this section any excluded drugs listed
 819 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
 820 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
 821 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
 822 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
 823 Anabolic Steroid Products."

824 (2) SCHEDULE II.—A substance in Schedule II has a high
 825 potential for abuse and has a currently accepted but severely
 826 restricted medical use in treatment in the United States, and
 827 abuse of the substance may lead to severe psychological or
 828 physical dependence. The following substances are controlled in
 829 Schedule II:

830 (a) Unless specifically excepted or unless listed in
 831 another schedule, any of the following substances, whether
 832 produced directly or indirectly by extraction from substances of
 833 vegetable origin or independently by means of chemical
 834 synthesis:

835 1. Opium and any salt, compound, derivative, or preparation
 836 of opium, except nalmeferine or isoquinoline alkaloids of opium,
 837 including, but not limited to the following:

- 838 a. Raw opium.
- 839 b. Opium extracts.
- 840 c. Opium fluid extracts.
- 841 d. Powdered opium.

Page 29 of 136

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588-02151C-18

20188c1

- 842 e. Granulated opium.
- 843 f. Tincture of opium.
- 844 g. Codeine.
- 845 h. Dihydroetorphine.
- 846 ~~i. h.~~ Ethylmorphine.
- 847 ~~j. i.~~ Etorphine hydrochloride.
- 848 k. j. Hydrocodone and hydrocodone combination products.
- 849 ~~l. k.~~ Hydromorphone.
- 850 ~~m. l.~~ Levo-alphaacetylmethadol (also known as levo-alpha-
- 851 acetylmethadol, levomethadyl acetate, or LAAM).
- 852 ~~n. m.~~ Metopon (methyldihydromorphinone).
- 853 ~~o. n.~~ Morphine.
- 854 p. Oripavine.
- 855 ~~q. o.~~ Oxycodone.
- 856 ~~r. p.~~ Oxymorphone.
- 857 ~~s. q.~~ Thebaine.
- 858 2. Any salt, compound, derivative, or preparation of a
- 859 substance which is chemically equivalent to or identical with
- 860 any of the substances referred to in subparagraph 1., except
- 861 that these substances shall not include the isoquinoline
- 862 alkaloids of opium.
- 863 3. Any part of the plant of the species *Papaver somniferum*,
- 864 L.
- 865 4. Cocaine or ecgonine, including any of their
- 866 stereoisomers, and any salt, compound, derivative, or
- 867 preparation of cocaine or ecgonine, except that these substances
- 868 shall not include ioflupane I 123.
- 869 (b) Unless specifically excepted or unless listed in
- 870 another schedule, any of the following substances, including

Page 30 of 136

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588-02151C-18

20188c1

871 their isomers, esters, ethers, salts, and salts of isomers,
 872 esters, and ethers, whenever the existence of such isomers,
 873 esters, ethers, and salts is possible within the specific
 874 chemical designation:

- 875 1. Alfentanil.
- 876 2. Alphaprodine.
- 877 3. Anileridine.
- 878 4. Bezitramide.
- 879 5. Bulk propoxyphene (nondosage forms).
- 880 6. Carfentanil.
- 881 7. Dihydrocodeine.
- 882 8. Diphenoxylate.
- 883 9. Fentanyl.
- 884 10. Isomethadone.
- 885 11. Levomethorphan.
- 886 12. Levorphanol.
- 887 13. Metazocine.
- 888 14. Methadone.
- 889 15. Methadone-Intermediate,4-cyano-2-
 890 dimethylamino-4,4-diphenylbutane.
- 891 16. Moramide-Intermediate,2-methyl-
 892 3-morpholino-1,1-diphenylpropane-carboxylic acid.
- 893 17. Nabilone.
- 894 18. Pethidine (meperidine).
- 895 19. Pethidine-Intermediate-A,4-cyano-1-
 896 methyl-4-phenylpiperidine.
- 897 20. Pethidine-Intermediate-B,ethyl-4-
 898 phenylpiperidine-4-carboxylate.
- 899 21. Pethidine-Intermediate-C,1-methyl-4- phenylpiperidine-

Page 31 of 136

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588-02151C-18

20188c1

900 4-carboxylic acid.

- 901 22. Phenazocine.
- 902 23. Phencyclidine.
- 903 24. 1-Phenylcyclohexylamine.
- 904 25. Piminodine.
- 905 26. 1-Piperidinocyclohexanecarbonitrile.
- 906 27. Racemethorphan.
- 907 28. Racemorphan.
- 908 29. Remifentanil.
- 909 ~~30.29.~~ Sufentanil.
- 910 31. Tapentadol.
- 911 32. Thiafentanil.

912 (c) Unless specifically excepted or unless listed in
 913 another schedule, any material, compound, mixture, or
 914 preparation which contains any quantity of the following
 915 substances, including their salts, isomers, optical isomers,
 916 salts of their isomers, and salts of their optical isomers:

- 917 1. Amobarbital.
- 918 2. Amphetamine.
- 919 3. Glutethimide.
- 920 4. Lisdexamfetamine.
- 921 ~~5.4.~~ Methamphetamine.
- 922 ~~6.5.~~ Methylphenidate.
- 923 ~~7.6.~~ Pentobarbital.
- 924 ~~8.7.~~ Phenmetrazine.
- 925 ~~9.8.~~ Phenylacetone.
- 926 ~~10.9.~~ Secobarbital.

927 (d) Dronabinol (synthetic THC) in oral solution in a drug
 928 product approved by the United States Food and Drug

Page 32 of 136

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588-02151C-18

20188c1

929 Administration.

930 (3) SCHEDULE III.—A substance in Schedule III has a
 931 potential for abuse less than the substances contained in
 932 Schedules I and II and has a currently accepted medical use in
 933 treatment in the United States, and abuse of the substance may
 934 lead to moderate or low physical dependence or high
 935 psychological dependence or, in the case of anabolic steroids,
 936 may lead to physical damage. The following substances are
 937 controlled in Schedule III:

938 (a) Unless specifically excepted or unless listed in
 939 another schedule, any material, compound, mixture, or
 940 preparation which contains any quantity of the following
 941 substances having a depressant or stimulant effect on the
 942 nervous system:

943 1. Any substance which contains any quantity of a
 944 derivative of barbituric acid, including thiobarbituric acid, or
 945 any salt of a derivative of barbituric acid or thiobarbituric
 946 acid, including, but not limited to, butalbital and
 947 butalbital.

948 2. Benzphetamine.

949 3. Buprenorphine.

950 ~~4.3-~~ Chlorhexadol.

951 ~~5.4-~~ Chlorphentermine.

952 ~~6.5-~~ Clortermine.

953 7. Embutramide.

954 ~~8.6-~~ Lysergic acid.

955 ~~9.7-~~ Lysergic acid amide.

956 ~~10.8-~~ Methyprylon.

957 11. Perampanel.

Page 33 of 136

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588-02151C-18

20188c1

958 ~~12.9-~~ Phendimetrazine.959 ~~13.10-~~ Sulfondiethylmethane.960 ~~14.11-~~ Sulfonethylmethane.961 ~~15.12-~~ Sulfonmethane.962 ~~16.13-~~ Tiletamine and zolazepam or any salt thereof.

963 (b) Nalorphine.

964 (c) Unless specifically excepted or unless listed in
 965 another schedule, any material, compound, mixture, or
 966 preparation containing limited quantities of any of the
 967 following controlled substances or any salts thereof:

968 1. Not more than 1.8 grams of codeine per 100 milliliters
 969 or not more than 90 milligrams per dosage unit, with an equal or
 970 greater quantity of an isoquinoline alkaloid of opium.

971 2. Not more than 1.8 grams of codeine per 100 milliliters
 972 or not more than 90 milligrams per dosage unit, with recognized
 973 therapeutic amounts of one or more active ingredients which are
 974 not controlled substances.

975 3. Not more than 300 milligrams of hydrocodone per 100
 976 milliliters or not more than 15 milligrams per dosage unit, with
 977 a fourfold or greater quantity of an isoquinoline alkaloid of
 978 opium.

979 4. Not more than 300 milligrams of hydrocodone per 100
 980 milliliters or not more than 15 milligrams per dosage unit, with
 981 recognized therapeutic amounts of one or more active ingredients
 982 that are not controlled substances.

983 5. Not more than 1.8 grams of dihydrocodeine per 100
 984 milliliters or not more than 90 milligrams per dosage unit, with
 985 recognized therapeutic amounts of one or more active ingredients
 986 which are not controlled substances.

Page 34 of 136

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588-02151C-18

20188c1

987 6. Not more than 300 milligrams of ethylmorphine per 100
 988 milliliters or not more than 15 milligrams per dosage unit, with
 989 one or more active, nonnarcotic ingredients in recognized
 990 therapeutic amounts.

991 7. Not more than 50 milligrams of morphine per 100
 992 milliliters or per 100 grams, with recognized therapeutic
 993 amounts of one or more active ingredients which are not
 994 controlled substances.

995
 996 For purposes of charging a person with a violation of s. 893.135
 997 involving any controlled substance described in subparagraph 3.
 998 or subparagraph 4., the controlled substance is a Schedule III
 999 controlled substance pursuant to this paragraph but the weight
 1000 of the controlled substance per milliliters or per dosage unit
 1001 is not relevant to the charging of a violation of s. 893.135.
 1002 The weight of the controlled substance shall be determined
 1003 pursuant to s. 893.135(6).

1004 (d) Anabolic steroids.

1005 1. The term "anabolic steroid" means any drug or hormonal
 1006 substance, chemically and pharmacologically related to
 1007 testosterone, other than estrogens, progestins, and
 1008 corticosteroids, that promotes muscle growth and includes:

- 1009 a. Androsterone.
- 1010 b. Androsterone acetate.
- 1011 c. Boldenone.
- 1012 d. Boldenone acetate.
- 1013 e. Boldenone benzoate.
- 1014 f. Boldenone undecylenate.
- 1015 g. Chlorotestosterone (Clostebol).

Page 35 of 136

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588-02151C-18

20188c1

- 1016 h. Dehydrochlormethyltestosterone.
- 1017 i. Dihydrotestosterone (Stanolone).
- 1018 j. Drostanolone.
- 1019 k. Ethylestrenol.
- 1020 l. Fluoxymesterone.
- 1021 m. Formebolone (Formebolone).
- 1022 n. Mesterolone.
- 1023 o. Methandrostenolone (Methandienone).
- 1024 p. Methandranone.
- 1025 q. Methandriol.
- 1026 r. Methenolone.
- 1027 s. Methyltestosterone.
- 1028 t. Mibolerone.
- 1029 u. Nortestosterone (Nandrolone).
- 1030 v. Norethandrolone.
- 1031 w. Nortestosterone decanoate.
- 1032 x. Nortestosterone phenylpropionate.
- 1033 y. Nortestosterone propionate.
- 1034 z. Oxandrolone.
- 1035 aa. Oxymesterone.
- 1036 bb. Oxymetholone.
- 1037 cc. Stanozolol.
- 1038 dd. Testolactone.
- 1039 ee. Testosterone.
- 1040 ff. Testosterone acetate.
- 1041 gg. Testosterone benzoate.
- 1042 hh. Testosterone cypionate.
- 1043 ii. Testosterone decanoate.
- 1044 jj. Testosterone enanthate.

Page 36 of 136

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588-02151C-18

20188c1

1045 kk. Testosterone isocaproate.
 1046 ll. Testosterone oleate.
 1047 mm. Testosterone phenylpropionate.
 1048 nn. Testosterone propionate.
 1049 oo. Testosterone undecanoate.
 1050 pp. Trenbolone.
 1051 qq. Trenbolone acetate.
 1052 rr. Any salt, ester, or isomer of a drug or substance
 1053 described or listed in this subparagraph if that salt, ester, or
 1054 isomer promotes muscle growth.

1055 2. The term does not include an anabolic steroid that is
 1056 expressly intended for administration through implants to cattle
 1057 or other nonhuman species and that has been approved by the
 1058 United States Secretary of Health and Human Services for such
 1059 administration. However, any person who prescribes, dispenses,
 1060 or distributes such a steroid for human use is considered to
 1061 have prescribed, dispensed, or distributed an anabolic steroid
 1062 within the meaning of this paragraph.

1063 (e) Ketamine, including any isomers, esters, ethers, salts,
 1064 and salts of isomers, esters, and ethers, whenever the existence
 1065 of such isomers, esters, ethers, and salts is possible within
 1066 the specific chemical designation.

1067 (f) Dronabinol (synthetic THC) in sesame oil and
 1068 encapsulated in a soft gelatin capsule in a drug product
 1069 approved by the United States Food and Drug Administration.

1070 (g) Any drug product containing gamma-hydroxybutyric acid,
 1071 including its salts, isomers, and salts of isomers, for which an
 1072 application is approved under s. 505 of the Federal Food, Drug,
 1073 and Cosmetic Act.

Page 37 of 136

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

588-02151C-18

20188c1

1074 (4) (a) SCHEDULE IV.—A substance in Schedule IV has a low
 1075 potential for abuse relative to the substances in Schedule III
 1076 and has a currently accepted medical use in treatment in the
 1077 United States, and abuse of the substance may lead to limited
 1078 physical or psychological dependence relative to the substances
 1079 in Schedule III.

1080 (b) Unless specifically excepted or unless listed in
 1081 another schedule, any material, compound, mixture, or
 1082 preparation which contains any quantity of the following
 1083 substances, including its salts, isomers, and salts of isomers
 1084 whenever the existence of such salts, isomers, and salts of
 1085 isomers is possible within the specific chemical designation,
 1086 are controlled in Schedule IV:

1087 1. Alfaxalone.
 1088 2. ~~(a)~~ Alprazolam.
 1089 3. ~~(b)~~ Barbital.
 1090 4. ~~(c)~~ Bromazepam.
 1091 5. ~~(iii)~~ Butorphanol tartrate.
 1092 6. ~~(d)~~ Camazepam.
 1093 7. ~~(jjj)~~ Carisoprodol.
 1094 8. ~~(e)~~ Cathine.
 1095 9. ~~(f)~~ Chloral betaine.
 1096 10. ~~(g)~~ Chloral hydrate.
 1097 11. ~~(h)~~ Chlordiazepoxide.
 1098 12. ~~(i)~~ Clobazam.
 1099 13. ~~(j)~~ Clonazepam.
 1100 14. ~~(k)~~ Clorazepate.
 1101 15. ~~(l)~~ Clotiazepam.
 1102 16. ~~(m)~~ Clozapolam.

Page 38 of 136

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588-02151C-18

20188c1

1103 17. Dexfenfluramine.
 1104 ~~18.(n)~~ Delorazepam.
 1105 19. Dichloralphenazone.
 1106 ~~20.(p)~~ Diazepam.
 1107 ~~21.(q)~~ Diethylpropion.
 1108 22. Eluxadoline.
 1109 ~~23.(r)~~ Estazolam.
 1110 24. Eszopiclone.
 1111 ~~25.(s)~~ Ethchlorvynol.
 1112 ~~26.(t)~~ Ethinamate.
 1113 27.(u) Ethyl loflazepate.
 1114 ~~28.(v)~~ Fencamfamin.
 1115 ~~29.(w)~~ Fenfluramine.
 1116 ~~30.(x)~~ Fenproporex.
 1117 31.(y) Fludiazepam.
 1118 ~~32.(z)~~ Flurazepam.
 1119 33. Fospropofol.
 1120 ~~34.(aa)~~ Halazepam.
 1121 ~~35.(bb)~~ Haloxazolam.
 1122 ~~36.(cc)~~ Ketazolam.
 1123 ~~37.(dd)~~ Loprazolam.
 1124 ~~38.(ee)~~ Lorazepam.
 1125 39. Lorcaserin.
 1126 ~~40.(ff)~~ Lormetazepam.
 1127 ~~41.(gg)~~ Mazindol.
 1128 ~~42.(hh)~~ Mebutamate.
 1129 ~~43.(ii)~~ Medazepam.
 1130 ~~44.(jj)~~ Mefenorex.
 1131 ~~45.(kk)~~ Meprobamate.

Page 39 of 136

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

588-02151C-18

20188c1

1132 ~~46.(ll)~~ Methohexital.
 1133 ~~47.(mm)~~ Methylphenobarbital.
 1134 ~~48.(nn)~~ Midazolam.
 1135 49. Modafinil.
 1136 ~~50.(oo)~~ Nimetazepam.
 1137 ~~51.(pp)~~ Nitrazepam.
 1138 ~~52.(qq)~~ Nordiazepam.
 1139 ~~53.(rr)~~ Oxazepam.
 1140 ~~54.(ss)~~ Oxazolam.
 1141 ~~55.(tt)~~ Paraldehyde.
 1142 ~~56.(uu)~~ Pemoline.
 1143 ~~57.(vv)~~ Pentazocine.
 1144 58. Petrichloral.
 1145 ~~59.(ww)~~ Phenobarbital.
 1146 ~~60.(xx)~~ Phentermine.
 1147 ~~61.(yy)~~ Pinazepam.
 1148 ~~62.(zz)~~ Pipradrol.
 1149 ~~63.(aaa)~~ Prazepam.
 1150 64.(e) Propoxyphene (dosage forms).
 1151 ~~65.(bbb)~~ Propylhexedrine, excluding any patent or
 1152 proprietary preparation containing propylhexedrine, unless
 1153 otherwise provided by federal law.
 1154 ~~66.(ccc)~~ Quazepam.
 1155 67. Sibutramine.
 1156 ~~68.(eee)~~ SPA[(-)-1 dimethylamino-1, 2
 1157 diphenylethane].
 1158 69. Suvorexant.
 1159 ~~70.(fff)~~ Temazepam.
 1160 ~~71.(ddd)~~ Tetrazepam.

Page 40 of 136

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

588-02151C-18

20188c1

1161 72. Tramadol.
 1162 ~~73. (ggg)~~ Triazolam.
 1163 74. Zaleplon.
 1164 75. Zolpidem.
 1165 76. Zopiclone.
 1166 ~~77. (hhh)~~ Not more than 1 milligram of difenoxin and not
 1167 less than 25 micrograms of atropine sulfate per dosage unit.
 1168 (5) SCHEDULE V.—A substance, compound, mixture, or
 1169 preparation of a substance in Schedule V has a low potential for
 1170 abuse relative to the substances in Schedule IV and has a
 1171 currently accepted medical use in treatment in the United
 1172 States, and abuse of such compound, mixture, or preparation may
 1173 lead to limited physical or psychological dependence relative to
 1174 the substances in Schedule IV.
 1175 (a) Substances controlled in Schedule V include any
 1176 compound, mixture, or preparation containing any of the
 1177 following limited quantities of controlled substances, which
 1178 ~~must shall~~ include one or more active medicinal ingredients that
 1179 ~~which~~ are not controlled substances in sufficient proportion to
 1180 confer upon the compound, mixture, or preparation valuable
 1181 medicinal qualities other than those possessed by the controlled
 1182 substance alone:
 1183 1. Not more than 200 milligrams of codeine per 100
 1184 milliliters or per 100 grams.
 1185 2. Not more than 100 milligrams of dihydrocodeine per 100
 1186 milliliters or per 100 grams.
 1187 3. Not more than 100 milligrams of ethylmorphine per 100
 1188 milliliters or per 100 grams.
 1189 4. Not more than 2.5 milligrams of diphenoxylate and not

Page 41 of 136

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588-02151C-18

20188c1

1190 less than 25 micrograms of atropine sulfate per dosage unit.
 1191 5. Not more than 100 milligrams of opium per 100
 1192 milliliters or per 100 grams.
 1193 6. Not more than 0.5 milligrams of difenoxin and not less
 1194 than 25 micrograms of atropine sulfate per dosage unit.
 1195 (b) Unless a specific exception exists or unless listed in
 1196 another schedule, any material, compound, mixture, or
 1197 preparation that contains any quantity of the following
 1198 substances is controlled in Schedule V:
 1199 1. Brivaracetam.
 1200 2. Ezogabine.
 1201 3. Lacosamide.
 1202 4. Pregabalin Narcotic drugs. ~~Unless specifically excepted~~
 1203 ~~or unless listed in another schedule, any material, compound,~~
 1204 ~~mixture, or preparation containing any of the following narcotic~~
 1205 ~~drugs and their salts: Buprenorphine.~~
 1206 (c) Stimulants. Unless specifically excepted or unless
 1207 listed in another schedule, any material, compound, mixture, or
 1208 preparation which contains any quantity of the following
 1209 substances having a stimulant effect on the central nervous
 1210 system, including its salts, isomers, and salts of isomers:
 1211 Pyrovalerone.
 1212 Section 11. Section 893.055, Florida Statutes, is amended
 1213 to read:
 1214 (Substantial rewording of section. See
 1215 s. 893.055, F.S., for present text.)
 1216 893.055 Prescription drug monitoring program.—
 1217 (1) As used in this section, the term:
 1218 (a) "Active investigation" means an investigation that is

Page 42 of 136

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588-02151C-18

20188c1

1219 being conducted with a reasonable, good faith belief that it
 1220 could lead to the filing of administrative, civil, or criminal
 1221 proceedings, or that is ongoing and continuing and for which
 1222 there is a reasonable, good faith anticipation of securing an
 1223 arrest or prosecution in the foreseeable future.

1224 (b) "Administration" means the obtaining and giving of a
 1225 single dose of a controlled substance by a legally authorized
 1226 person to a patient for her or his consumption.

1227 (c) "Controlled substance" means a controlled substance
 1228 listed in Schedule II, Schedule III, Schedule IV, or Schedule V
 1229 of s. 893.03 or 21 U.S.C. s. 812.

1230 (d) "Dispense" means the transfer of possession of one or
 1231 more doses of a controlled substance by a dispenser to the
 1232 ultimate consumer or to his or her agent.

1233 (e) "Dispenser" means a dispensing health care
 1234 practitioner, pharmacy, or pharmacist licensed to dispense
 1235 controlled substances in or into this state.

1236 (f) "Health care practitioner" or "practitioner" means any
 1237 practitioner licensed under chapter 458, chapter 459, chapter
 1238 461, chapter 463, chapter 464, chapter 465, or chapter 466.

1239 (g) "Health care regulatory board" has the same meaning as
 1240 s. 456.001(1).

1241 (h) "Law enforcement agency" means the Department of Law
 1242 Enforcement, a sheriff's office in this state, a police
 1243 department in this state, or a law enforcement agency of the
 1244 Federal Government which enforces the laws of this state or the
 1245 United States relating to controlled substances and whose agents
 1246 and officers are empowered by law to conduct criminal
 1247 investigations and make arrests.

Page 43 of 136

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588-02151C-18

20188c1

1248 (i) "Pharmacy" includes a community pharmacy, an
 1249 institutional pharmacy, a nuclear pharmacy, a special pharmacy,
 1250 or an Internet pharmacy that is licensed by the department under
 1251 chapter 465 and that dispenses or delivers controlled substances
 1252 to an individual or address in this state.

1253 (j) "Prescriber" means a prescribing physician, prescribing
 1254 practitioner, or other prescribing health care practitioner
 1255 authorized by the laws of this state to order controlled
 1256 substances.

1257 (k) "Program manager" means an employee of or a person
 1258 contracted by the department who is designated to ensure the
 1259 integrity of the prescription drug monitoring program in
 1260 accordance with the requirements established in this section.

1261 (2) (a) The department shall maintain an electronic system
 1262 to collect and store controlled substance dispensing information
 1263 and shall release the information as authorized in this section
 1264 and s. 893.0551. The electronic system must:

1265 1. Not infringe upon the legitimate prescribing or
 1266 dispensing of a controlled substance by a prescriber or
 1267 dispenser acting in good faith and in the course of professional
 1268 practice.

1269 2. Be consistent with standards of the American Society for
 1270 Automation in Pharmacy.

1271 3. Comply with the Health Insurance Portability and
 1272 Accountability Act as it pertains to protected health
 1273 information, electronic protected health information, and all
 1274 other relevant state and federal privacy and security laws and
 1275 regulations.

1276 (b) The department may collaborate with professional health

Page 44 of 136

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588-02151C-18

20188c1

1277 care regulatory boards, appropriate organizations, and other
 1278 state agencies to identify indicators of controlled substance
 1279 abuse.

1280 (3) For each controlled substance dispensed to a patient in
 1281 the state, the following information must be reported by the
 1282 dispenser to the system as soon thereafter as possible but no
 1283 later than the close of the next business day after the day the
 1284 controlled substance is dispensed unless an extension or
 1285 exemption is approved by the department:

1286 (a) The name of the prescribing practitioner, the
 1287 practitioner's federal Drug Enforcement Administration
 1288 registration number, the practitioner's National Provider
 1289 Identification (NPI) or other appropriate identifier, and the
 1290 date of the prescription.

1291 (b) The date the prescription was filled and the method of
 1292 payment, such as cash by an individual, insurance coverage
 1293 through a third party, or Medicaid payment. This paragraph does
 1294 not authorize the department to include individual credit card
 1295 numbers or other account numbers in the system.

1296 (c) The full name, address, telephone number, and date of
 1297 birth of the person for whom the prescription was written.

1298 (d) The name, national drug code, quantity, and strength of
 1299 the controlled substance dispensed.

1300 (e) The full name, federal Drug Enforcement Administration
 1301 registration number, State of Florida Department of Health
 1302 issued pharmacy permit number, and address of the pharmacy or
 1303 other location from which the controlled substance was
 1304 dispensed. If the controlled substance was dispensed by a
 1305 practitioner other than a pharmacist, the practitioner's full

588-02151C-18

20188c1

1306 name, address, federal Drug Enforcement Administration
 1307 registration number, State of Florida Department of Health
 1308 issued license number, and National Provider Identification
 1309 (NPI).

1310 (f) Whether the drug was dispensed as an initial
 1311 prescription or a refill, and the number of refills ordered.

1312 (g) The name of the individual picking up the controlled
 1313 substance prescription and type and issuer of the identification
 1314 provided.

1315 (h) Other appropriate identifying information as determined
 1316 by department rule.

1317

1318 All acts of administration of controlled substances are exempt
 1319 from the reporting requirements of this subsection.

1320 (4) The following must be provided direct access to
 1321 information in the system:

1322 (a) A prescriber or dispenser or his or her designee.

1323 (b) An employee of the United States Department of Veterans
 1324 Affairs, United States Department of Defense, or the Indian
 1325 Health Service who provides health care services pursuant to
 1326 such employment and who has the authority to prescribe
 1327 controlled substances shall have access to the information in
 1328 the program's system upon verification of employment.

1329 (c) The program manager or designated program and support
 1330 staff may have access to administer the system.

1331 1. In order to calculate performance measures pursuant to
 1332 subsection (14), the program manager or program and support
 1333 staff members who have been directed by the program manager to
 1334 calculate performance measures may have direct access to

588-02151C-18

20188c1

1335 information that contains no identifying information of any
 1336 patient, physician, health care practitioner, prescriber, or
 1337 dispenser.

1338 2. The program manager or designated program and support
 1339 staff must provide the department, upon request, data that does
 1340 not contain patient, physician, health care practitioner,
 1341 prescriber, or dispenser identifying information for public
 1342 health care and safety initiatives purposes.

1343 3. The program manager, upon determining a pattern
 1344 consistent with the department's rules established under
 1345 subsection (16), may provide relevant information to the
 1346 prescriber and dispenser.

1347 4. The program manager, upon determining a pattern
 1348 consistent with the rules established under subsection (16) and
 1349 having cause to believe a violation of s. 893.13(7)(a)8.,
 1350 (8)(a), or (8)(b) has occurred, may provide relevant information
 1351 to the applicable law enforcement agency.

1352

1353 The program manager and designated program and support staff
 1354 must complete a level II background screening.

1355 (5) The following entities may not directly access
 1356 information in the system, but may request information from the
 1357 program manager or designated program and support staff:

1358 (a) The department and its health care regulatory boards,
 1359 as appropriate, for investigations involving licensees
 1360 authorized to prescribe or dispense controlled substances.

1361 (b) The Attorney General for Medicaid fraud cases involving
 1362 prescribed controlled substances.

1363 (c) A law enforcement agency during active investigations

Page 47 of 136

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588-02151C-18

20188c1

1364 of potential criminal activity, fraud, or theft regarding
 1365 prescribed controlled substances.

1366 (d) A medical examiner when conducting an authorized
 1367 investigation under s. 406.11, to determine the cause of death
 1368 of an individual.

1369 (e) An impaired practitioner consultant who is retained by
 1370 the department under s. 456.076 to review the system information
 1371 of an impaired practitioner program participant or a referral
 1372 who has agreed to be evaluated or monitored through the program
 1373 and who has separately agreed in writing to the consultant's
 1374 access to and review of such information.

1375 (f) A patient or the legal guardian or designated health
 1376 care surrogate of an incapacitated patient who submits a written
 1377 and notarized request that includes the patient's full name,
 1378 address, phone number, date of birth, and a copy of a
 1379 government-issued photo identification.

1380 (6) The department may enter into a reciprocal agreement or
 1381 contract to share prescription drug monitoring information with
 1382 another state, district, or territory if the prescription drug
 1383 monitoring programs of other states, districts, or territories
 1384 are compatible with the Florida program.

1385 (a) In determining compatibility, the department shall
 1386 consider:

1387 1. The safeguards for privacy of patient records and the
 1388 success of the program in protecting patient privacy.

1389 2. The persons authorized to view the data collected by the
 1390 program. Comparable entities and licensed health care
 1391 practitioners in other states, districts, or territories of the
 1392 United States, law enforcement agencies, the Attorney General's

Page 48 of 136

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588-02151C-18

20188c1

1393 Medicaid Fraud Control Unit, medical regulatory boards, and, as
 1394 needed, management staff that have similar duties as management
 1395 staff who work with the prescription drug monitoring program as
 1396 authorized in s. 893.0551 are authorized access upon approval by
 1397 the department.

1398 3. The schedules of the controlled substances that are
 1399 monitored by the program.

1400 4. The data reported to or included in the program's
 1401 system.

1402 5. Any implementing criteria deemed essential for a
 1403 thorough comparison.

1404 6. The costs and benefits to the state of sharing
 1405 prescription information.

1406 (b) The department shall assess the prescription drug
 1407 monitoring program's continued compatibility with the other
 1408 state's, district's, or territory's program every 4 years.

1409 (c) Any agreement or contract for sharing of prescription
 1410 drug monitoring information between the department and another
 1411 state, district, or territory shall contain the same
 1412 restrictions and requirements as this section or s. 893.0551,
 1413 and the information must be provided according to the
 1414 department's determination of compatibility.

1415 (7) The department may enter into agreements or contracts
 1416 to establish secure connections between the system and a
 1417 prescribing or dispensing health care practitioner's electronic
 1418 health recordkeeping system. The electronic health recordkeeping
 1419 system owner or license holder will be responsible for ensuring
 1420 that only authorized individuals have access to prescription
 1421 drug monitoring program information.

Page 49 of 136

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588-02151C-18

20188c1

1422 (8) A prescriber or dispenser or a designee of a prescriber
 1423 or dispenser must consult the system to review a patient's
 1424 controlled substance dispensing history before prescribing or
 1425 dispensing a controlled substance.

1426 (a) The duty to consult the system does not apply to a
 1427 prescriber or dispenser or designee of a prescriber or dispenser
 1428 if the system is not operational, as determined by the
 1429 department, or when it cannot be accessed by a health care
 1430 practitioner because of a temporary technological or electrical
 1431 failure.

1432 (b) A prescriber or dispenser or designee of a prescriber
 1433 or dispenser who does not consult the system under this
 1434 subsection shall document the reason he or she did not consult
 1435 the system in the patient's medical record or prescription
 1436 record, and shall not prescribe or dispense greater than a 3-day
 1437 supply of a controlled substance to the patient.

1438 (c) The department shall issue a citation pursuant to the
 1439 procedure in s. 456.077 to any prescriber or dispenser who fails
 1440 to consult the system as required by this subsection.

1441 (9) A person who willfully and knowingly fails to report
 1442 the dispensing of a controlled substance as required by this
 1443 section commits a misdemeanor of the first degree, punishable as
 1444 provided in s. 775.082 or s. 775.083.

1445 (10) Information in the prescription drug monitoring
 1446 program's system may be released only as provided in this
 1447 section and s. 893.0551. The content of the system is intended
 1448 to be informational only. Information in the system is not
 1449 subject to discovery or introduction into evidence in any civil
 1450 or administrative action against a prescriber, dispenser,

Page 50 of 136

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588-02151C-18

20188c1

1451 pharmacy, or patient arising out of matters that are the subject
 1452 of information in the system. The program manager and authorized
 1453 persons who participate in preparing, reviewing, issuing, or any
 1454 other activity related to management of the system may not be
 1455 permitted or required to testify in any such civil or
 1456 administrative action as to any findings, recommendations,
 1457 evaluations, opinions, or other actions taken in connection with
 1458 management of the system.

1459 (11) A prescriber or dispenser, or his or her designee, may
 1460 have access to the information under this section which relates
 1461 to a patient of that prescriber or dispenser as needed for the
 1462 purpose of reviewing the patient's controlled drug prescription
 1463 history. A prescriber or dispenser acting in good faith is
 1464 immune from any civil, criminal, or administrative liability
 1465 that might otherwise be incurred or imposed for receiving or
 1466 using information from the prescription drug monitoring program.
 1467 This subsection does not create a private cause of action, and a
 1468 person may not recover damages against a prescriber or dispenser
 1469 authorized to access information under this subsection for
 1470 accessing or failing to access such information.

1471 (12) (a) All costs incurred by the department in
 1472 administering the prescription drug monitoring program shall be
 1473 funded through federal grants, private funding applied for or
 1474 received by the state, or state funds appropriated in the
 1475 General Appropriations Act. The department may not:

- 1476 1. Commit funds for the monitoring program without ensuring
 1477 funding is available; or
- 1478 2. Use funds provided, directly or indirectly by
 1479 prescription drug manufacturers to implement the program.

588-02151C-18

20188c1

1480 (b) The department shall cooperate with the direct-support
 1481 organization established under subsection (15) in seeking
 1482 federal grant funds, other nonstate grant funds, gifts,
 1483 donations, or other private moneys for the department if the
 1484 costs of doing so are immaterial. Immaterial costs include, but
 1485 are not limited to, the costs of mailing and personnel assigned
 1486 to research or apply for a grant. The department may
 1487 competitively procure and contract pursuant to s. 287.057 for
 1488 any goods and services required by this section.

1489 (13) The department shall conduct or participate in studies
 1490 to examine the feasibility of enhancing the prescription drug
 1491 monitoring program for the purposes of public health initiatives
 1492 and statistical reporting. Such studies shall respect the
 1493 privacy of the patient, the prescriber, and the dispenser. Such
 1494 studies may be conducted by the department or a contracted
 1495 vendor in order to:

1496 (a) Improve the quality of health care services and safety
 1497 by improving prescribing and dispensing practices for controlled
 1498 substances;

1499 (b) Take advantage of advances in technology;

1500 (c) Reduce duplicative prescriptions and the
 1501 overprescribing of controlled substances; and

1502 (d) Reduce drug abuse.

1503 (14) The department shall annually report on performance
 1504 measures to the Governor, the President of the Senate, and the
 1505 Speaker of the House of Representatives by December 1.
 1506 Performance measures may include, but are not limited to, the
 1507 following outcomes:

1508 (a) Reduction of the rate of inappropriate use of

588-02151C-18

20188c1

1509 controlled substances through department education and safety
 1510 efforts.

1511 (b) Reduction of the quantity of controlled substances
 1512 obtained by individuals attempting to engage in fraud and
 1513 deceit.

1514 (c) Increased coordination among partners participating in
 1515 the prescription drug monitoring program.

1516 (d) Involvement of stakeholders in achieving improved
 1517 patient health care and safety and reduction of controlled
 1518 substance abuse and controlled substance diversion.

1519 (15) The department may establish a direct-support
 1520 organization to provide assistance, funding, and promotional
 1521 support for the activities authorized for the prescription drug
 1522 monitoring program.

1523 (a) As used in this subsection, the term "direct-support
 1524 organization" means an organization that is:

1525 1. A Florida corporation not for profit incorporated under
 1526 chapter 617, exempted from filing fees, and approved by the
 1527 Department of State.

1528 2. Organized and operated to conduct programs and
 1529 activities; raise funds; request and receive grants, gifts, and
 1530 bequests of money; acquire, receive, hold, and invest, in its
 1531 own name, securities, funds, objects of value, or other
 1532 property, either real or personal; and make expenditures or
 1533 provide funding to or for the direct or indirect benefit of the
 1534 department in the furtherance of the prescription drug
 1535 monitoring program.

1536 (b) The State Surgeon General shall appoint a board of
 1537 directors for the direct-support organization.

Page 53 of 136

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588-02151C-18

20188c1

1538 1. The board of directors shall consist of no fewer than
 1539 five members who shall serve at the pleasure of the State
 1540 Surgeon General.

1541 2. The State Surgeon General shall provide guidance to
 1542 members of the board to ensure that moneys received by the
 1543 direct-support organization are not received from inappropriate
 1544 sources. Inappropriate sources include, but are not limited to,
 1545 donors, grantors, persons, prescription drug manufacturers, or
 1546 organizations that may monetarily or substantively benefit from
 1547 the purchase of goods or services by the department in
 1548 furtherance of the prescription drug monitoring program.

1549 (c) The direct-support organization shall operate under
 1550 written contract with the department. The contract must, at a
 1551 minimum, provide for:

1552 1. Approval of the articles of incorporation and bylaws of
 1553 the direct-support organization by the department.

1554 2. Submission of an annual budget for the approval of the
 1555 department.

1556 3. The reversion, without penalty, to the department's
 1557 grants and donations trust fund for the administration of the
 1558 prescription drug monitoring program of all moneys and property
 1559 held in trust by the direct-support organization for the benefit
 1560 of the prescription drug monitoring program if the direct-
 1561 support organization ceases to exist or if the contract is
 1562 terminated.

1563 4. The fiscal year of the direct-support organization,
 1564 which must begin July 1 of each year and end June 30 of the
 1565 following year.

1566 5. The disclosure of the material provisions of the

Page 54 of 136

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588-02151C-18

20188c1

1567 contract to donors of gifts, contributions, or bequests,
 1568 including such disclosure on all promotional and fundraising
 1569 publications, and an explanation to such donors of the
 1570 distinction between the department and the direct-support
 1571 organization.

1572 6. The direct-support organization's collecting, expending,
 1573 and providing of funds to the department for the development,
 1574 implementation, and operation of the prescription drug
 1575 monitoring program as described in this section. The direct-
 1576 support organization may collect and expend funds to be used for
 1577 the functions of the direct-support organization's board of
 1578 directors, as necessary and approved by the department. In
 1579 addition, the direct-support organization may collect and
 1580 provide funding to the department in furtherance of the
 1581 prescription drug monitoring program by:

1582 a. Establishing and administering the prescription drug
 1583 monitoring program's electronic system, including hardware and
 1584 software.

1585 b. Conducting studies on the efficiency and effectiveness
 1586 of the program to include feasibility studies as described in
 1587 subsection (13).

1588 c. Providing funds for future enhancements of the program
 1589 within the intent of this section.

1590 d. Providing user training of the prescription drug
 1591 monitoring program, including distribution of materials to
 1592 promote public awareness and education and conducting workshops
 1593 or other meetings, for health care practitioners, pharmacists,
 1594 and others as appropriate.

1595 e. Providing funds for travel expenses.

Page 55 of 136

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588-02151C-18

20188c1

1596 f. Providing funds for administrative costs, including
 1597 personnel, audits, facilities, and equipment.

1598 g. Fulfilling all other requirements necessary to implement
 1599 and operate the program as outlined in this section.

1600 7. Certification by the department that the direct-support
 1601 organization is complying with the terms of the contract in a
 1602 manner consistent with and in furtherance of the goals and
 1603 purposes of the prescription drug monitoring program and in the
 1604 best interests of the state. Such certification must be made
 1605 annually and reported in the official minutes of a meeting of
 1606 the direct-support organization.

1607 (d) The activities of the direct-support organization must
 1608 be consistent with the goals and mission of the department, as
 1609 determined by the department, and in the best interests of the
 1610 state. The direct-support organization must obtain written
 1611 approval from the department for any activities in support of
 1612 the prescription drug monitoring program before undertaking
 1613 those activities.

1614 (e) The direct-support organization shall provide for an
 1615 independent annual financial audit in accordance with s.
 1616 215.981. Copies of the audit shall be provided to the department
 1617 and the Office of Policy and Budget in the Executive Office of
 1618 the Governor.

1619 (f) The direct-support organization may not exercise any
 1620 power under s. 617.0302(12) or (16).

1621 (g) The direct-support organization is not considered a
 1622 lobbying firm within the meaning of s. 11.045.

1623 (h) The department may permit, without charge, appropriate
 1624 use of administrative services, property, and facilities of the

Page 56 of 136

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588-02151C-18

20188c1

1625 department by the direct-support organization, subject to this
 1626 section. The use must be directly in keeping with the approved
 1627 purposes of the direct-support organization and may not be made
 1628 at times or places that would unreasonably interfere with
 1629 opportunities for the public to use such facilities for
 1630 established purposes. Any moneys received from rentals of
 1631 facilities and properties managed by the department may be held
 1632 in a separate depository account in the name of the direct-
 1633 support organization and subject to the provisions of the letter
 1634 of agreement with the department. The letter of agreement must
 1635 provide that any funds held in the separate depository account
 1636 in the name of the direct-support organization must revert to
 1637 the department if the direct-support organization is no longer
 1638 approved by the department to operate in the best interests of
 1639 the state.

1640 (i) The department may adopt rules under s. 120.54 to
 1641 govern the use of administrative services, property, or
 1642 facilities of the department or office by the direct-support
 1643 organization.

1644 (j) The department may not permit the use of any
 1645 administrative services, property, or facilities of the state by
 1646 a direct-support organization if that organization does not
 1647 provide equal membership and employment opportunities to all
 1648 persons regardless of race, color, religion, gender, age, or
 1649 national origin.

1650 (k) This subsection is repealed October 1, 2027, unless
 1651 reviewed and saved from repeal by the Legislature.

1652 (16) The department shall adopt rules necessary to
 1653 implement this section.

Page 57 of 136

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588-02151C-18

20188c1

1654 Section 12. Section 893.0551, Florida Statutes, is amended
 1655 to read:

1656 893.0551 Public records exemption for the prescription drug
 1657 monitoring program.—

1658 (1) For purposes of this section, the terms used in this
 1659 section have the same meanings as provided in s. 893.055.

1660 (2) The following information of a patient or patient's
 1661 agent, a health care practitioner, a dispenser, an employee of
 1662 the practitioner who is acting on behalf of and at the direction
 1663 of the practitioner, a pharmacist, or a pharmacy that is
 1664 contained in records held by the department under s. 893.055 is
 1665 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 1666 of the State Constitution:

1667 (a) Name.

1668 (b) Address.

1669 (c) Telephone number.

1670 (d) Insurance plan number.

1671 (e) Government-issued identification number.

1672 (f) Provider number.

1673 (g) Drug Enforcement Administration number.

1674 (h) Any other unique identifying information or number.

1675 (3) The department shall disclose such ~~confidential and~~
 1676 ~~exempt~~ information to the following persons or entities upon
 1677 request and after using a verification process to ensure the
 1678 legitimacy of the request as provided in s. 893.055:

1679 (a) A health care practitioner, or his or her designee, who
 1680 certifies that the information is necessary to provide medical
 1681 treatment to a current patient in accordance with ss. 893.05 and
 1682 893.055.

Page 58 of 136

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588-02151C-18

20188c1

1683 (b) A qualified physician, to review a patient's controlled
 1684 drug prescription history before issuing a physician
 1685 certification pursuant to s. 381.986.

1686 (c) An employee of the United States Department of Veterans
 1687 Affairs, United States Department of Defense, or the Indian
 1688 Health Service who provides health care services pursuant to
 1689 such employment and who has the authority to prescribe
 1690 controlled substances shall have access to the information in
 1691 the program's system upon verification of such employment.

1692 (d) The program manager and designated support staff for
 1693 administration of the program, and to provide relevant
 1694 information to the prescriber, dispenser, and appropriate law
 1695 enforcement agencies, in accordance with s. 893.055.

1696 (e) The department for investigations involving licensees
 1697 authorized to prescribe or dispense controlled substances. The
 1698 department may request information from the program but may not
 1699 have direct access to its system. The department may provide to
 1700 a law enforcement agency pursuant to ss. 456.066 and 456.073
 1701 only information that is relevant to the specific controlled
 1702 substances investigation that prompted the request for the
 1703 information.

1704 (f)(a) The Attorney General or his or her designee when
 1705 working on Medicaid fraud cases involving prescribed controlled
 1706 substances ~~prescription drugs~~ or when the Attorney General has
 1707 initiated a review of specific identifiers of Medicaid fraud or
 1708 specific identifiers that warrant a Medicaid investigation
 1709 regarding prescribed controlled substances ~~prescription drugs~~.
 1710 The Attorney General's Medicaid fraud investigators may not have
 1711 direct access to the department's system database. The Attorney

Page 59 of 136

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588-02151C-18

20188c1

1712 General or his or her designee may disclose to a criminal
 1713 justice agency, as defined in s. 119.011, only the ~~confidential~~
 1714 ~~and exempt~~ information received from the department that is
 1715 relevant to an identified active investigation that prompted the
 1716 request for the information.

1717 (g)(b) The department's relevant health care regulatory
 1718 boards responsible for the licensure, regulation, or discipline
 1719 of a practitioner, pharmacist, or other person who is authorized
 1720 to prescribe, administer, or dispense controlled substances and
 1721 who is involved in a specific controlled substances
 1722 investigation for prescription drugs involving a designated
 1723 person. The health care regulatory boards may request
 1724 information from the department but may not have direct access
 1725 to its database. The health care regulatory boards may provide
 1726 to a law enforcement agency pursuant to ss. 456.066 and 456.073
 1727 only information that is relevant to the specific controlled
 1728 substances investigation that prompted the request for the
 1729 information.

1730 (h)(e) A law enforcement agency that has initiated an
 1731 active investigation involving a specific violation of law
 1732 regarding prescription drug abuse or diversion of prescribed
 1733 controlled substances and that has entered into a user agreement
 1734 with the department. A law enforcement agency may request
 1735 information from the department but may not have direct access
 1736 to its system database. The law enforcement agency may disclose
 1737 to a criminal justice agency, as defined in s. 119.011, only
 1738 ~~confidential and exempt~~ information received from the department
 1739 that is relevant to an identified active investigation that
 1740 prompted the request for such information.

Page 60 of 136

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588-02151C-18

20188c1

1741 (i) A district medical examiner or associate medical
 1742 examiner, as described in s. 406.06, pursuant to his or her
 1743 official duties, as required by s. 406.11, to determine the
 1744 cause of death of an individual. Such medical examiners may
 1745 request information from the department but may not have direct
 1746 access to the system

1747 ~~(d) A health care practitioner, or his or her designee, who~~
 1748 ~~certifies that the information is necessary to provide medical~~
 1749 ~~treatment to a current patient in accordance with ss. 893.05 and~~
 1750 ~~893.055.~~

1751 ~~(e) A pharmacist, or his or her designee, who certifies~~
 1752 ~~that the requested information will be used to dispense~~
 1753 ~~controlled substances to a current patient in accordance with~~
 1754 ~~ss. 893.04 and 893.055.~~

1755 ~~(f) A patient or the legal guardian or designated health~~
 1756 ~~care surrogate for an incapacitated patient, if applicable,~~
 1757 ~~making a request as provided in s. 893.055(7)(c)4.~~

1758 ~~(g) The patient's pharmacy, prescriber, or dispenser, or~~
 1759 ~~the designee of the pharmacy, prescriber, or dispenser, who~~
 1760 ~~certifies that the information is necessary to provide medical~~
 1761 ~~treatment to his or her current patient in accordance with s.~~
 1762 ~~893.055.~~

1763 (j)(h) An impaired practitioner consultant who has been
 1764 authorized in writing by a participant in, or by a referral to,
 1765 the impaired practitioner program to access and review
 1766 information as provided in s. 893.055(5)(e) ~~893.055(7)(c)5.~~

1767 (k) A patient or the legal guardian or designated health
 1768 care surrogate for an incapacitated patient, if applicable,
 1769 making a request as provided in s. 893.055(5)(f).

Page 61 of 136

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588-02151C-18

20188c1

1770 (4) If the department determines consistent with its rules
 1771 that a pattern of controlled substance abuse exists, the
 1772 department may disclose such confidential and exempt information
 1773 to the applicable law enforcement agency in accordance with s.
 1774 893.055. The law enforcement agency may disclose to a criminal
 1775 justice agency, as defined in s. 119.011, only ~~confidential and~~
 1776 ~~exempt~~ information received from the department that is relevant
 1777 to an identified active investigation that is specific to a
 1778 violation of s. 893.13(7)(a)8., s. 893.13(8)(a), or s.
 1779 893.13(8)(b).

1780 (5) Before disclosing ~~confidential and exempt~~ information
 1781 to a criminal justice agency or a law enforcement agency
 1782 pursuant to this section, the disclosing person or entity must
 1783 take steps to ensure the continued confidentiality of all
 1784 ~~confidential and exempt~~ information. At a minimum, these steps
 1785 must include redacting any nonrelevant information.

1786 (6) An agency or person who obtains any ~~confidential and~~
 1787 ~~exempt~~ information pursuant to this section must maintain the
 1788 confidential and exempt status of that information and may not
 1789 disclose such information unless authorized by law. Information
 1790 shared with a state attorney pursuant to paragraph (3)(f) ~~(3)(a)~~
 1791 or paragraph (3)(h) ~~(3)(e)~~ may be released only in response to a
 1792 discovery demand if such information is directly related to the
 1793 criminal case for which the information was requested. Unrelated
 1794 information may be released only upon an order of a court of
 1795 competent jurisdiction.

1796 (7) A person who willfully and knowingly violates this
 1797 section commits a felony of the third degree, punishable as
 1798 provided in s. 775.082, s. 775.083, or s. 775.084.

Page 62 of 136

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588-02151C-18

20188c1

1799 Section 13. Effective January 1, 2019, paragraphs (pp) and
1800 (qq) of subsection (1) of section 458.331, Florida Statutes, are
1801 amended to read:

1802 458.331 Grounds for disciplinary action; action by the
1803 board and department.—

1804 (1) The following acts constitute grounds for denial of a
1805 license or disciplinary action, as specified in s. 456.072(2):

1806 (pp) Applicable to a licensee who serves as the designated
1807 physician of a pain-management clinic as defined in s. 458.3265
1808 or s. 459.0137:

1809 1. Registering a pain-management clinic through
1810 misrepresentation or fraud;

1811 2. Procuring, or attempting to procure, the registration of
1812 a pain-management clinic for any other person by making or
1813 causing to be made, any false representation;

1814 3. Failing to comply with any requirement of chapter 499,
1815 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the
1816 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,
1817 the Drug Abuse Prevention and Control Act; or chapter 893, the
1818 Florida Comprehensive Drug Abuse Prevention and Control Act;

1819 4. Being convicted or found guilty of, regardless of
1820 adjudication to, a felony or any other crime involving moral
1821 turpitude, fraud, dishonesty, or deceit in any jurisdiction of
1822 the courts of this state, of any other state, or of the United
1823 States;

1824 5. Being convicted of, or disciplined by a regulatory
1825 agency of the Federal Government or a regulatory agency of
1826 another state for, any offense that would constitute a violation
1827 of this chapter;

Page 63 of 136

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588-02151C-18

20188c1

1828 6. Being convicted of, or entering a plea of guilty or nolo
1829 contendere to, regardless of adjudication, a crime in any
1830 jurisdiction of the courts of this state, of any other state, or
1831 of the United States which relates to the practice of, or the
1832 ability to practice, a licensed health care profession;

1833 7. Being convicted of, or entering a plea of guilty or nolo
1834 contendere to, regardless of adjudication, a crime in any
1835 jurisdiction of the courts of this state, of any other state, or
1836 of the United States which relates to health care fraud;

1837 8. Dispensing any medicinal drug based upon a communication
1838 that purports to be a prescription as defined in s. 465.003(14)
1839 or s. 893.02 if the dispensing practitioner knows or has reason
1840 to believe that the purported prescription is not based upon a
1841 valid practitioner-patient relationship; or

1842 9. Failing to timely notify the board of the date of his or
1843 her termination from a pain-management clinic as required by s.
1844 458.3265(3) ~~458.3265(2)~~.

1845 (qq) Failing to timely notify the department of the theft
1846 of prescription blanks from a pain-management clinic or a breach
1847 of other methods for prescribing within 24 hours as required by
1848 s. 458.3265(3) ~~458.3265(2)~~.

1849 Section 14. Effective January 1, 2019, Paragraphs (rr) and
1850 (ss) of subsection (1) of section 459.015, Florida Statutes, are
1851 amended to read:

1852 459.015 Grounds for disciplinary action; action by the
1853 board and department.—

1854 (1) The following acts constitute grounds for denial of a
1855 license or disciplinary action, as specified in s. 456.072(2):

1856 (rr) Applicable to a licensee who serves as the designated

Page 64 of 136

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588-02151C-18 20188c1

1857 physician of a pain-management clinic as defined in s. 458.3265
 1858 or s. 459.0137:

- 1859 1. Registering a pain-management clinic through
 1860 misrepresentation or fraud;
- 1861 2. Procuring, or attempting to procure, the registration of
 1862 a pain-management clinic for any other person by making or
 1863 causing to be made, any false representation;
- 1864 3. Failing to comply with any requirement of chapter 499,
 1865 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the
 1866 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,
 1867 the Drug Abuse Prevention and Control Act; or chapter 893, the
 1868 Florida Comprehensive Drug Abuse Prevention and Control Act;
- 1869 4. Being convicted or found guilty of, regardless of
 1870 adjudication to, a felony or any other crime involving moral
 1871 turpitude, fraud, dishonesty, or deceit in any jurisdiction of
 1872 the courts of this state, of any other state, or of the United
 1873 States;
- 1874 5. Being convicted of, or disciplined by a regulatory
 1875 agency of the Federal Government or a regulatory agency of
 1876 another state for, any offense that would constitute a violation
 1877 of this chapter;
- 1878 6. Being convicted of, or entering a plea of guilty or nolo
 1879 contendere to, regardless of adjudication, a crime in any
 1880 jurisdiction of the courts of this state, of any other state, or
 1881 of the United States which relates to the practice of, or the
 1882 ability to practice, a licensed health care profession;
- 1883 7. Being convicted of, or entering a plea of guilty or nolo
 1884 contendere to, regardless of adjudication, a crime in any
 1885 jurisdiction of the courts of this state, of any other state, or

Page 65 of 136

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588-02151C-18 20188c1

1886 of the United States which relates to health care fraud;

- 1887 8. Dispensing any medicinal drug based upon a communication
 1888 that purports to be a prescription as defined in s. 465.003(14)
 1889 or s. 893.02 if the dispensing practitioner knows or has reason
 1890 to believe that the purported prescription is not based upon a
 1891 valid practitioner-patient relationship; or
- 1892 9. Failing to timely notify the board of the date of his or
 1893 her termination from a pain-management clinic as required by s.
 1894 459.0137(3) ~~459.0137(2)~~.

1895 (ss) Failing to timely notify the department of the theft
 1896 of prescription blanks from a pain-management clinic or a breach
 1897 of other methods for prescribing within 24 hours as required by
 1898 s. 459.0137(3) ~~459.0137(2)~~.

1899 Section 15. Paragraph (b) of subsection (4) of section
 1900 463.0055, Florida Statutes, is amended to read:

1901 463.0055 Administration and prescription of ocular
 1902 pharmaceutical agents.—

1903 (4) A certified optometrist shall be issued a prescriber
 1904 number by the board. Any prescription written by a certified
 1905 optometrist for an ocular pharmaceutical agent pursuant to this
 1906 section shall have the prescriber number printed thereon. A
 1907 certified optometrist may not administer or prescribe:

1908 (b) A controlled substance for the treatment of chronic
 1909 nonmalignant pain as defined in s. 456.44(1)(f) ~~456.44(1)(e)~~.

1910 Section 16. Paragraph (a) of subsection (1) of section
 1911 782.04, Florida Statutes, is amended to read:

1912 782.04 Murder.—

1913 (1) (a) The unlawful killing of a human being:

1914 1. When perpetrated from a premeditated design to effect

Page 66 of 136

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588-02151C-18

20188c1

1915 the death of the person killed or any human being;

1916 2. When committed by a person engaged in the perpetration

1917 of, or in the attempt to perpetrate, any:

1918 a. Trafficking offense prohibited by s. 893.135(1),

1919 b. Arson,

1920 c. Sexual battery,

1921 d. Robbery,

1922 e. Burglary,

1923 f. Kidnapping,

1924 g. Escape,

1925 h. Aggravated child abuse,

1926 i. Aggravated abuse of an elderly person or disabled adult,

1927 j. Aircraft piracy,

1928 k. Unlawful throwing, placing, or discharging of a

1929 destructive device or bomb,

1930 l. Carjacking,

1931 m. Home-invasion robbery,

1932 n. Aggravated stalking,

1933 o. Murder of another human being,

1934 p. Resisting an officer with violence to his or her person,

1935 q. Aggravated fleeing or eluding with serious bodily injury

1936 or death,

1937 r. Felony that is an act of terrorism or is in furtherance

1938 of an act of terrorism, including a felony under s. 775.30, s.

1939 775.32, s. 775.33, s. 775.34, or s. 775.35, or

1940 s. Human trafficking; or

1941 3. Which resulted from the unlawful distribution by a

1942 person 18 years of age or older of any of the following

1943 substances, or mixture containing any of the following

Page 67 of 136

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588-02151C-18

20188c1

1944 substances, when such substance or mixture is proven to be the

1945 proximate cause of the death of the user:

1946 a. A substance controlled under s. 893.03(1);

1947 b. Cocaine, as described in s. 893.03(2)(a)4.;

1948 c. Opium or any synthetic or natural salt, compound,

1949 derivative, or preparation of opium;

1950 d. Methadone;

1951 e. Alfentanil, as described in s. 893.03(2)(b)1.;

1952 f. Carfentanil, as described in s. 893.03(2)(b)6.;

1953 g. Fentanyl, as described in s. 893.03(2)(b)9.;

1954 h. Sufentanil, as described in s. 893.03(2)(b)30.

1955 ~~893.03(2)(b)29.~~; or

1956 i. A controlled substance analog, as described in s.

1957 893.0356, of any substance specified in sub-subparagraphs a.-h.,

1958

1959 is murder in the first degree and constitutes a capital felony,

1960 punishable as provided in s. 775.082.

1961 Section 17. Paragraphs (a), (c), (d), (e), (f), and (h) of

1962 subsection (1), subsection (2), paragraphs (a) and (b) of

1963 subsection (4), and subsection (5) of section 893.13, Florida

1964 Statutes, are amended to read:

1965 893.13 Prohibited acts; penalties.—

1966 (1) (a) Except as authorized by this chapter and chapter

1967 499, a person may not sell, manufacture, or deliver, or possess

1968 with intent to sell, manufacture, or deliver, a controlled

1969 substance. A person who violates this provision with respect to:

1970 1. A controlled substance named or described in s.

1971 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.

1972 ~~(2)(e)4.~~ commits a felony of the second degree, punishable as

Page 68 of 136

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588-02151C-18

20188c1

1973 provided in s. 775.082, s. 775.083, or s. 775.084.

1974 2. A controlled substance named or described in s.
1975 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.~~ (2)(c)6.,
1976 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10. (3), or (4) commits a
1977 felony of the third degree, punishable as provided in s.
1978 775.082, s. 775.083, or s. 775.084.

1979 3. A controlled substance named or described in s.
1980 893.03(5) commits a misdemeanor of the first degree, punishable
1981 as provided in s. 775.082 or s. 775.083.

1982 (c) Except as authorized by this chapter, a person may not
1983 sell, manufacture, or deliver, or possess with intent to sell,
1984 manufacture, or deliver, a controlled substance in, on, or
1985 within 1,000 feet of the real property comprising a child care
1986 facility as defined in s. 402.302 or a public or private
1987 elementary, middle, or secondary school between the hours of 6
1988 a.m. and 12 midnight, or at any time in, on, or within 1,000
1989 feet of real property comprising a state, county, or municipal
1990 park, a community center, or a publicly owned recreational
1991 facility. As used in this paragraph, the term "community center"
1992 means a facility operated by a nonprofit community-based
1993 organization for the provision of recreational, social, or
1994 educational services to the public. A person who violates this
1995 paragraph with respect to:

1996 1. A controlled substance named or described in s.
1997 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
1998 ~~(2)(c)4.~~ commits a felony of the first degree, punishable as
1999 provided in s. 775.082, s. 775.083, or s. 775.084. The defendant
2000 must be sentenced to a minimum term of imprisonment of 3
2001 calendar years unless the offense was committed within 1,000

Page 69 of 136

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588-02151C-18

20188c1

2002 feet of the real property comprising a child care facility as
2003 defined in s. 402.302.

2004 2. A controlled substance named or described in s.
2005 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.~~ (2)(c)6.,
2006 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10. (3), or (4) commits a
2007 felony of the second degree, punishable as provided in s.
2008 775.082, s. 775.083, or s. 775.084.

2009 3. Any other controlled substance, except as lawfully sold,
2010 manufactured, or delivered, must be sentenced to pay a \$500 fine
2011 and to serve 100 hours of public service in addition to any
2012 other penalty prescribed by law.

2013
2014 This paragraph does not apply to a child care facility unless
2015 the owner or operator of the facility posts a sign that is not
2016 less than 2 square feet in size with a word legend identifying
2017 the facility as a licensed child care facility and that is
2018 posted on the property of the child care facility in a
2019 conspicuous place where the sign is reasonably visible to the
2020 public.

2021 (d) Except as authorized by this chapter, a person may not
2022 sell, manufacture, or deliver, or possess with intent to sell,
2023 manufacture, or deliver, a controlled substance in, on, or
2024 within 1,000 feet of the real property comprising a public or
2025 private college, university, or other postsecondary educational
2026 institution. A person who violates this paragraph with respect
2027 to:

2028 1. A controlled substance named or described in s.
2029 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
2030 ~~(2)(c)4.~~ commits a felony of the first degree, punishable as

Page 70 of 136

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588-02151C-18

20188c1

provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.~~ (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a \$500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(e) Except as authorized by this chapter, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance not authorized by law in, on, or within 1,000 feet of a physical place for worship at which a church or religious organization regularly conducts religious services or within 1,000 feet of a convenience business as defined in s. 812.171. A person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. ~~(2)(e)4.~~ commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.~~ (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a \$500 fine

588-02151C-18

20188c1

and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(f) Except as authorized by this chapter, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a public housing facility at any time. As used in this section, the term "real property comprising a public housing facility" means real property, as defined in s. 421.03(12), of a public corporation created as a housing authority pursuant to part I of chapter 421. A person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. ~~(2)(e)4.~~ commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.~~ (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a \$500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(h) Except as authorized by this chapter, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising an assisted living facility, as that term is used in chapter 429. A person

588-02151C-18

20188c1

2089 who violates this paragraph with respect to:

2090 1. A controlled substance named or described in s.
2091 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
2092 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as
2093 provided in s. 775.082, s. 775.083, or s. 775.084.

2094 2. A controlled substance named or described in s.
2095 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,
2096 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
2097 felony of the second degree, punishable as provided in s.
2098 775.082, s. 775.083, or s. 775.084.

2099 3. Any other controlled substance, except as lawfully sold,
2100 manufactured, or delivered, must be sentenced to pay a \$500 fine
2101 and to serve 100 hours of public service in addition to any
2102 other penalty prescribed by law.

2103 (2)(a) Except as authorized by this chapter and chapter
2104 499, a person may not purchase, or possess with intent to
2105 purchase, a controlled substance. A person who violates this
2106 provision with respect to:

2107 1. A controlled substance named or described in s.
2108 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
2109 ~~(2)(e)4.~~ commits a felony of the second degree, punishable as
2110 provided in s. 775.082, s. 775.083, or s. 775.084.

2111 2. A controlled substance named or described in s.
2112 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,
2113 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
2114 felony of the third degree, punishable as provided in s.
2115 775.082, s. 775.083, or s. 775.084.

2116 3. A controlled substance named or described in s.
2117 893.03(5) commits a misdemeanor of the first degree, punishable

Page 73 of 136

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588-02151C-18

20188c1

2118 as provided in s. 775.082 or s. 775.083.

2119 (b) Except as provided in this chapter, a person may not
2120 purchase more than 10 grams of any substance named or described
2121 in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any
2122 mixture containing any such substance. A person who violates
2123 this paragraph commits a felony of the first degree, punishable
2124 as provided in s. 775.082, s. 775.083, or s. 775.084.

2125 (4) Except as authorized by this chapter, a person 18 years
2126 of age or older may not deliver any controlled substance to a
2127 person younger than 18 years of age, use or hire a person
2128 younger than 18 years of age as an agent or employee in the sale
2129 or delivery of such a substance, or use such person to assist in
2130 avoiding detection or apprehension for a violation of this
2131 chapter. A person who violates this subsection with respect to:

2132 (a) A controlled substance named or described in s.
2133 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
2134 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as
2135 provided in s. 775.082, s. 775.083, or s. 775.084.

2136 (b) A controlled substance named or described in s.
2137 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,
2138 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
2139 felony of the second degree, punishable as provided in s.
2140 775.082, s. 775.083, or s. 775.084.

2141
2142 Imposition of sentence may not be suspended or deferred, and the
2143 person so convicted may not be placed on probation.

2144 (5) A person may not bring into this state any controlled
2145 substance unless the possession of such controlled substance is
2146 authorized by this chapter or unless such person is licensed to

Page 74 of 136

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588-02151C-18

20188c1

2147 do so by the appropriate federal agency. A person who violates
2148 this provision with respect to:

2149 (a) A controlled substance named or described in s.

2150 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.

2151 ~~(2)(c)4.~~ commits a felony of the second degree, punishable as
2152 provided in s. 775.082, s. 775.083, or s. 775.084.

2153 (b) A controlled substance named or described in s.

2154 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.,~~ (2)(c)6.,

2155 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
2156 felony of the third degree, punishable as provided in s.

2157 775.082, s. 775.083, or s. 775.084.

2158 (c) A controlled substance named or described in s.

2159 893.03(5) commits a misdemeanor of the first degree, punishable
2160 as provided in s. 775.082 or s. 775.083.

2161 Section 18. Paragraphs (c) and (f) of subsection (1) of
2162 section 893.135, Florida Statutes, are amended to read:

2163 893.135 Trafficking; mandatory sentences; suspension or
2164 reduction of sentences; conspiracy to engage in trafficking.-

2165 (1) Except as authorized in this chapter or in chapter 499
2166 and notwithstanding the provisions of s. 893.13:

2167 (c)1. A person who knowingly sells, purchases,

2168 manufactures, delivers, or brings into this state, or who is
2169 knowingly in actual or constructive possession of, 4 grams or
2170 more of any morphine, opium, hydromorphone, or any salt,

2171 derivative, isomer, or salt of an isomer thereof, including
2172 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or

2173 (3)(c)4., or 4 grams or more of any mixture containing any such
2174 substance, but less than 30 kilograms of such substance or
2175 mixture, commits a felony of the first degree, which felony

Page 75 of 136

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588-02151C-18

20188c1

2176 shall be known as "trafficking in illegal drugs," punishable as
2177 provided in s. 775.082, s. 775.083, or s. 775.084. If the
2178 quantity involved:

2179 a. Is 4 grams or more, but less than 14 grams, such person
2180 shall be sentenced to a mandatory minimum term of imprisonment
2181 of 3 years and shall be ordered to pay a fine of \$50,000.

2182 b. Is 14 grams or more, but less than 28 grams, such person
2183 shall be sentenced to a mandatory minimum term of imprisonment
2184 of 15 years and shall be ordered to pay a fine of \$100,000.

2185 c. Is 28 grams or more, but less than 30 kilograms, such
2186 person shall be sentenced to a mandatory minimum term of
2187 imprisonment of 25 years and shall be ordered to pay a fine of
2188 \$500,000.

2189 2. A person who knowingly sells, purchases, manufactures,
2190 delivers, or brings into this state, or who is knowingly in
2191 actual or constructive possession of, 14 grams or more of
2192 hydrocodone, as described in s. 893.03(2)(a)1.k.

2193 ~~893.03(2)(a)1.j.,~~ codeine, as described in s. 893.03(2)(a)1.g.,
2194 or any salt thereof, or 14 grams or more of any mixture
2195 containing any such substance, commits a felony of the first
2196 degree, which felony shall be known as "trafficking in
2197 hydrocodone," punishable as provided in s. 775.082, s. 775.083,
2198 or s. 775.084. If the quantity involved:

2199 a. Is 14 grams or more, but less than 28 grams, such person
2200 shall be sentenced to a mandatory minimum term of imprisonment
2201 of 3 years and shall be ordered to pay a fine of \$50,000.

2202 b. Is 28 grams or more, but less than 50 grams, such person
2203 shall be sentenced to a mandatory minimum term of imprisonment
2204 of 7 years and shall be ordered to pay a fine of \$100,000.

Page 76 of 136

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588-02151C-18

20188c1

2205 c. Is 50 grams or more, but less than 200 grams, such
 2206 person shall be sentenced to a mandatory minimum term of
 2207 imprisonment of 15 years and shall be ordered to pay a fine of
 2208 \$500,000.

2209 d. Is 200 grams or more, but less than 30 kilograms, such
 2210 person shall be sentenced to a mandatory minimum term of
 2211 imprisonment of 25 years and shall be ordered to pay a fine of
 2212 \$750,000.

2213 3. A person who knowingly sells, purchases, manufactures,
 2214 delivers, or brings into this state, or who is knowingly in
 2215 actual or constructive possession of, 7 grams or more of
 2216 oxycodone, as described in s. 893.03(2)(a)1.g. ~~893.03(2)(a)1.e.~~,
 2217 or any salt thereof, or 7 grams or more of any mixture
 2218 containing any such substance, commits a felony of the first
 2219 degree, which felony shall be known as "trafficking in
 2220 oxycodone," punishable as provided in s. 775.082, s. 775.083, or
 2221 s. 775.084. If the quantity involved:

2222 a. Is 7 grams or more, but less than 14 grams, such person
 2223 shall be sentenced to a mandatory minimum term of imprisonment
 2224 of 3 years and shall be ordered to pay a fine of \$50,000.

2225 b. Is 14 grams or more, but less than 25 grams, such person
 2226 shall be sentenced to a mandatory minimum term of imprisonment
 2227 of 7 years and shall be ordered to pay a fine of \$100,000.

2228 c. Is 25 grams or more, but less than 100 grams, such
 2229 person shall be sentenced to a mandatory minimum term of
 2230 imprisonment of 15 years and shall be ordered to pay a fine of
 2231 \$500,000.

2232 d. Is 100 grams or more, but less than 30 kilograms, such
 2233 person shall be sentenced to a mandatory minimum term of

Page 77 of 136

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588-02151C-18

20188c1

2234 imprisonment of 25 years and shall be ordered to pay a fine of
 2235 \$750,000.

2236 4.a. A person who knowingly sells, purchases, manufactures,
 2237 delivers, or brings into this state, or who is knowingly in
 2238 actual or constructive possession of, 4 grams or more of:

2239 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

2240 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

2241 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

2242 (IV) Sufentanil, as described in s. 893.03(2)(b)30.

2243 ~~893.03(2)(b)29.~~;

2244 (V) A fentanyl derivative, as described in s.

2245 893.03(1)(a)62.;

2246 (VI) A controlled substance analog, as described in s.

2247 893.0356, of any substance described in sub-sub-subparagraphs
 2248 (I)-(V); or

2249 (VII) A mixture containing any substance described in sub-
 2250 sub-subparagraphs (I)-(VI),

2251 commits a felony of the first degree, which felony shall be
 2252 known as "trafficking in fentanyl," punishable as provided in s.
 2253 775.082, s. 775.083, or s. 775.084.

2254 b. If the quantity involved under sub-subparagraph a.:

2255 (I) Is 4 grams or more, but less than 14 grams, such person
 2256 shall be sentenced to a mandatory minimum term of imprisonment
 2257 of 3 years, and shall be ordered to pay a fine of \$50,000.

2258 (II) Is 14 grams or more, but less than 28 grams, such
 2259 person shall be sentenced to a mandatory minimum term of
 2260 imprisonment of 15 years, and shall be ordered to pay a fine of
 2261 \$100,000.
 2262

Page 78 of 136

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588-02151C-18

20188c1

2263 (III) Is 28 grams or more, such person shall be sentenced
 2264 to a mandatory minimum term of imprisonment of 25 years, and
 2265 shall be ordered to pay a fine of \$500,000.

2266 5. A person who knowingly sells, purchases, manufactures,
 2267 delivers, or brings into this state, or who is knowingly in
 2268 actual or constructive possession of, 30 kilograms or more of
 2269 any morphine, opium, oxycodone, hydrocodone, codeine,
 2270 hydromorphone, or any salt, derivative, isomer, or salt of an
 2271 isomer thereof, including heroin, as described in s.
 2272 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
 2273 more of any mixture containing any such substance, commits the
 2274 first degree felony of trafficking in illegal drugs. A person
 2275 who has been convicted of the first degree felony of trafficking
 2276 in illegal drugs under this subparagraph shall be punished by
 2277 life imprisonment and is ineligible for any form of
 2278 discretionary early release except pardon or executive clemency
 2279 or conditional medical release under s. 947.149. However, if the
 2280 court determines that, in addition to committing any act
 2281 specified in this paragraph:

2282 a. The person intentionally killed an individual or
 2283 counseled, commanded, induced, procured, or caused the
 2284 intentional killing of an individual and such killing was the
 2285 result; or

2286 b. The person's conduct in committing that act led to a
 2287 natural, though not inevitable, lethal result,
 2288
 2289 such person commits the capital felony of trafficking in illegal
 2290 drugs, punishable as provided in ss. 775.082 and 921.142. A
 2291 person sentenced for a capital felony under this paragraph shall

Page 79 of 136

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588-02151C-18

20188c1

2292 also be sentenced to pay the maximum fine provided under
 2293 subparagraph 1.

2294 6. A person who knowingly brings into this state 60
 2295 kilograms or more of any morphine, opium, oxycodone,
 2296 hydrocodone, codeine, hydromorphone, or any salt, derivative,
 2297 isomer, or salt of an isomer thereof, including heroin, as
 2298 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
 2299 60 kilograms or more of any mixture containing any such
 2300 substance, and who knows that the probable result of such
 2301 importation would be the death of a person, commits capital
 2302 importation of illegal drugs, a capital felony punishable as
 2303 provided in ss. 775.082 and 921.142. A person sentenced for a
 2304 capital felony under this paragraph shall also be sentenced to
 2305 pay the maximum fine provided under subparagraph 1.

2306 (f)1. Any person who knowingly sells, purchases,
 2307 manufactures, delivers, or brings into this state, or who is
 2308 knowingly in actual or constructive possession of, 14 grams or
 2309 more of amphetamine, as described in s. 893.03(2)(c)2., or
 2310 methamphetamine, as described in s. 893.03(2)(c)5.

2311 ~~893.03(2)(c)4.~~, or of any mixture containing amphetamine or
 2312 methamphetamine, or phenylacetone, phenylacetic acid,
 2313 pseudoephedrine, or ephedrine in conjunction with other
 2314 chemicals and equipment utilized in the manufacture of
 2315 amphetamine or methamphetamine, commits a felony of the first
 2316 degree, which felony shall be known as "trafficking in
 2317 amphetamine," punishable as provided in s. 775.082, s. 775.083,
 2318 or s. 775.084. If the quantity involved:

2319 a. Is 14 grams or more, but less than 28 grams, such person
 2320 shall be sentenced to a mandatory minimum term of imprisonment

Page 80 of 136

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588-02151C-18 20188c1

2321 of 3 years, and the defendant shall be ordered to pay a fine of
 2322 \$50,000.

2323 b. Is 28 grams or more, but less than 200 grams, such
 2324 person shall be sentenced to a mandatory minimum term of
 2325 imprisonment of 7 years, and the defendant shall be ordered to
 2326 pay a fine of \$100,000.

2327 c. Is 200 grams or more, such person shall be sentenced to
 2328 a mandatory minimum term of imprisonment of 15 calendar years
 2329 and pay a fine of \$250,000.

2330 2. Any person who knowingly manufactures or brings into
 2331 this state 400 grams or more of amphetamine, as described in s.
 2332 893.03(2)(c)2., or methamphetamine, as described in s.
 2333 893.03(2)(c)5. ~~893.03(2)(c)4.~~, or of any mixture containing
 2334 amphetamine or methamphetamine, or phenylacetone, phenylacetic
 2335 acid, pseudoephedrine, or ephedrine in conjunction with other
 2336 chemicals and equipment used in the manufacture of amphetamine
 2337 or methamphetamine, and who knows that the probable result of
 2338 such manufacture or importation would be the death of any person
 2339 commits capital manufacture or importation of amphetamine, a
 2340 capital felony punishable as provided in ss. 775.082 and
 2341 921.142. Any person sentenced for a capital felony under this
 2342 paragraph shall also be sentenced to pay the maximum fine
 2343 provided under subparagraph 1.

2344 Section 19. Paragraphs (b) through (e) and (g) of
 2345 subsection (3) of section 921.0022, Florida Statutes, are
 2346 amended to read:

2347 921.0022 Criminal Punishment Code; offense severity ranking
 2348 chart.-

2349 (3) OFFENSE SEVERITY RANKING CHART

588-02151C-18 20188c1

2350 (b) LEVEL 2

2351

2352

Florida Statute	Felony Degree	Description
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2353

379.2431 (1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
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2354

379.2431 (1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
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2355

403.413(6)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
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2356

517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
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2357

590.28(1)	3rd	Intentional burning of lands.
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2358

784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor
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	588-02151C-18		20188c1	who uses it to inflict injury or death.
2359				
	787.04(1)	3rd		In violation of court order, take, entice, etc., minor beyond state limits.
2360				
	806.13(1)(b)3.	3rd		Criminal mischief; damage \$1,000 or more to public communication or any other public service.
2361				
	810.061(2)	3rd		Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
2362				
	810.09(2)(e)	3rd		Trespassing on posted commercial horticulture property.
2363				
	812.014(2)(c)1.	3rd		Grand theft, 3rd degree; \$300 or more but less than \$5,000.
2364				
	812.014(2)(d)	3rd		Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
2365				

	588-02151C-18		20188c1	
	812.015(7)	3rd		Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
2366				
	817.234(1)(a)2.	3rd		False statement in support of insurance claim.
2367				
	817.481(3)(a)	3rd		Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
2368				
	817.52(3)	3rd		Failure to redeliver hired vehicle.
2369				
	817.54	3rd		With intent to defraud, obtain mortgage note, etc., by false representation.
2370				
	817.60(5)	3rd		Dealing in credit cards of another.
2371				
	817.60(6)(a)	3rd		Forgery; purchase goods, services with false card.
2372				
	817.61	3rd		Fraudulent use of credit cards over \$100 or more within 6 months.

	588-02151C-18		20188c1
2373	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
2374	831.01	3rd	Forgery.
2375	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
2376	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
2377	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
2378	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
2379	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
2380	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
2381			

	588-02151C-18		20188c1
2382	843.08	3rd	False personation.
	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5. , (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., <u>(2)(c)10.</u> , (3), or (4) drugs other than cannabis.
2383	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
2384			
2385			
2386	(c) LEVEL 3		
2387			
2388			
	Florida Statute	Felony Degree	Description
2389	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
2390	316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
2391	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
2392	316.1935(2)	3rd	Fleeing or attempting to elude

	588-02151C-18		20188c1
			law enforcement officer in patrol vehicle with siren and lights activated.
2393	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
2394	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
2395	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
2396	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
2397	327.35(2)(b)	3rd	Felony BUI.
2398	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
2399	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit

Page 87 of 136

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	588-02151C-18		20188c1
			or wrong ID number.
2400	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
2401	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
2402	379.2431 (1)(e)6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
2403	379.2431 (1)(e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
2404	400.9935(4)(a)	3rd	Operating a clinic, or offering

Page 88 of 136

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	588-02151C-18		20188c1	
	or (b)		services requiring licensure, without a license.	
2405	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.	
2406	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.	
2407	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.	
2408	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.	
2409	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.	
2410	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.	
2411				

Page 89 of 136

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	588-02151C-18		20188c1	
	697.08	3rd	Equity skimming.	
2412	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.	
2413	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.	
2414	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.	
2415	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.	
2416	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.	
2417	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.	
2418	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.	
2419				

Page 90 of 136

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	588-02151C-18		20188c1
2420	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
2421	817.233	3rd	Burning to defraud insurer.
2422	817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
2423	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
2424	817.236	3rd	Filing a false motor vehicle insurance application.
2425	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
2426	817.413(2)	3rd	Sale of used goods as new.
2427	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

	588-02151C-18		20188c1
2428	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
2429	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
2430	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
2431	843.19	3rd	Injure, disable, or kill police dog or horse.
2432	860.15(3)	3rd	Overcharging for repairs and parts.
2433	870.01(2)	3rd	Riot; inciting or encouraging.
2434	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5. , (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., <u>(2)(c)10.</u> , (3), or (4) drugs).
	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver

588-02151C-18

20188c1

s. 893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3., ~~(2)(c)5.~~,
 (2)(c)6., (2)(c)7., (2)(c)8.,
 (2)(c)9., (2)(c)10., (3), or
 (4) drugs within 1,000 feet of
 university.

2435

893.13(1)(f)2. 2nd Sell, manufacture, or deliver
 s. 893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3., ~~(2)(c)5.~~,
 (2)(c)6., (2)(c)7., (2)(c)8.,
 (2)(c)9., (2)(c)10., (3), or
 (4) drugs within 1,000 feet of
 public housing facility.

2436

893.13(4)(c) 3rd Use or hire of minor; deliver
 to minor other controlled
 substances.

2437

893.13(6)(a) 3rd Possession of any controlled
 substance other than felony
 possession of cannabis.

2438

893.13(7)(a)8. 3rd Withhold information from
 practitioner regarding previous
 receipt of or prescription for
 a controlled substance.

2439

893.13(7)(a)9. 3rd Obtain or attempt to obtain

588-02151C-18

20188c1

controlled substance by fraud,
 forgery, misrepresentation,
 etc.

2440

893.13(7)(a)10. 3rd Affix false or forged label to
 package of controlled
 substance.

2441

893.13(7)(a)11. 3rd Furnish false or fraudulent
 material information on any
 document or record required by
 chapter 893.

2442

893.13(8)(a)1. 3rd Knowingly assist a patient,
 other person, or owner of an
 animal in obtaining a
 controlled substance through
 deceptive, untrue, or
 fraudulent representations in
 or related to the
 practitioner's practice.

2443

893.13(8)(a)2. 3rd Employ a trick or scheme in the
 practitioner's practice to
 assist a patient, other person,
 or owner of an animal in
 obtaining a controlled
 substance.

2444

	588-02151C-18		20188c1
2445	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
2446	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
2447	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
2448	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
2449	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
2450	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
2451			
2452	(d) LEVEL 4		

	588-02151C-18		20188c1
2453	Florida Statute	Felony Degree	Description
2454	316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
2455	499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
2456	499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
2457	517.07(1)	3rd	Failure to register securities.
2458	517.12(1)	3rd	Failure of dealer,

	588-02151C-18		20188c1
			associated person, or issuer of securities to register.
2459	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
2460	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
2461	784.075	3rd	Battery on detention or commitment facility staff.
2462	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
2463	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
2464	784.081(3)	3rd	Battery on specified official or employee.
2465	784.082(3)	3rd	Battery by detained

Page 97 of 136

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

	588-02151C-18		20188c1
			person on visitor or other detainee.
2466	784.083(3)	3rd	Battery on code inspector.
2467	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
2468	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
2469	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
2470	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated

Page 98 of 136

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	588-02151C-18		20188c1
			person.
2471	787.07	3rd	Human smuggling.
2472	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
2473	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
2474	790.115(2)(c)	3rd	Possessing firearm on school property.
2475	800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
2476	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
2477	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an

Page 99 of 136

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	588-02151C-18		20188c1
			unoccupied conveyance; unarmed; no assault or battery.
2478	810.06	3rd	Burglary; possession of tools.
2479	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
2480	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
2481	812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
2482	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
2483	817.505(4)(a)	3rd	Patient brokering.
2484	817.563(1)	3rd	Sell or deliver substance other than controlled substance

Page 100 of 136

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	588-02151C-18		20188c1	
			agreed upon, excluding	
			s. 893.03(5) drugs.	
2485	817.568(2)(a)	3rd	Fraudulent use of	
			personal identification	
			information.	
2486	817.625(2)(a)	3rd	Fraudulent use of	
			scanning device,	
			skimming device, or	
			reencoder.	
2487	817.625(2)(c)	3rd	Possess, sell, or	
			deliver skimming device.	
2488	828.125(1)	2nd	Kill, maim, or cause	
			great bodily harm or	
			permanent breeding	
			disability to any	
			registered horse or	
			cattle.	
2489	837.02(1)	3rd	Perjury in official	
			proceedings.	
2490	837.021(1)	3rd	Make contradictory	
			statements in official	
			proceedings.	
2491				

Page 101 of 136

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	588-02151C-18		20188c1	
	838.022	3rd	Official misconduct.	
2492	839.13(2)(a)	3rd	Falsifying records of an	
			individual in the care	
			and custody of a state	
			agency.	
2493	839.13(2)(c)	3rd	Falsifying records of	
			the Department of	
			Children and Families.	
2494	843.021	3rd	Possession of a	
			concealed handcuff key	
			by a person in custody.	
2495	843.025	3rd	Deprive law enforcement,	
			correctional, or	
			correctional probation	
			officer of means of	
			protection or	
			communication.	
2496	843.15(1)(a)	3rd	Failure to appear while	
			on bail for felony (bond	
			estreature or bond	
			jumping).	
2497	847.0135(5)(c)	3rd	Lewd or lascivious	
			exhibition using	

Page 102 of 136

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588-02151C-18 20188c1
 computer; offender less
 than 18 years.

2498 874.05(1) (a) 3rd Encouraging or
 recruiting another to
 join a criminal gang.

2499 893.13(2) (a)1. 2nd Purchase of cocaine (or
 other s. 893.03(1) (a),
 (b), or (d), (2) (a),
 (2) (b), or (2) (c) 5.
~~(2) (c) 4.~~ drugs).

2500 914.14(2) 3rd Witnesses accepting
 bribes.

2501 914.22(1) 3rd Force, threaten, etc.,
 witness, victim, or
 informant.

2502 914.23(2) 3rd Retaliation against a
 witness, victim, or
 informant, no bodily
 injury.

2503 918.12 3rd Tampering with jurors.

2504 934.215 3rd Use of two-way
 communications device to

588-02151C-18 20188c1
 facilitate commission of
 a crime.

2505

2506

2507

2508 (e) LEVEL 5

2509

2510

Florida Statute	Felony Degree	Description
2511 316.027(2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
2512 316.1935(4) (a)	2nd	Aggravated fleeing or eluding.
2513 316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
2514 322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
2515 327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
2516		

588-02151C-18 20188c1

379.365(2)(c)1. 3rd Violation of rules relating to:
willful molestation of stone
crab traps, lines, or buoys;
illegal bartering, trading, or
sale, conspiring or aiding in
such barter, trade, or sale, or
supplying, agreeing to supply,
aiding in supplying, or giving
away stone crab trap tags or
certificates; making, altering,
forging, counterfeiting, or
reproducing stone crab trap
tags; possession of forged,
counterfeit, or imitation stone
crab trap tags; and engaging in
the commercial harvest of stone
crabs while license is
suspended or revoked.

2517 379.367(4) 3rd Willful molestation of a
commercial harvester's spiny
lobster trap, line, or buoy.

2518 379.407(5)(b)3. 3rd Possession of 100 or more
undersized spiny lobsters.

2519 381.0041(11)(b) 3rd Donate blood, plasma, or organs
knowing HIV positive.

2520

588-02151C-18 20188c1

440.10(1)(g) 2nd Failure to obtain workers'
compensation coverage.

2521 440.105(5) 2nd Unlawful solicitation for the
purpose of making workers'
compensation claims.

2522 440.381(2) 2nd Submission of false,
misleading, or incomplete
information with the purpose of
avoiding or reducing workers'
compensation premiums.

2523 624.401(4)(b)2. 2nd Transacting insurance without a
certificate or authority;
premium collected \$20,000 or
more but less than \$100,000.

2524 626.902(1)(c) 2nd Representing an unauthorized
insurer; repeat offender.

2525 790.01(2) 3rd Carrying a concealed firearm.

2526 790.162 2nd Threat to throw or discharge
destructive device.

2527 790.163(1) 2nd False report of bomb,
explosive, weapon of mass
destruction, or use of firearms

	588-02151C-18		20188c1	
				in violent manner.
2528	790.221(1)	2nd		Possession of short-barreled shotgun or machine gun.
2529	790.23	2nd		Felons in possession of firearms, ammunition, or electronic weapons or devices.
2530	796.05(1)	2nd		Live on earnings of a prostitute; 1st offense.
2531	800.04(6)(c)	3rd		Lewd or lascivious conduct; offender less than 18 years of age.
2532	800.04(7)(b)	2nd		Lewd or lascivious exhibition; offender 18 years of age or older.
2533	806.111(1)	3rd		Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
2534	812.0145(2)(b)	2nd		Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
2535				

Page 107 of 136

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	588-02151C-18		20188c1	
	812.015(8)	3rd		Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
2536	812.019(1)	2nd		Stolen property; dealing in or trafficking in.
2537	812.131(2)(b)	3rd		Robbery by sudden snatching.
2538	812.16(2)	3rd		Owning, operating, or conducting a chop shop.
2539	817.034(4)(a)2.	2nd		Communications fraud, value \$20,000 to \$50,000.
2540	817.234(11)(b)	2nd		Insurance fraud; property value \$20,000 or more but less than \$100,000.
2541	817.2341(1), (2)(a) & (3)(a)	3rd		Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
2542	817.568(2)(b)	2nd		Fraudulent use of personal identification information; value of benefit, services

Page 108 of 136

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	588-02151C-18		20188c1	received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
2543	817.611(2)(a)	2nd		Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
2544	817.625(2)(b)	2nd		Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
2545	825.1025(4)	3rd		Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
2546	827.071(4)	2nd		Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
2547	827.071(5)	3rd		Possess, control, or intentionally view any photographic material, motion picture, etc., which includes

	588-02151C-18		20188c1	sexual conduct by a child.
2548	839.13(2)(b)	2nd		Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
2549	843.01	3rd		Resist officer with violence to person; resist arrest with violence.
2550	847.0135(5)(b)	2nd		Lewd or lascivious exhibition using computer; offender 18 years or older.
2551	847.0137 (2) & (3)	3rd		Transmission of pornography by electronic device or equipment.
2552	847.0138 (2) & (3)	3rd		Transmission of material harmful to minors to a minor by electronic device or equipment.
2553	874.05(1)(b)	2nd		Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
2554	874.05(2)(a)	2nd		Encouraging or recruiting

588-02151C-18 20188c1
 person under 13 years of age to
 join a criminal gang.

2555 893.13(1)(a)1. 2nd Sell, manufacture, or deliver
 cocaine (or other s.
 893.03(1)(a), (1)(b), (1)(d),
 (2)(a), (2)(b), or (2)(c)5.
~~(2)(c)4.~~ drugs).

2556 893.13(1)(c)2. 2nd Sell, manufacture, or deliver
 cannabis (or other s.
 893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3., ~~(2)(c)5.~~,
 (2)(c)6., (2)(c)7., (2)(c)8.,
 (2)(c)9., (2)(c)10., (3), or
 (4) drugs) within 1,000 feet of
 a child care facility, school,
 or state, county, or municipal
 park or publicly owned
 recreational facility or
 community center.

2557 893.13(1)(d)1. 1st Sell, manufacture, or deliver
 cocaine (or other s.
 893.03(1)(a), (1)(b), (1)(d),
 (2)(a), (2)(b), or (2)(c)5.
~~(2)(c)4.~~ drugs) within 1,000
 feet of university.

2558

588-02151C-18 20188c1
 893.13(1)(e)2. 2nd Sell, manufacture, or deliver
 cannabis or other drug
 prohibited under s.
 893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3., ~~(2)(c)5.~~,
 (2)(c)6., (2)(c)7., (2)(c)8.,
 (2)(c)9., (2)(c)10., (3), or
 (4) within 1,000 feet of
 property used for religious
 services or a specified
 business site.

2559 893.13(1)(f)1. 1st Sell, manufacture, or deliver
 cocaine (or other s.
 893.03(1)(a), (1)(b), (1)(d),
 or (2)(a), (2)(b), or (2)(c)5.
~~(2)(c)4.~~ drugs) within 1,000
 feet of public housing
 facility.

2560 893.13(4)(b) 2nd Use or hire of minor; deliver
 to minor other controlled
 substance.

2561 893.1351(1) 3rd Ownership, lease, or rental for
 trafficking in or manufacturing
 of controlled substance.

2562

2563

588-02151C-18 20188c1

Line	Florida Statute	Felony Degree	Description
2564	(g) LEVEL 7		
2565			
2566	316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
2567	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
2568	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
2569	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
2570	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great

588-02151C-18 20188c1

Line	Florida Statute	Felony Degree	Description
			bodily harm, permanent disfiguration, permanent disability, or death.
2571	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
2572	409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
2573	456.065(2)	3rd	Practicing a health care profession without a license.
2574	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
2575	458.327(1)	3rd	Practicing medicine without a license.
2576	459.013(1)	3rd	Practicing osteopathic medicine without a license.
2577	460.411(1)	3rd	Practicing chiropractic medicine without a

	588-02151C-18		20188c1	
			license.	
2578	461.012(1)	3rd	Practicing podiatric medicine without a license.	
2579	462.17	3rd	Practicing naturopathy without a license.	
2580	463.015(1)	3rd	Practicing optometry without a license.	
2581	464.016(1)	3rd	Practicing nursing without a license.	
2582	465.015(2)	3rd	Practicing pharmacy without a license.	
2583	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.	
2584	467.201	3rd	Practicing midwifery without a license.	
2585	468.366	3rd	Delivering respiratory care services without a license.	
2586				

Page 115 of 136

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	588-02151C-18		20188c1	
	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.	
2587	483.901(7)	3rd	Practicing medical physics without a license.	
2588	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.	
2589	484.053	3rd	Dispensing hearing aids without a license.	
2590	494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.	
2591	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.	
2592	560.125(5)(a)	3rd	Money services business by	

Page 116 of 136

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	588-02151C-18		20188c1	unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
2593	655.50(10)(b)1.	3rd		Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
2594	775.21(10)(a)	3rd		Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
2595	775.21(10)(b)	3rd		Sexual predator working where children regularly congregate.
2596	775.21(10)(g)	3rd		Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
2597	782.051(3)	2nd		Attempted felony murder of a person by a person other

	588-02151C-18		20188c1	than the perpetrator or the perpetrator of an attempted felony.
2598	782.07(1)	2nd		Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
2599	782.071	2nd		Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
2600	782.072	2nd		Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
2601	784.045(1)(a)1.	2nd		Aggravated battery; intentionally causing great bodily harm or disfigurement.
2602	784.045(1)(a)2.	2nd		Aggravated battery; using deadly weapon.
2603				

	588-02151C-18		20188c1
2604	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
2605	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
2606	784.048(7)	3rd	Aggravated stalking; violation of court order.
2607	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
2608	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
2609	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
2610	784.081(1)	1st	Aggravated battery on specified official or employee.
	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.

Page 119 of 136

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	588-02151C-18		20188c1
2611	784.083(1)	1st	Aggravated battery on code inspector.
2612	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
2613	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
2614	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
2615	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
2616	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
2617	790.165(3)	2nd	Possessing, displaying, or

Page 120 of 136

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

	588-02151C-18		20188c1	threatening to use any hoax bomb while committing or attempting to commit a felony.
2618	790.166(3)	2nd		Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
2619	790.166(4)	2nd		Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
2620	790.23	1st,PBL		Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
2621	794.08(4)	3rd		Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
2622				

	588-02151C-18		20188c1	
	796.05(1)	1st		Live on earnings of a prostitute; 2nd offense.
2623	796.05(1)	1st		Live on earnings of a prostitute; 3rd and subsequent offense.
2624	800.04(5)(c)1.	2nd		Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
2625	800.04(5)(c)2.	2nd		Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
2626	800.04(5)(e)	1st		Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
2627	806.01(2)	2nd		Maliciously damage

	588-02151C-18		20188c1	
			structure by fire or explosive.	
2628	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.	
2629	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.	
2630	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.	
2631	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.	
2632	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.	
2633	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than	

	588-02151C-18		20188c1	
			\$50,000, grand theft in 2nd degree.	
2634	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.	
2635	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.	
2636	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.	
2637	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.	
2638	812.131(2)(a)	2nd	Robbery by sudden snatching.	
2639	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.	
2640				

	588-02151C-18		20188c1
2641	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
2642	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
2643	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
2644	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
2645	817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
2646	817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
	817.611(2)(b)	2nd	Traffic in or possess 15

Page 125 of 136

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	588-02151C-18		20188c1
2647	825.102(3)(b)	2nd	to 49 counterfeit credit cards or related documents.
2648	825.103(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
2649	827.03(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
2650	827.04(3)	3rd	Neglect of a child causing great bodily harm, disability, or disfigurement.
2651	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
	837.05(2)	3rd	Giving false information about alleged capital felony to a law

Page 126 of 136

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

	588-02151C-18		20188c1	enforcement officer.
2652				
	838.015	2nd		Bribery.
2653				
	838.016	2nd		Unlawful compensation or reward for official behavior.
2654				
	838.021(3)(a)	2nd		Unlawful harm to a public servant.
2655				
	838.22	2nd		Bid tampering.
2656				
	843.0855(2)	3rd		Impersonation of a public officer or employee.
2657				
	843.0855(3)	3rd		Unlawful simulation of legal process.
2658				
	843.0855(4)	3rd		Intimidation of a public officer or employee.
2659				
	847.0135(3)	3rd		Solicitation of a child, via a computer service, to commit an unlawful sex act.
2660				
	847.0135(4)	2nd		Traveling to meet a minor to commit an unlawful sex

	588-02151C-18		20188c1	act.
2661				
	872.06	2nd		Abuse of a dead human body.
2662				
	874.05(2)(b)	1st		Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
2663				
	874.10	1st,PBL		Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
2664				
	893.13(1)(c)1.	1st		Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or <u>(2)(c)5.</u> (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community

	588-02151C-18		20188c1
			center.
2665	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or <u>(2)(c)5.</u> (2)(c)4. , within 1,000 feet of property used for religious services or a specified business site.
2666	893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
2667	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
2668	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
2669	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
2670			

	588-02151C-18		20188c1
	893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
2671	893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
2672	893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
2673	893.135 (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
2674	893.135 (1)(c)4.b.(I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
2675	893.135 (1)(d)1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
2676	893.135(1)(e)1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
2677			

	588-02151C-18		20188c1
	893.135(1)(f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
2678	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
2679	893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
2680	893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
2681	893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
2682	893.135 (1)(m)2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
2683	893.135 (1)(m)2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or

	588-02151C-18		20188c1
			more, less than 1,000 grams.
2684	893.135 (1)(n)2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
2685	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
2686	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
2687	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
2688	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.

	588-02151C-18		20188c1
2689	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
2690	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
2691	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2692	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2693	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
2694	944.607 (10) (a)	3rd	Sexual offender; failure

	588-02151C-18		20188c1
			to submit to the taking of a digitized photograph.
2695	944.607 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2696	944.607 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2697	985.4815 (10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
2698	985.4815 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2699	985.4815 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to

588-02151C-18

20188c1

address verification;
 providing false
 registration information.

2700

2701

2702 Section 20. For the 2018-2019 fiscal year:

2703 (1) (a) The nonrecurring sum of \$27,035,360 from the Federal
 2704 Grants Trust Fund, and the recurring sum of \$15,520,000 from the
 2705 General Revenue Fund are appropriated to the Department of
 2706 Children and Families. These funds shall be used for the
 2707 following services to address opioid and other substance abuse
 2708 disorders: outpatient, case management, and after care services;
 2709 residential treatment; medication-assisted treatment, including
 2710 the purchase and medical use of methadone, buprenorphine, and
 2711 naltrexone extended-release injectable; peer recovery support;
 2712 hospital and first responder outreach; and outreach targeted to
 2713 pregnant women.

2714 (b) From a total of \$4,720,000 of the recurring general
 2715 revenue funds specified in paragraph (a), the Department of
 2716 Children and Families shall contract with a nonprofit
 2717 organization for the distribution and associated costs for the
 2718 following drugs as part of its medication assisted treatment
 2719 program for substance abuse disorders:

2720 1. \$472,000 for methadone;
 2721 2. \$1,888,000 for buprenorphine; and
 2722 3. \$2,360,000 for naltrexone extended-release injectable.

2723 (2) The recurring sum of \$6 million from the General
 2724 Revenue Fund is appropriated to the Office of the State Courts
 2725 Administrator for treatment of substance abuse disorders in

Page 135 of 136

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

588-02151C-18

20188c1

2726 individuals involved in the criminal justice system, individuals
 2727 who have a high likelihood of criminal justice involvement, or
 2728 who are in court-ordered, community-based drug treatment. The
 2729 Office of the State Courts Administrator shall use the funds to
 2730 contract with a non-profit entity for the purpose of
 2731 distributing the medication. The Office of the State Courts
 2732 Administrator shall make available the following drugs:

2733 (a) \$600,000 for methadone;
 2734 (b) \$2.4 million for buprenorphine; and
 2735 (c) \$3 million for naltrexone extended-release injectable.
 2736 (3) The recurring sum of \$5 million from the General
 2737 Revenue Fund is appropriated to the Department of Health for the
 2738 purchase of naloxone to be made available to emergency
 2739 responders.

2740 Section 21. Except as otherwise expressly provided in this
 2741 act, this act shall take effect July 1, 2018.

Page 136 of 136

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/8
Meeting Date

SB 8
Bill Number (if applicable)

Topic Opioid Prescribing

Amendment Barcode (if applicable)

Name Toni Large

Job Title ~~Toni Large~~

Address 519 E. Park Ave

Phone (850) 556-1461

Tallahassee, FL 32308
Street City State Zip

Email toni@sulaw.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Orthopedic Society (orthopedic surgeons)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/18

Meeting Date

SB8

Bill Number (if applicable)

Topic Opioid Crisis & Occupational Therapy

Amendment Barcode (if applicable)

Name Jian Jones

Job Title Occupational Therapist

Address 941 Crawfordville Trace

Phone 850-519-4820

Street

Tallahassee

FL

32305

Email jian.jones@fam.u.edu

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Occupational Therapy Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-24-2018

8

Meeting Date

Bill Number (if applicable)

Topic Controlled Substances

Amendment Barcode (if applicable)

Name Erin Choy

Job Title Immediate Past Chair

Address 404 E. Sixth Avenue

Phone 5616354168

Street

Tallahassee

FL

32303

Email erin.choy@gmail.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Junior Leagues of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/18

Meeting Date

8

Bill Number (if applicable)

Topic Controlled Substances

Amendment Barcode (if applicable)

Name Stephan Dembinsky

Job Title Chief of Police, Daytona Beach Shores PD

Address 3050 S Atlantic Ave

Phone 386-763-5333

Street

Daytona Beach Shores

FL

32118

Email sdembinsky@cityofdb.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Florida Police Chiefs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

1/24/18
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 8
Bill Number (if applicable)

Topic Controlled Substance

Amendment Barcode (if applicable)

Name Candice Encks

Job Title _____

Address 205 S. Adams St.
Tallahassee FL 32304
Street City State Zip

Phone 954-648-1209

Email Candice@encksconsultants.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Palm Beach County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/18

Meeting Date

8

Bill Number (if applicable)

Topic Controlled Substances

Amendment Barcode (if applicable)

Name Robert Brown

Job Title Associate Director of Public Policy

Address 100 S. Monroe Street

Phone 850 922 4300

Tall FL 32311
City State Zip

Email rbrown@flcounties.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Association of Counties

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/29/17

Meeting Date

SB8

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Christopher L Noland

Job Title Lobbyist

Address ~~44~~ 1000 Riverside Ave

Phone 904-355-1555

Street

Jacksonville

City

FL

State

322

Zip

Email nolandlaw@aol.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing American College of Physicians

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/23/18

Meeting Date

08

Bill Number (if applicable)

Topic CONTROLLED SUBSTANCES

Amendment Barcode (if applicable)

Name BILL BUNKLEY

Job Title PRESIDENT

Address PO BOX 341644

Phone 813.264.2977

Street

TAMPA

City

FL

State

33694

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA ETHICS AND RELIGIOUS LIBERTY COMMISSION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24

Meeting Date

SB 8

Bill Number (if applicable)

Topic Controlled Substances

Amendment Barcode (if applicable)

Name Roger Beaubien

Job Title Special Counsel

Address PL-01 The Capitol

Phone _____

Street

Tallahassee FL 32399

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Office of the Attorney General

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/18

Meeting Date

SB 8

Bill Number (if applicable)

Topic Controlled Substances

Amendment Barcode (if applicable)

Name Devon West

Job Title Policy Advisor

Address 115 S Andrews Ave.

Phone 954.789.9293

Street Ft. Lauderdale, FL

Email devest@brownard.org

City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Broward County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/24/18
Meeting Date

SB8
Bill Number (if applicable)
ES for SB8
Amendment Barcode (if applicable)

Topic Controlled Substances

Name Melanie Brown Woofler

Job Title Interim CEO/President

Address 316 E Park Av

Phone 224-6048

Street
Tallahassee FL 32301
City State Zip

Email melanie@fccmh.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Council for Behavioral Health

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-24-18
Meeting Date

CS/SB 8
Bill Number (if applicable)

Topic Opioids

Amendment Barcode (if applicable)

Name MARK FONTAINE

Job Title CEO

Address 2868 MAHAN DRIVE

Phone 850-878-2196

Street

Tallahassee FL 32308

Email mfontaine@fadaa.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Behavioral Health Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/18

Meeting Date

8

Bill Number (if applicable)

Topic Controlled Substances

Amendment Barcode (if applicable)

Name Hansel Tookes, MD

Job Title Assistant Professor of Medicine

Address 1430 Piedmont Dr E

Phone 850 224 6496

Street

TLH

FL

32308

City

State

Zip

Email hetookes@med.miami.edu

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Medical Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 222

INTRODUCER: Senator Bean

SUBJECT: Guardian Ad Litem Direct-support Organization

DATE: January 23, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Preston</u>	<u>Hendon</u>	<u>CF</u>	Favorable
2.	<u>Harkness</u>	<u>Sadberry</u>	<u>ACJ</u>	Recommend: Favorable
3.	<u>Harkness</u>	<u>Hansen</u>	<u>AP</u>	Favorable

I. Summary:

SB 222 removes the scheduled repeal date for the law governing the Guardian ad Litem Foundation. The Foundation serves as a direct-support organization for the Statewide Guardian ad Litem Office.

The bill has no impact on state revenues or expenditures.

The bill takes effect upon becoming law.

II. Present Situation:

Citizen-Support Organizations and Direct-Support Organizations

Citizen-support organizations (CSOs) and direct-support organizations (DSOs) are statutorily created non-profit organizations¹ authorized to carry out specific tasks in support of public entities or public causes. The function and purpose of a CSO or DSO are prescribed by an enacting statute and a written contract with the agency the CSO or DSO was created to support.²

CSO and DSO Transparency and Reporting Requirements

In 2014, the Legislature created s. 20.058, F.S., establishing a comprehensive set of transparency and reporting requirements for CSOs and DSOs.³ Specifically, the law requires each CSO and DSO to annually submit the following information to the appropriate agency by August 1:⁴

¹ Chapter 617, F.S.

² See ss. 14.29(9)(a), 16.616(1), and 258.015(1), F.S. See also Rules of the Florida Auditor General, *Audits of Certain Nonprofit Organizations* (effective June 30, 2017), Rule 10.720(1)(b) and (d) available at https://flauditor.gov/pages/pdf_files/10_700.pdf (last visited October 2, 2017).

³ Section 3, ch. 2014-96, L.O.F

⁴ Section 20.058(1), F.S.

- The name, mailing address, telephone number, and website address of the organization;
- The statutory authority or executive order that created the organization;
- A brief description of the mission of, and results obtained by, the organization;
- A brief description of the organization's plans for the next three fiscal years;
- A copy of the organization's code of ethics; and
- A copy of the organization's most recent Internal Revenue Service (IRS) Form 990.⁵

Additionally, the information submitted annually by a CSO or DSO must be available on the respective agency's website along with a link to the CSO or DSO's website, if one exists.⁶ Any contract between an agency and a CSO or DSO must be contingent upon the CSO or DSO submitting the required information to the agency and posting the information on the agency's website.⁷ The contract must include a provision for ending operations and returning state-issued funds to the state if the authorizing statute is repealed, the contract is terminated, or the organization is dissolved.⁸ If a CSO or DSO fails to submit the required information to the agency for two consecutive years, the agency head must terminate its contract with the CSO or DSO.⁹

By August 15 of each year, the agency must report to the Governor, President of the Senate, Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability the information submitted by each CSO or DSO along with the agency's recommendation and supporting rationale to continue, terminate, or modify the agency's association with the CSO or DSO.¹⁰

Any law creating, or authorizing the creation of a CSO or DSO must state that the authorization for the organization repeals on October 1 of the 5th year after enactment unless reviewed and reenacted by the Legislature. CSOs and DSOs in existence prior to July 1, 2014, must be reviewed by the Legislature by July 1, 2019.¹¹

CSO and DSO Audit Requirements

Section 215.981, F.S., requires each CSO and DSO with annual expenditures in excess of \$100,000 to provide for an annual financial audit of its accounts and records.¹² The audit must be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General and the state agency that created, approved, or administers the DSO or CSO. The audit report must be submitted within nine months after the end of the fiscal year to the Auditor General and to the state agency the CSO or DSO supports. Additionally, the Auditor

⁵ The IRS Form 990 is an annual information return required to be filed with the IRS by most organizations exempt from federal income tax under 26 U.S.C. 501. 26 C.F.R. 1.6033-2.

⁶ Section 20.058(2), F.S.

⁷ Section 20.058(4), F.S.

⁸ Chapter 2017-75, L.O.F.

⁹ Section 20.058(4), F.S.

¹⁰ Section 20.058(3), F.S.

¹¹ Section 20.058(5), F.S.

¹² The independent audit requirement does not apply to a CSO or DSO for a university, district board of trustees of a community college, or district school board. Additionally, the expenditure threshold for an independent audit is \$300,000 for a CSO or DSO for the Department of Environmental Protection and the Department of Agriculture and Consumer Services.

General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements of a CSO's or DSO's accounts and records.¹³

CSO and DSO Ethics Code Requirement

Section 112.3251, F.S., requires a CSO or DSO to adopt a code of ethics. The code of ethics must contain the specified standards of conduct and disclosures provided in ss. 112.313 and 112.3143(2), F.S.¹⁴ A CSO or DSO may adopt additional or more stringent standards of conduct and disclosure requirements and must post its code of ethics on its website.¹⁵

The Guardian ad Litem Program

Florida's Guardian ad Litem Program (GAL Program) advocates for the best interests of children alleged to be abused, neglected, or abandoned who are involved in court proceedings. The GAL Program uses a team approach to represent children: GAL volunteers, Child Advocacy Managers (CAMs) and Child Best Interest (CBIs) Attorneys.¹⁶

Florida Statutes require that a guardian ad litem (GAL) be appointed at the earliest possible time in an abuse or neglect proceeding.¹⁷ The GAL is required to review all disposition recommendations and changes in placements, and must be present at all critical stages of the dependency proceeding or submit a written report of recommendations to the court.¹⁸ The GAL Program advocates on behalf of the child and monitors the child's safety and well-being, as well as significant changes in the parents' lives that could affect the child's safety.

Currently, there are more than 10,000 GAL volunteers, 175 CBI attorneys, 350 CAMs, 20 Circuit Directors and GAL staff representing the needs of thousands of dependent children. In the last 35 years, the GAL Program has had over 30,000 volunteers who have represented more than 250,000 children.¹⁹

The Guardian ad Litem Foundation

In 2007, the Legislature authorized the GAL Program to create a direct-support organization for the direct or indirect benefit of the Statewide Guardian ad Litem Office by conduct programs and activities; raising funds; request and receive grants, gifts, and bequests of moneys; and making expenditures to or for the direct or indirect benefit of the Statewide Guardian Ad Litem Office.²⁰

The GAL Program established the Florida Guardian ad Litem Foundation (Foundation) as its direct-support organization. The executive director of the Statewide GAL Office appoints the

¹³ Section 11.45(3), F.S.

¹⁴ Some of the standards of conduct and disclosures in ss. 112.313 and 112.3143(2), F.S., include misuse of public position, solicitation or acceptance of gifts, unauthorized compensation, and voting conflicts.

¹⁵ Section 112.3251, F.S.

¹⁶ Florida Guardian ad Litem Program, Annual Report, 2016, *A Voice Heard: Visualizing a Hopeful Future*, available at <http://guardianadlitem.org/wp-content/uploads/2014/08/GAL-Annual-Report-for-Print4.pdf>. (last visited October 2, 2017).

¹⁷ Section 39.822(1), F.S.

¹⁸ Section 39.822(4), F.S.

¹⁹ Florida Guardian ad Litem Program, Annual Report, 2016, *A Voice Heard: Visualizing a Hopeful Future*, available at <http://guardianadlitem.org/wp-content/uploads/2014/08/GAL-Annual-Report-for-Print4.pdf>. (last visited October 2, 2017).

²⁰ Section 39.8298, F.S.

members of the board of directors. The board of directors serves at the pleasure of the executive director in carrying out the mission of the DSO to provide additional resources for the GAL Program, its volunteers, and its affiliated circuit nonprofit organizations²¹ in order to promote guardian ad litem representation for abused, neglected and abandoned children in Florida's dependency system.²² The DSO is repealed on October 1, 2018 unless reviewed and saved from repeal by the legislature.²³

According to the Statewide GAL Program, the Foundation continues to provide support to the GAL Program and serves the critical function of soliciting and receiving grants and resources from private and philanthropic organizations for the Program and the children it represents. In addition, the Foundation conducts the following activities that further the Program's mission:

- Developing statewide partnerships;²⁴
- Publicizing the Program's mission to represent the best interests of children;
- Coordinating with and serving as a resource to the twenty non-profit organizations affiliated with the local GAL Programs;
- Enhancing opportunities for recruitment and retention of volunteers; and
- Offering supplemental training opportunities for volunteers.

For the tax period beginning July 1, 2016 and ending June 30, 2017, the Foundation reported total revenue of \$178,092 and total expenditures of \$153,467.²⁵

The Statewide Guardian ad Litem Program has stated that without the Foundation, the GAL Program would have fewer opportunities to educate, advocate, and support the needs of dependent children and the Program recommends the continuation of the Foundation as its Direct Support Organization.²⁶ The Foundation meets all of the statutory requirements.

III. Effect of Proposed Changes:

The bill removes the scheduled repeal date for the law governing the Guardian ad Litem Foundation. The Foundation serves as a direct-support organization for the Statewide Guardian ad Litem Office.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

²¹ Many of Florida's judicial circuits have non-profit organizations that raise money and sponsor activities for the local guardian ad litem program. Those include, but are not limited to, Northwest Guardian ad Litem Foundation, Guardian ad Litem Foundation – 20th Judicial Circuit, Guardian ad Litem Foundation of Florida's First Coast, Child Advocates II of Tallahassee, and Voices for Children.

²² Guardian ad Litem Foundation, Bylaws 2016, *available at*: <http://flgal.org/about/> (last visited October 3, 2017).

²³ Section 39.8298, F.S.

²⁴ Florida Statewide Guardian ad Litem Program, Annual Report of the Florida Guardian ad Litem foundation, August 10, 2017, *available at*: <http://flgal.org/wp-content/uploads/2017/07/GAL-Program-Report-to-Governor-re-Foundation-FINAL.pdf>. (last visited October 3, 2017).

²⁵ Internal Revenue Service, Form 990, Return of Organization Exempt From Income Tax, 2016.

²⁶ *Id.*

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Funding raised through the DSO will further the Guardian ad Litem Program's mission to represent the best interests of abused, abandoned, and neglected children.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends section 39.8298 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Bean

4-00290-18

2018222__

1 A bill to be entitled
 2 An act relating to the guardian ad litem direct-
 3 support organization; amending s. 39.8298, F.S.;
 4 abrogating the future repeal of provisions related to
 5 the guardian ad litem direct-support organization;
 6 providing an effective date.
 7
 8 Be It Enacted by the Legislature of the State of Florida:
 9
 10 Section 1. Subsection (8) of section 39.8298, Florida
 11 Statutes, is amended, and subsections (1) through (7) of that
 12 section are republished, to read:
 13 39.8298 Guardian ad litem direct-support organization.—
 14 (1) AUTHORITY.—The Statewide Guardian Ad Litem Office
 15 created under s. 39.8296 is authorized to create a direct-
 16 support organization.
 17 (a) The direct-support organization must be a Florida
 18 corporation not for profit, incorporated under the provisions of
 19 chapter 617. The direct-support organization shall be exempt
 20 from paying fees under s. 617.0122.
 21 (b) The direct-support organization shall be organized and
 22 operated to conduct programs and activities; raise funds;
 23 request and receive grants, gifts, and bequests of moneys;
 24 acquire, receive, hold, invest, and administer, in its own name,
 25 securities, funds, objects of value, or other property, real or
 26 personal; and make expenditures to or for the direct or indirect
 27 benefit of the Statewide Guardian Ad Litem Office.
 28 (c) If the executive director of the Statewide Guardian Ad
 29 Litem Office determines the direct-support organization is

Page 1 of 4

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

4-00290-18

2018222__

30 operating in a manner that is inconsistent with the goals and
 31 purposes of the Statewide Guardian Ad Litem Office or not acting
 32 in the best interest of the state, the executive director may
 33 terminate the contract and thereafter the organization may not
 34 use the name of the Statewide Guardian Ad Litem Office.
 35 (2) CONTRACT.—The direct-support organization shall operate
 36 under a written contract with the Statewide Guardian Ad Litem
 37 Office. The written contract must, at a minimum, provide for:
 38 (a) Approval of the articles of incorporation and bylaws of
 39 the direct-support organization by the executive director of the
 40 Statewide Guardian Ad Litem Office.
 41 (b) Submission of an annual budget for the approval by the
 42 executive director of the Statewide Guardian Ad Litem Office.
 43 (c) The reversion without penalty to the Statewide Guardian
 44 Ad Litem Office, or to the state if the Statewide Guardian Ad
 45 Litem Office ceases to exist, of all moneys and property held in
 46 trust by the direct-support organization for the Statewide
 47 Guardian Ad Litem Office if the direct-support organization
 48 ceases to exist or if the contract is terminated.
 49 (d) The fiscal year of the direct-support organization,
 50 which must begin July 1 of each year and end June 30 of the
 51 following year.
 52 (e) The disclosure of material provisions of the contract
 53 and the distinction between the Statewide Guardian Ad Litem
 54 Office and the direct-support organization to donors of gifts,
 55 contributions, or bequests, as well as on all promotional and
 56 fundraising publications.
 57 (3) BOARD OF DIRECTORS.—The executive director of the
 58 Statewide Guardian Ad Litem Office shall appoint a board of

Page 2 of 4

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

4-00290-18

2018222__

59 directors for the direct-support organization. The executive
60 director may designate employees of the Statewide Guardian Ad
61 Litem Office to serve on the board of directors. Members of the
62 board shall serve at the pleasure of the executive director.

63 (4) USE OF PROPERTY AND SERVICES.—The executive director of
64 the Statewide Guardian Ad Litem Office:

65 (a) May authorize the use of facilities and property other
66 than money that are owned by the Statewide Guardian Ad Litem
67 Office to be used by the direct-support organization.

68 (b) May authorize the use of personal services provided by
69 employees of the Statewide Guardian Ad Litem Office. For the
70 purposes of this section, the term "personal services" includes
71 full-time personnel and part-time personnel as well as payroll
72 processing.

73 (c) May prescribe the conditions by which the direct-
74 support organization may use property, facilities, or personal
75 services of the office.

76 (d) Shall not authorize the use of property, facilities, or
77 personal services of the direct-support organization if the
78 organization does not provide equal employment opportunities to
79 all persons, regardless of race, color, religion, sex, age, or
80 national origin.

81 (5) MONEYS.—Moneys of the direct-support organization may
82 be held in a separate depository account in the name of the
83 direct-support organization and subject to the provisions of the
84 contract with the Statewide Guardian Ad Litem Office.

85 (6) ANNUAL AUDIT.—The direct-support organization shall
86 provide for an annual financial audit in accordance with s.
87 215.981.

4-00290-18

2018222__

88 (7) LIMITS ON DIRECT-SUPPORT ORGANIZATION.—The direct-
89 support organization shall not exercise any power under s.
90 617.0302(12) or (16). No state employee shall receive
91 compensation from the direct-support organization for service on
92 the board of directors or for services rendered to the direct-
93 support organization.

94 ~~(8) REPEAL.—This section is repealed October 1, 2018,~~
95 ~~unless reviewed and saved from repeal by the Legislature.~~

96 Section 2. This act shall take effect upon becoming a law.



The Florida Senate

Committee Agenda Request

To: Senator Rob Bradley, Chair
Committee on Appropriations

Subject: Committee Agenda Request

Date: January 18, 2018

I respectfully request that **Senate Bill # 222**, relating to Gardian Ad Litem Direct-support Organization, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Aaron Bean".

Senator Aaron Bean
Florida Senate, District 4

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

222
Bill Number (if applicable)

Topic DSO Repeal - ~~DSO~~

Amendment Barcode (if applicable) _____

Name ALAN ABRAMOWITZ

Job Title Director

Address 600 Calhoun St.

Phone 850-241-3232

City Tallahassee State FL Zip 32301

Email alan.abramowitz@yale.edu

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing GUARDIAN AD LITEM PROGRAM

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-24-2018

Meeting Date

222

Bill Number (if applicable)

Topic Guardian Ad Litem Direct-support Organization

Amendment Barcode (if applicable)

Name Erin Choy

Job Title Immediate Past Chair

Address 404 E. Sixth Avenue

Phone 5616354168

Street

Tallahassee

FL

32303

Email erin.choy@gmail.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Junior Leagues of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: PCS/SB 290 (494184)

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); and Senators Rouson and Rader

SUBJECT: Motor Vehicle Registration Applications

DATE: January 23, 2018 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Miller</u>	<u>TR</u>	<u>Favorable</u>
2.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Fav/CS</u>
3.	<u>Wells</u>	<u>Hansen</u>	<u>AP</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 290 requires the application form for a motor vehicle registration to include an option allowing an applicant who is deaf or hard of hearing to *voluntarily* indicate that he or she is deaf or hard of hearing. Such information must be included in the Florida Crime Information Center (FCIC) system and the Driver and Vehicle Information Database (DAVID).

The Department of Highway Safety and Motor Vehicles (DHSMV) will incur insignificant costs associated with programming and other implementation actions.

The bill takes effect October 1, 2018.

II. Present Situation:

In Florida, an applicant for a driver license who is deaf or cannot hear conversation spoken in a normal tone of voice is restricted to driving with an outside rearview mirror mounted on the left side of the vehicle or with a hearing aid.¹ According to the Florida Department of Health, nearly three million Floridians are affected by hearing loss.²

¹ Rule 15A-1.003(2), F.A.C., and DHSMV website, *Obtaining Your Florida Driver's License or Identification Card*, <http://www.flhsmv.gov/ddl/geninfo.html> (last visited Nov. 21, 2017).

² Department of Health website, *Florida Coordinating Council for the Deaf and Hard of Hearing*, available at <http://www.floridahealth.gov/provider-and-partner-resources/fccdhh/index.html> (last visited Nov. 21, 2017).

Sections 322.051 and 322.14, F.S. require the DHSMV to issue an identification card or driver license exhibiting the international symbol for the Deaf and Hard of Hearing upon an applicant's request, payment of the required \$1 or \$2 fee,³ and providing sufficient proof to the DHSMV that the applicant is deaf or hard of hearing. However, this symbol is not available to all Florida applicants until implementation of the DHSMV's new designs for the identification card and driver license, which will be available throughout Florida by the end of December 2017.⁴

The symbol on the identification card or driver license may be useful to indicate to others, especially law enforcement, that the individual is deaf or hard of hearing. However a law enforcement officer making a traffic stop is likely unaware that the individual is deaf or hard of hearing prior to approaching the vehicle and seeing the card or license. Until the officer sees the card or license, the officer may not know that the individual has difficulty following verbal commands, especially at night when visibility is low.

Driver and Vehicle Information Database (DAVID)

The DAVID system contains driver information, such as driver history, a copy of the driver license, and insurance information; motor vehicle information, including vehicle titles; and traffic crash information. The DHSMV is permitted, pursuant to interagency agreements, to share information from its database to be used for specified purposes as provided in s. 322.142, F.S., which includes "in response to law enforcement agency requests." As of 2013, the DAVID system had over 60,000 users in law enforcement, criminal justice, and other Florida agencies.⁵

Florida Crime Information Center (FCIC) System

The FCIC system is Florida's central database for tracking various crime-related information. The system is designed "to provide services, information, and capabilities to the law enforcement and criminal justice community" in the state, and gives them access to other criminal justice information systems nationwide.⁶ All employees that access the FCIC must be certified by the Florida Department of Law Enforcement, and all information obtained through the system is restricted to criminal justice purposes.⁷

III. Effect of Proposed Changes:

The bill requires the application form for a motor vehicle registration include an option allowing an applicant who is deaf or hard of hearing to *voluntarily* indicate that he or she is deaf or hard of hearing. Such information must be included in the FCIC system and the DAVID system.

³ The designation is added onto a driver license or identification card for a \$1 fee when the license or card is being issued or renewed, or a \$2 fee when the license or card is being replaced solely to add on the designation.

⁴ DHSMV, Driver Licenses & ID Cards: Florida's NEW Driver License and ID Card, available at <https://www.flhsmv.gov/driver-licenses-id-cards/newdl/> (last visited Nov. 19, 2017).

⁵ DHSMV, Office of Inspector General, *Motorist Services DAVID Audit Review* (Oct. 21, 2013), available at <https://www.flhsmv.gov/pdf/igoffice/102113.pdf> (last visited Nov. 21, 2017).

⁶ Florida Highway Patrol Policy Manual, *Criminal Justice Information Services: Policy 14.02.04C*. (Rev. Mar. 2015), available at <https://www.flhsmv.gov/fhp/Manuals/1402.pdf> (last visited Nov. 21, 2017).

⁷ *Id.* at Policy 14.02.07C. and D.

A law enforcement officer will be capable of accessing this information when he or she searches for a license plate in the DAVID system and the FCIC system.

The bill takes effect October 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill does not appear to have a fiscal impact on the private sector.

C. Government Sector Impact:

The DHSMV estimates a fiscal impact of \$23,745 for programming and implementation costs due to the bill's changes. The DHSMV's Motorist Modernization Project, which is an ongoing multi-year information technology project to replace existing driver license and motor vehicle information systems, may also be impacted.⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 320.02 and 320.27.

⁸ DHSMV, *2018 Agency Legislative Bill Analysis: SB 290* (Sept. 26, 2017).

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on December 7, 2017:

The committee substitute:

- Replaces the term “hearing impaired” with “deaf or hard of hearing” which is currently used and defined in the statutes.
- Changes the effective date from July 1, 2018 to October 1, 2018.

- B. **Amendments:**

None.



746538

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/24/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Rouson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 24 - 25
and insert:
must be available in the Driver and Vehicle Information Database
and the Florida Crime Information Center system.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 7



746538

11 and insert:
12 available in certain databases; amending s. 320.27,



282406

LEGISLATIVE ACTION

Senate

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. .
. .
. .
. .

House

The Committee on Appropriations (Rouson) recommended the following:

Senate Amendment

Delete lines 24 - 25
and insert:
shall be included through the Driver and Vehicle Information
Database and available through the Florida Crime Information
Center system.



656774

LEGISLATIVE ACTION

Senate

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. .
. .
. .

House

The Committee on Appropriations (Rouson) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 25 and 26

insert:

(16)~~(15)~~(a) The application form for motor vehicle registration must ~~shall~~ include language permitting the voluntary contribution of \$1 per applicant, to be quarterly distributed by the department to Preserve Vision ~~Prevent Blindness~~ Florida, a not-for-profit organization, to prevent blindness and preserve the sight of the residents of this state.



656774

11 A statement providing an explanation of the purpose of the funds
12 shall be included with the application form. Prior to the
13 department distributing the funds collected pursuant to this
14 paragraph, Preserve Vision ~~Prevent Blindness~~ Florida must submit
15 a report to the department that identifies how such funds were
16 used during the preceding year.

17
18 For the purpose of applying the service charge provided in s.
19 215.20, contributions received under this subsection are not
20 income of a revenue nature.

21
22 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

23 And the directory clause is amended as follows:

24 Delete lines 15 - 16

25 and insert:

26 (20), respectively, a new subsection (14) is added to that
27 section, and paragraph (a) of present subsection (15) of that
28 section is amended, to read:

29
30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

32 Delete line 7

33 and insert:

34 included in certain databases; requiring the
35 application form for motor vehicle registration to
36 include language permitting a certain voluntary
37 contribution to be quarterly distributed by the
38 Department of Highway Safety and Motor Vehicles to
39 Preserve Vision Florida, instead of to Prevent



656774

40
41

Blindness Florida; conforming a provision to changes
made by the act; amending s. 320.27,



576-01828A-18

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Transportation, Tourism, and
Economic Development)

A bill to be entitled

An act relating to motor vehicle registration
applications; amending s. 320.02, F.S.; requiring the
application form for motor vehicle registration to
include language to indicate an applicant is deaf or
hard of hearing; requiring such information to be
included in certain databases; amending s. 320.27,
F.S.; conforming a cross-reference; providing an
effective date.

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

Section 1. Subsections (14) through (19) of section 320.02,
Florida Statutes, are renumbered as subsections (15) through
(20), respectively, and a new subsection (14) is added to that
section, to read:

320.02 Registration required; application for registration;
forms.—

(14) The application form for motor vehicle registration
must include language allowing an applicant who is deaf or hard
of hearing to voluntarily indicate that he or she is deaf or
hard of hearing. If the applicant indicates on the application
form that he or she is deaf or hard of hearing, such information
must be included in the Florida Crime Information Center system
and the Driver and Vehicle Information Database.

Section 2. Paragraph (b) of subsection (9) of section



576-01828A-18

320.27, Florida Statutes, is amended to read:

320.27 Motor vehicle dealers.—

(9) DENIAL, SUSPENSION, OR REVOCATION.—

(b) The department may deny, suspend, or revoke any license
issued hereunder or under the provisions of s. 320.77 or s.
320.771 upon proof that a licensee has committed, with
sufficient frequency so as to establish a pattern of wrongdoing
on the part of a licensee, violations of one or more of the
following activities:

1. Representation that a demonstrator is a new motor
vehicle, or the attempt to sell or the sale of a demonstrator as
a new motor vehicle without written notice to the purchaser that
the vehicle is a demonstrator. For the purposes of this section,
a "demonstrator," a "new motor vehicle," and a "used motor
vehicle" shall be defined as under s. 320.60.

2. Unjustifiable refusal to comply with a licensee's
responsibility under the terms of the new motor vehicle warranty
issued by its respective manufacturer, distributor, or importer.
However, if such refusal is at the direction of the
manufacturer, distributor, or importer, such refusal shall not
be a ground under this section.

3. Misrepresentation or false, deceptive, or misleading
statements with regard to the sale or financing of motor
vehicles which any motor vehicle dealer has, or causes to have,
advertised, printed, displayed, published, distributed,
broadcast, televised, or made in any manner with regard to the
sale or financing of motor vehicles.

4. Failure by any motor vehicle dealer to provide a
customer or purchaser with an odometer disclosure statement and



576-01828A-18

56 a copy of any bona fide written, executed sales contract or
57 agreement of purchase connected with the purchase of the motor
58 vehicle purchased by the customer or purchaser.

59 5. Failure of any motor vehicle dealer to comply with the
60 terms of any bona fide written, executed agreement, pursuant to
61 the sale of a motor vehicle.

62 6. Failure to apply for transfer of a title as prescribed
63 in s. 319.23(6).

64 7. Use of the dealer license identification number by any
65 person other than the licensed dealer or his or her designee.

66 8. Failure to continually meet the requirements of the
67 licensure law.

68 9. Representation to a customer or any advertisement to the
69 public representing or suggesting that a motor vehicle is a new
70 motor vehicle if such vehicle lawfully cannot be titled in the
71 name of the customer or other member of the public by the seller
72 using a manufacturer's statement of origin as permitted in s.
73 319.23(1).

74 10. Requirement by any motor vehicle dealer that a customer
75 or purchaser accept equipment on his or her motor vehicle which
76 was not ordered by the customer or purchaser.

77 11. Requirement by any motor vehicle dealer that any
78 customer or purchaser finance a motor vehicle with a specific
79 financial institution or company.

80 12. Requirement by any motor vehicle dealer that the
81 purchaser of a motor vehicle contract with the dealer for
82 physical damage insurance.

83 13. Perpetration of a fraud upon any person as a result of
84 dealing in motor vehicles, including, without limitation, the



576-01828A-18

85 misrepresentation to any person by the licensee of the
86 licensee's relationship to any manufacturer, importer, or
87 distributor.

88 14. Violation of any of the provisions of s. 319.35 by any
89 motor vehicle dealer.

90 15. Sale by a motor vehicle dealer of a vehicle offered in
91 trade by a customer prior to consummation of the sale, exchange,
92 or transfer of a newly acquired vehicle to the customer, unless
93 the customer provides written authorization for the sale of the
94 trade-in vehicle prior to delivery of the newly acquired
95 vehicle.

96 16. Willful failure to comply with any administrative rule
97 adopted by the department or the provisions of s. 320.131(8).

98 17. Violation of chapter 319, this chapter, or ss. 559.901-
99 559.9221, which has to do with dealing in or repairing motor
100 vehicles or mobile homes. Additionally, in the case of used
101 motor vehicles, the willful violation of the federal law and
102 rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the
103 consumer sales window form.

104 18. Failure to maintain evidence of notification to the
105 owner or coowner of a vehicle regarding registration or titling
106 fees owed as required in s. 320.02(17) ~~s. 320.02(16)~~.

107 19. Failure to register a mobile home salesperson with the
108 department as required by this section.

109 Section 3. This act shall take effect October 1, 2018.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 290

INTRODUCER: Senators Rouson and Rader

SUBJECT: Motor Vehicle Registration Applications

DATE: January 23, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Miller</u>	<u>TR</u>	<u>Favorable</u>
2.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommended: Fav/CS</u>
3.	<u>Wells</u>	<u>Hansen</u>	<u>AP</u>	<u>Pre-meeting</u>

I. Summary:

SB 290 requires the application form for a motor vehicle registration include an option allowing an applicant who is hearing impaired to *voluntarily* indicate that he or she is hearing impaired. Such information must be included in the Florida Crime Information Center (FCIC) system and the Driver and Vehicle Information Database (DAVID).

The Department of Highway Safety and Motor Vehicles (DHSMV) will incur insignificant costs associated with programming and other implementation actions.

The bill takes effect July 1, 2018.

II. Present Situation:

In Florida, an applicant for a driver license who is deaf or cannot hear conversation spoken in a normal tone of voice is restricted to driving with an outside rearview mirror mounted on the left side of the vehicle or with a hearing aid.¹ According to the Florida Department of Health, nearly three million Floridians are affected by hearing loss.²

Sections 322.051 and 322.14, F.S. require the DHSMV to issue an identification card or driver license exhibiting the international symbol for the Deaf and Hard of Hearing upon an applicant's request, payment of the required \$1 or \$2 fee,³ and providing sufficient proof to the DHSMV that the applicant is deaf or hard of hearing. However, this symbol is not available to all Florida

¹ Rule 15A-1.003(2), F.A.C., and DHSMV website, *Obtaining Your Florida Driver's License or Identification Card*, <http://www.flhsmv.gov/ddl/geninfo.html> (last visited Nov. 21, 2017).

² Department of Health website, *Florida Coordinating Council for the Deaf and Hard of Hearing*, available at <http://www.floridahealth.gov/provider-and-partner-resources/fccdhh/index.html> (last visited Nov. 21, 2017).

³ The designation is added onto a driver license or identification card for a \$1 fee when the license or card is being issued or renewed, or a \$2 fee when the license or card is being replaced solely to add on the designation.

applicants until implementation of the DHSMV's new designs for the identification card and driver license, which will be available throughout Florida by the end of December 2017.⁴

The symbol on the identification card or driver license may be useful to indicate to others, especially law enforcement, that the individual is deaf or hard of hearing. However a law enforcement officer making a traffic stop is likely unaware that the individual is deaf or hard of hearing prior to approaching the vehicle and seeing the card or license. Until the officer sees the card or license, the officer may not know that the individual has difficulty following verbal commands, especially at night when visibility is low.

Driver and Vehicle Information Database (DAVID)

The DAVID system contains driver information, such as driver history, a copy of the driver license, and insurance information; motor vehicle information, including vehicle titles; and traffic crash information. The DHSMV is permitted, pursuant to interagency agreements, to share information from its database to be used for specified purposes as provided in s. 322.142, F.S., which includes "in response to law enforcement agency requests." As of 2013, the DAVID system had over 60,000 users in law enforcement, criminal justice, and other Florida agencies.⁵

Florida Crime Information Center (FCIC) System

The FCIC system is Florida's central database for tracking various crime-related information. The system is designed "to provide services, information, and capabilities to the law enforcement and criminal justice community" in the state, and gives them access to other criminal justice information systems nationwide.⁶ All employees that access the FCIC must be certified by the Florida Department of Law Enforcement, and all information obtained through the system is restricted to criminal justice purposes.⁷

III. Effect of Proposed Changes:

The bill requires the application form for a motor vehicle registration include an option allowing an applicant who is hearing impaired to *voluntarily* indicate that he or she is hearing impaired. Such information must be included in the FCIC system and the DAVID system.

A law enforcement officer will be capable of accessing this information when he or she searches for a license plate in the DAVID system and the FCIC system.

The bill takes effect July 1, 2018.

⁴ DHSMV, Driver Licenses & ID Cards: Florida's NEW Driver License and ID Card, *available at* <https://www.flhsmv.gov/driver-licenses-id-cards/newdl/> (last visited Nov. 19, 2017).

⁵ DHSMV, Office of Inspector General, *Motorist Services DAVID Audit Review* (Oct. 21, 2013), *available at* <https://www.flhsmv.gov/pdf/igoffice/102113.pdf> (last visited Nov. 21, 2017).

⁶ Florida Highway Patrol Policy Manual, *Criminal Justice Information Services: Policy 14.02.04C*. (Rev. Mar. 2015), *available at* <https://www.flhsmv.gov/fhp/Manuals/1402.pdf> (last visited Nov. 21, 2017).

⁷ *Id.* at Policy 14.02.07C. and D.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill does not appear to have a fiscal impact on the private sector.

C. Government Sector Impact:

The DHSMV estimates a fiscal impact of \$23,745 for programming and implementation costs due to the bill's changes. The DHSMV's Motorist Modernization Project, which is an ongoing multi-year information technology project to replace existing driver license and motor vehicle information systems, may also be impacted.⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

The term "hearing impaired" is not defined in the bill and is not currently used in ch. 322, F.S. Current law uses the terms "deaf" and "hard of hearing" and may be better terms to use instead of "hearing impaired."

The DHSMV recommends in its bill analysis that the bill's effective date of July 1, 2018, be changed to October 1, 2018, to allow time for the DHSMV to implement the required programming.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 320.02 and 320.27.

⁸ DHSMV, *2018 Agency Legislative Bill Analysis: SB 290* (Sept. 26, 2017).

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Rouson

19-00517-18

2018290__

A bill to be entitled

An act relating to motor vehicle registration applications; amending s. 320.02, F.S.; requiring the application for motor vehicle registration to include language to indicate an applicant is hearing impaired; requiring such information to be included in certain databases; amending s. 320.27, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Subsections (14) through (19) of section 320.02, Florida Statutes, are renumbered as subsections (15) through (20), respectively, and a new subsection (14) is added to that section, to read:

320.02 Registration required; application for registration; forms.—

(14) The application form for motor vehicle registration must include language allowing an applicant who is hearing impaired to voluntarily indicate that he or she is hearing impaired. If the applicant indicates on the application that he or she is hearing impaired, such information must be included in the Florida Crime Information Center system and the Driver and Vehicle Information Database.

Section 2. Paragraph (b) of subsection (9) of section 320.27, Florida Statutes, is amended to read:

320.27 Motor vehicle dealers.—

(9) DENIAL, SUSPENSION, OR REVOCATION.—

(b) The department may deny, suspend, or revoke any license

Page 1 of 4

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19-00517-18

2018290__

issued hereunder or under the provisions of s. 320.77 or s. 320.771 upon proof that a licensee has committed, with sufficient frequency so as to establish a pattern of wrongdoing on the part of a licensee, violations of one or more of the following activities:

1. Representation that a demonstrator is a new motor vehicle, or the attempt to sell or the sale of a demonstrator as a new motor vehicle without written notice to the purchaser that the vehicle is a demonstrator. For the purposes of this section, a "demonstrator," a "new motor vehicle," and a "used motor vehicle" shall be defined as under s. 320.60.

2. Unjustifiable refusal to comply with a licensee's responsibility under the terms of the new motor vehicle warranty issued by its respective manufacturer, distributor, or importer. However, if such refusal is at the direction of the manufacturer, distributor, or importer, such refusal shall not be a ground under this section.

3. Misrepresentation or false, deceptive, or misleading statements with regard to the sale or financing of motor vehicles which any motor vehicle dealer has, or causes to have, advertised, printed, displayed, published, distributed, broadcast, televised, or made in any manner with regard to the sale or financing of motor vehicles.

4. Failure by any motor vehicle dealer to provide a customer or purchaser with an odometer disclosure statement and a copy of any bona fide written, executed sales contract or agreement of purchase connected with the purchase of the motor vehicle purchased by the customer or purchaser.

5. Failure of any motor vehicle dealer to comply with the

Page 2 of 4

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19-00517-18 2018290__

59 terms of any bona fide written, executed agreement, pursuant to
60 the sale of a motor vehicle.

61 6. Failure to apply for transfer of a title as prescribed
62 in s. 319.23(6).

63 7. Use of the dealer license identification number by any
64 person other than the licensed dealer or his or her designee.

65 8. Failure to continually meet the requirements of the
66 licensure law.

67 9. Representation to a customer or any advertisement to the
68 public representing or suggesting that a motor vehicle is a new
69 motor vehicle if such vehicle lawfully cannot be titled in the
70 name of the customer or other member of the public by the seller
71 using a manufacturer's statement of origin as permitted in s.
72 319.23(1).

73 10. Requirement by any motor vehicle dealer that a customer
74 or purchaser accept equipment on his or her motor vehicle which
75 was not ordered by the customer or purchaser.

76 11. Requirement by any motor vehicle dealer that any
77 customer or purchaser finance a motor vehicle with a specific
78 financial institution or company.

79 12. Requirement by any motor vehicle dealer that the
80 purchaser of a motor vehicle contract with the dealer for
81 physical damage insurance.

82 13. Perpetration of a fraud upon any person as a result of
83 dealing in motor vehicles, including, without limitation, the
84 misrepresentation to any person by the licensee of the
85 licensee's relationship to any manufacturer, importer, or
86 distributor.

87 14. Violation of any of the provisions of s. 319.35 by any

Page 3 of 4

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19-00517-18 2018290__

88 motor vehicle dealer.

89 15. Sale by a motor vehicle dealer of a vehicle offered in
90 trade by a customer prior to consummation of the sale, exchange,
91 or transfer of a newly acquired vehicle to the customer, unless
92 the customer provides written authorization for the sale of the
93 trade-in vehicle prior to delivery of the newly acquired
94 vehicle.

95 16. Willful failure to comply with any administrative rule
96 adopted by the department or the provisions of s. 320.131(8).

97 17. Violation of chapter 319, this chapter, or ss. 559.901-
98 559.9221, which has to do with dealing in or repairing motor
99 vehicles or mobile homes. Additionally, in the case of used
100 motor vehicles, the willful violation of the federal law and
101 rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the
102 consumer sales window form.

103 18. Failure to maintain evidence of notification to the
104 owner or coowner of a vehicle regarding registration or titling
105 fees owed as required in s. 320.02(17) ~~320.02(16)~~.

106 19. Failure to register a mobile home salesperson with the
107 department as required by this section.

108 Section 3. This act shall take effect July 1, 2018.

Page 4 of 4

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



The Florida Senate

Committee Agenda Request

To: Senator Rob Bradley, Chair
Appropriations

Subject: Committee Agenda Request

Date: January 3, 2018

I respectfully request that **Senate Bill # 286 and Senate Bill # 290**, relating to the Florida Slavery Memorial and Motor Vehicle Registration Applications, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Darryl Rouson".

Senator Darryl Rouson
Florida Senate, District 19



The Florida Senate

Committee Agenda Request

To: Senator Rob Bradley, Chair
Committee on Appropriations

Subject: Committee Agenda Request

Date: January 19, 2018

I respectfully request that **Senate Bill # 290**, relating to Motor Vehicle Registration Applications, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Darryl Rouson".

Senator Darryl Rouson
Florida Senate, District 19

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

January 24, 2018

Meeting Date

SB 290

Bill Number (if applicable)

Topic Motor Vehicle Registration Applications

Amendment Barcode (if applicable)

Name Chris Snow

Job Title Consultant/Lobbyist

Address 2568 Centerville Court

Phone 850-556-0203

Street

Tallahassee

Florida

32308

Email chris@snowstrategies.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Association of Speech Language-Pathologists and Audiologists (FLASHA)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 498

INTRODUCER: Senator Garcia

SUBJECT: Office of Public and Professional Guardians Direct-support Organization

DATE: January 23, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Preston</u>	<u>Hendon</u>	<u>CF</u>	Favorable
2.	<u>Loe</u>	<u>Williams</u>	<u>AHS</u>	Recommend: Favorable
3.	<u>Loe</u>	<u>Hansen</u>	<u>AP</u>	Favorable

I. Summary:

SB 498 removes the scheduled repeal date of the law governing the Foundation for Indigent Guardianship, Inc. The Foundation serves as a direct-support organization for the Office of Public and Professional Guardians within the Department of Elder Affairs.

The bill has no impact on state revenues or expenditures.

The bill takes effect July 1, 2018.

II. Present Situation:

Citizen-Support Organizations and Direct-Support Organizations

Citizen-support organizations (CSOs) and direct-support organizations (DSOs) are statutorily created non-profit organizations¹ authorized to carry out specific tasks in support of public entities or public causes. The function and purpose of a CSO or DSO are prescribed by an enacting statute and a written contract with the agency the CSO or DSO was created to support.²

CSO and DSO Transparency and Reporting Requirements

In 2014, the Legislature created s. 20.058, F.S., establishing a comprehensive set of transparency and reporting requirements for CSOs and DSOs.³ Specifically, the law requires each CSO and DSO to annually submit the following information to the appropriate agency by August 1st:⁴

¹ Chapter 617, F.S.

² See ss. 14.29(9)(a), 16.616(1), and 258.015(1), F.S. See also Rules of the Florida Auditor General, *Audits of Certain Nonprofit Organizations* (effective June 30, 2017), Rule 10.720(1)(b) and (d) available at: https://flauditor.gov/pages/pdf_files/10_700.pdf (last visited November 7, 2017).

³ Section 3, ch. 2014-96, L.O.F

⁴ Section 20.058(1), F.S.

- The name, mailing address, telephone number, and website address of the organization;
- The statutory authority or executive order that created the organization;
- A brief description of the mission of, and results obtained by, the organization;
- A brief description of the organization's plans for the next three fiscal years;
- A copy of the organization's code of ethics; and
- A copy of the organization's most recent Internal Revenue Service (IRS) Form 990.⁵

Additionally, the information submitted annually by a CSO or DSO must be available on the respective agency's website along with a link to the CSO's or DSO's website, if one exists.⁶ Any contract between an agency and a CSO or DSO must be contingent upon the CSO or DSO submitting the required information to the agency and posting the information on the agency's website.⁷ The contract must include a provision for ending operations and returning state-issued funds to the state if the authorizing statute is repealed, the contract is terminated, or the organization is dissolved.⁸ If a CSO or DSO fails to submit the required information to the agency for two consecutive years, the agency head must terminate its contract with the CSO or DSO.⁹

By August 15th of each year, the agency must report to the Governor, President of the Senate, Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability the information submitted by each CSO or DSO along with the agency's recommendation and supporting rationale to continue, terminate, or modify the agency's association with the CSO or DSO.¹⁰

Any law creating, or authorizing the creation of, a CSO or DSO must state that the authorization for the organization repeals on October 1st of the fifth year after enactment unless reviewed and reenacted by the Legislature. CSOs and DSOs in existence prior to July 1, 2014, must be reviewed by the Legislature by July 1, 2019.¹¹

CSO and DSO Audit Requirements

Section 215.981, F.S., requires each CSO and DSO with annual expenditures in excess of \$100,000 to provide for an annual financial audit of its accounts and records.¹² The audit must be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General and the state agency that created, approved, or administers the DSO or CSO. The audit report must be submitted within nine months after the end of the fiscal year to the Auditor General and to the state agency the CSO or DSO supports. Additionally, the Auditor

⁵ The IRS Form 990 is an annual information return required to be filed with the IRS by most organizations exempt from federal income tax under 26 U.S.C. 501. 26 C.F.R. 1.6033-2.

⁶ Section 20.058(2), F.S.

⁷ Section 20.058(4), F.S.

⁸ Chapter 2017-75, L.O.F.

⁹ Section 20.058(4), F.S.

¹⁰ Section 20.058(3), F.S.

¹¹ Section 20.058(5), F.S.

¹² The independent audit requirement does not apply to a CSO or DSO for a university, district board of trustees of a community college, or district school board. Additionally, the expenditure threshold for an independent audit is \$300,000 for a CSO or DSO for the Department of Environmental Protection and the Department of Agriculture and Consumer Services.

General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements of a CSO's or DSO's accounts and records.¹³

CSO and DSO Ethics Code Requirement

Section 112.3251, F.S., requires a CSO or DSO to adopt a code of ethics. The code of ethics must contain the specified standards of conduct and disclosures provided in ss. 112.313 and 112.3143(2), F.S.¹⁴ A CSO or DSO may adopt additional or more stringent standards of conduct and disclosure requirements and must post its code of ethics on its website.¹⁵

The Department of Elder Affairs

The Florida Constitution provides that the Legislature may create a Department of Elderly Affairs (DOEA or department) and prescribe its duties.¹⁶ In addition to the Florida Constitution, the Florida Statutes provide that the department shall be the state unit on aging as defined in the federal Older Americans Act of 1965, as amended, and shall exercise all responsibilities pursuant to that act.¹⁷ The department has served as the primary state agency for administering human services programs for elders and developing policy recommendations for long-term care since 1992.¹⁸ The department provides most of its direct services through its Division of Statewide Community-Based Services, which works through the state's eleven Area Agencies on Aging and local service providers to deliver essential services to a vital segment of the population. The department also directly administers a wide range of programs, including the Long-Term Care Ombudsman Program, Office of Public and Professional Guardians, Communities for a Lifetime, SHINE (Serving Health Insurance Needs of Elders), and CARES (Comprehensive Assessment and Review for Long-Term Care Services).¹⁹

The Office of Public and Professional Guardians

The Legislature created the Statewide Public Guardianship Office in 1999 to provide oversight for all public guardians.²⁰ In 2016, the Legislature renamed the Statewide Public Guardianship Office within the department as the Office of Public and Professional Guardians (Office)²¹ and expanded the Office's responsibilities. The expansion of the Office's oversight of professional guardians followed reports of abuse and inappropriate behavior by professional guardians. The Office now regulates professional guardians with certain disciplinary and enforcement powers. The Office is required to review and, if determined legally sufficient, investigate any complaint that a professional guardian has violated the standards of practice established by the Office.²²

¹³ Section 11.45(3), F.S.

¹⁴ Some of the standards of conduct and disclosures in ss. 112.313 and 112.3143(2), F.S., include misuse of public position, solicitation or acceptance of gifts, unauthorized compensation, and voting conflicts.

¹⁵ Section 112.3251, F.S.

¹⁶ FLA.CONST. art. IV, s. 12.

¹⁷ Section 20.41, F.S.

¹⁸ Department of Elder Affairs, 2018 Agency Legislative Bill Analysis, SB 498, October 17, 2017.

¹⁹ *Id.*

²⁰ Section 744.7021, F.S.

²¹ Chapter 2016-40, L.O.F. Section 744.7021, F.S. was renumbered as s. 744.2001, F.S.

²² Section 744.2004, F.S.

Foundation for Indigent Guardianship, Inc.

In 2002, the Legislature authorized the Statewide Public Guardianship Office to create a direct-support organization for the direct or indirect benefit of the Office by conducting programs and activities; raising funds; requesting and receiving grants, gifts, and bequests of moneys; and making expenditures to or for the direct or indirect benefit of the Office.²³

The Office established the Foundation for Indigent Guardianship, Inc., (FIG) as its direct-support organization. The Secretary of the department appoints the members of the board of directors. In 2006, FIG founded The Florida Public Guardianship Pooled Special Needs Trust (Trust) with the sole purpose of helping people with disabilities qualify for or maintain means-tested public benefits, such as Medicaid, Supplemental Security Income (SSI), food assistance and public housing while potentially benefitting Florida's statewide public guardianship program.²⁴ Since that date, FIG has distributed over \$1,000,000 to public guardianship programs.

The Foundation provides complimentary educational opportunities for the staff of public guardianship programs as well as other educational projects to raise awareness to educate the public about the needs of public guardians and those they serve, to assist the livelihood and general welfare of Florida-resident elders in need of a public guardian as well as those persons with cognitive impairments who are indigent and have no family or friends to care for their needs.²⁵

The law governing the foundation is repealed on October 1, 2018, unless reviewed and saved from repeal by the Legislature.²⁶ The Foundation meets all of the statutory requirements to remain in existence.

III. Effect of Proposed Changes:

The bill removes the scheduled repeal date for the Foundation for Indigent Guardianship. The Foundation serves as a direct-support organization for the Office of Public and Professional Guardians within the Department of Elder Affairs.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

²³ Chapter 2002-195, L.O.F.

²⁴ Department of Elder Affairs, 2018 Agency Legislative Bill Analysis, SB 498, October 17, 2017.

²⁵ *Id.*

²⁶ Chapter 2016-40, L.O.F. Section 744.2105, F.S. In 2016, s. 744.7082, F.S., was renumbered as s. 744.2105, F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends s. 744.2105 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Garcia

36-00675-18

2018498__

1 A bill to be entitled
 2 An act relating to the Office of Public and
 3 Professional Guardians direct-support organization;
 4 amending s. 744.2105, F.S.; abrogating the scheduled
 5 repeal of provisions governing a direct-support
 6 organization established under the Office of Public
 7 and Professional Guardians within the Department of
 8 Elderly Affairs; providing an effective date.
 9
 10 Be It Enacted by the Legislature of the State of Florida:
 11
 12 Section 1. Section 744.2105, Florida Statutes, is amended
 13 to read:
 14 744.2105 Direct-support organization; definition; use of
 15 property; board of directors; audit; dissolution.—
 16 (1) DEFINITION.—As used in this section, the term “direct-
 17 support organization” means an organization whose sole purpose
 18 is to support the Office of Public and Professional Guardians
 19 and is:
 20 (a) A not-for-profit corporation incorporated under chapter
 21 617 and approved by the Department of State;
 22 (b) Organized and operated to conduct programs and
 23 activities; to raise funds; to request and receive grants,
 24 gifts, and bequests of moneys; to acquire, receive, hold,
 25 invest, and administer, in its own name, securities, funds,
 26 objects of value, or other property, real or personal; and to
 27 make expenditures to or for the direct or indirect benefit of
 28 the Office of Public and Professional Guardians; and
 29 (c) Determined by the Office of Public and Professional

Page 1 of 4

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36-00675-18

2018498__

30 Guardians to be consistent with the goals of the office, in the
 31 best interests of the state, and in accordance with the adopted
 32 goals and mission of the Department of Elderly Affairs and the
 33 Office of Public and Professional Guardians.
 34 (2) CONTRACT.—The direct-support organization shall operate
 35 under a written contract with the Office of Public and
 36 Professional Guardians. The written contract must provide for:
 37 (a) Certification by the Office of Public and Professional
 38 Guardians that the direct-support organization is complying with
 39 the terms of the contract and is doing so consistent with the
 40 goals and purposes of the office and in the best interests of
 41 the state. This certification must be made annually and reported
 42 in the official minutes of a meeting of the direct-support
 43 organization.
 44 (b) The reversion of moneys and property held in trust by
 45 the direct-support organization:
 46 1. To the Office of Public and Professional Guardians if
 47 the direct-support organization is no longer approved to operate
 48 for the office;
 49 2. To the Office of Public and Professional Guardians if
 50 the direct-support organization ceases to exist;
 51 3. To the Department of Elderly Affairs if the Office of
 52 Public and Professional Guardians ceases to exist; or
 53 4. To the state if the Department of Elderly Affairs ceases
 54 to exist.
 55
 56 The fiscal year of the direct-support organization shall begin
 57 on July 1 of each year and end on June 30 of the following year.
 58 (c) The disclosure of the material provisions of the

Page 2 of 4

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36-00675-18

2018498__

59 contract, and the distinction between the Office of Public and
60 Professional Guardians and the direct-support organization, to
61 donors of gifts, contributions, or bequests, including such
62 disclosure on all promotional and fundraising publications.

63 (3) BOARD OF DIRECTORS.—The Secretary of Elderly Affairs
64 shall appoint a board of directors for the direct-support
65 organization from a list of nominees submitted by the executive
66 director of the Office of Public and Professional Guardians.

67 (4) USE OF PROPERTY.—The Department of Elderly Affairs may
68 permit, without charge, appropriate use of fixed property and
69 facilities of the department or the Office of Public and
70 Professional Guardians by the direct-support organization. The
71 department may prescribe any condition with which the direct-
72 support organization must comply in order to use fixed property
73 or facilities of the department or the Office of Public and
74 Professional Guardians.

75 (5) MONEYS.—Any moneys may be held in a separate depository
76 account in the name of the direct-support organization and
77 subject to the provisions of the written contract with the
78 Office of Public and Professional Guardians. Expenditures of the
79 direct-support organization shall be expressly used to support
80 the Office of Public and Professional Guardians. The
81 expenditures of the direct-support organization may not be used
82 for the purpose of lobbying as defined in s. 11.045.

83 (6) PUBLIC RECORDS.—Personal identifying information of a
84 donor or prospective donor to the direct-support organization
85 who desires to remain anonymous is confidential and exempt from
86 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

87 (7) AUDIT.—The direct-support organization shall provide

Page 3 of 4

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36-00675-18

2018498__

88 for an annual financial audit in accordance with s. 215.981.

89 (8) DISSOLUTION.—A not-for-profit corporation incorporated
90 under chapter 617 that is determined by a circuit court to be
91 representing itself as a direct-support organization created
92 under this section, but that does not have a written contract
93 with the Office of Public and Professional Guardians in
94 compliance with this section, is considered to meet the grounds
95 for a judicial dissolution described in s. 617.1430(1)(a). The
96 Office of Public and Professional Guardians shall be the
97 recipient for all assets held by the dissolved corporation which
98 accrued during the period that the dissolved corporation
99 represented itself as a direct-support organization created
100 under this section.

101 ~~(9) REPEAL.—This section is repealed October 1, 2018,~~
102 ~~unless reviewed and saved from repeal by the Legislature.~~

103 Section 2. This act shall take effect July 1, 2018.

Page 4 of 4

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The Florida Senate
State Senator René García
36th District

Please reply to:

District Office:

1490 West 68 Street
Suite # 201
Hialeah, FL. 33014
Phone# (305) 364-3100

December 7, 2017

The Honorable Rob Bradley
Chair, Appropriations
201 Capitol Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Bradley,

Please have this letter serve as my formal request to have **SB 498: Office of Public and Professional Guardians Direct-support Organization** be heard during the next scheduled Appropriations Committee Meeting. Should you have any questions or concerns, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "René García".

State Senator René García
District 36

CC: Mike Hansen
Tim Sadberry
Alicia Weiss

Committees: Children, Families, and Elder Affairs, Chair, Appropriations Subcommittee on Finance and Tax, Vice Chair, Appropriations Subcommittee on the Environment and Natural Resources, Appropriations Subcommittee on General Government, Banking and Insurance, Judiciary, Joint Administrative Procedures Committee.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-24-18

Meeting Date

498

Bill Number (if applicable)

Topic Waive in support, SB 498

Amendment Barcode (if applicable)

Name Jon Conley

Job Title Director, Legislative Affairs

Address 4040 Esplanade way

Phone 850 414 2155

Street

Tallahassee FL 32399

Email conleyj@elderaffairs.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Department of Elder Affairs

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 520

INTRODUCER: Health Policy Committee and Senators Young and Campbell

SUBJECT: Optometry

DATE: January 23, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	Fav/CS
2.	Loe	Hansen	AP	Favorable
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 520 eliminates the requirement in current law that any person desiring an optometry license in Florida must file an application for licensure and subsequently take and successfully pass the licensure exam. Under the bill, an applicant may submit an application and proof of having successfully passed the licensure examination within three years before the date of the application or after the submission of the application. This process applies to a new licensee in the practice of optometry as well as to a person who is licensed to practice optometry in another state who desire licensure in Florida.

The bill requires the Board of Optometry (board) to approve the licensure examination and clarifies that the board may, by rule, offer a practical examination in addition to a written examination.

The bill may increase state expenditures by an indeterminate amount. The Department of Health (DOH) may experience an increase in workload if the board elects to offer a practical examination in addition to a written examination; however, these costs can be absorbed within existing resources.

The bill takes effect on July 1, 2018.

II. Present Situation:

The Practice of Optometry

The DOH is responsible for the regulation of optometrists in Florida for the preservation of the health, safety, and welfare of the public. The board was established to ensure that every person engaged in the practice of optometry meets minimum requirements for safe practice.¹

Optometry is the diagnosis of conditions of the human eye and its appendages.² The practice of optometry includes the employment of any objective or subjective means or methods to assist in the diagnosis of conditions of the human eyes and its appendages, including:

- The administration of ocular pharmaceutical agents for the purpose of determining the refractive powers of the human eyes, or any visual, muscular, neurological, or anatomic anomalies of the human eyes and their appendages; and
- The prescribing and use of lenses, prisms, frames, mountings, contact lenses, orthoptic exercises, light frequencies, and any other means or methods, including ocular pharmaceutical agents,³ for the correction, remedy, or relief of any insufficiencies or abnormal conditions of the human eyes and their appendages.⁴

Licensed optometrists who are not certified may only use topical anesthetics for the purpose of glaucoma examinations and are otherwise prohibited from administering or prescribing ocular pharmaceutical agents.⁵ A licensed optometrist is required to post in his or her practice location a sign, which states: “I am a Licensed Practitioner, not a Certified Optometrist, and I am not able to prescribe ocular pharmaceutical agents.”⁶

All optometrists initially licensed after July 1, 1993,⁷ are now required to be certified and may administer and prescribe ocular pharmaceutical agents for the diagnosis and treatment of ocular conditions of the human eye and its appendages without the use of surgery or other invasive techniques.⁸

Licensure and Certification

Pursuant to ch. 456, F.S., the general provisions applicable to all professions regulated by the Division of Medical Quality Assurance within the DOH, the DOH must provide for the

¹ Section 463.001, F.S., and The Department of Health, *Florida Board of Optometry*, available at: <http://floridasoptometry.gov/>, (last visited Nov. 8, 2017).

² Section 463.002(10), F.S. “Appendages” means the eyelids, the eyebrows, the conjunctiva, and the lacrimal apparatus.

³ Section 463.002(5), F.S. “Ocular pharmaceutical agent” means a pharmaceutical agent that is administered topically or orally for the diagnosis or treatment of ocular conditions of the human eye and its appendages without the use of surgery or other invasive techniques.

⁴ Section 463.002(7), F.S.

⁵ Section 463.0055(1)(a), F.S.

⁶ Section 463.002(3), F.S.

⁷ Section 463.002(3), F.S. The 1986 Legislature amended ch. 463, F.S., to require that anyone applying for an optometrist license after July 1, 1993, become a Certified Optometrist. The legislation required all applicants after that date to meet additional education and examination requirements. *See also* the Department of Health, Board of Optometry, *Licensing and Registration*, available at <http://floridasoptometry.gov/licensing/>, (last visited Nov. 8, 2017).

⁸ Sections 463.002(4) and 463.0055, F.S.

development, preparation, administration, scoring, score reporting, and evaluation of all examinations in consultation with the appropriate board. For each examination developed by the DOH or a contracted vendor, the board must specify by rule:

- The general areas to be covered by each examination;
- The relative weight to be assigned in grading each area tested; and
- The score necessary to achieve a passing grade.⁹

The board and the DOH may not administer a state-developed written examination if a national examination has been certified by the DOH.¹⁰ The board may administer a state-developed practical or clinical examination, if required by the applicable practice act, if all costs are paid by the candidate. If a national practical or clinical examination is available and certified by the DOH, the board may administer the national examination.¹¹

Currently, any person desiring to be a certified optometrist in Florida must apply to the DOH to take the licensure and certification examinations.¹² To be certified as an optometrist the applicant must:

- Submit a completed application form;
- Submit an application and examination fee;
- Be at least 18 years of age;
- Graduate from a school or college of optometry approved by the board;
- Provide proof of at least 110 hours of transcript quality course work and clinical training in general and ocular pharmacology;
- Have completed at least one year of supervised experience in differential diagnosis of eye disease or disorders as part of the optometric training or in a clinical setting as part of the optometric experience;
- Successfully pass all four parts of the Florida Licensure Examination, consisting of:
 - Part I – the Applied Basic Science (ABS) portion of the examination developed by the National Board of Examiners in Optometry (NBEO);
 - Part II – the Patient Assessment and Management (PAM) portion of the examination developed by the NBEO which includes an embedded Treatment and Management of Ocular Disease examination;
 - Part III – the Clinical Skills Examination (CSE) portion of the examination developed by the NBEO; and
 - Part IV – a written examination on applicable Florida laws and rules governing the practice of optometry; and
- If the applicant is, or has ever been, licensed in another state, he or she must also submit a licensure verification from each state.¹³

An applicant who fails to achieve a passing score on Part I, Part II, Part III, or Part IV of the licensure examination may retake any part. Reexamination is limited to an 18-month period from

⁹ Section 456.017(1)(a) and (b), F.S.

¹⁰ Section 456.017(1)(c)2., F.S.

¹¹ Section 456.017, F.S.

¹² Section 463.006(1), F.S.

¹³ The Department of Health, Board of Optometry, *Licensure Requirements*, available at: <http://floridasoptometry.gov/licensing/certified-optometrist/>, (last visited November 8, 2017).

the date of the original failure. The board may grant an extension of one year to allow an additional retake based on a medical disability substantiated by documentation from the applicant's physician.¹⁴

Florida schools of optometry, and several out of state colleges, include the 4-part examination in the school curriculum and spread the four parts over the course of the four years of education and training required by the program.¹⁵

Prior to April 14, 2017, the DOH and board had, by rule,¹⁶ accepted licensure applicants' passing scores on Part I, Part II, Part III, and Part IV of the licensure examination that had been obtained within the seven-year period immediately preceding licensure application. This practice was challenged in 2016¹⁷ at the Division of Administrative Hearings, and the administrative law judge found that the petitioners had demonstrated that the rule's look-back period for test scores was an invalid exercise of delegated authority in violation of section 120.52(8)(b) and (c), F.S.; "and that should this result be onerous, the answer [was] a legislative change."¹⁸ As a result of this decision, graduating students applying for licensure in Florida were required to retake examinations they had previously taken and passed while in school or college, and all out-of-state applicants were required to retake the examination.¹⁹

Renewal of Licensure and Certification

A licensed optometrist must renew his or her license every two years, pay a renewal fee not to exceed \$300, and demonstrate his or her professional competence by completing 30 hours of continuing education during the preceding two-year period before license renewal. Certified optometrists must also complete 30 hours of continuing education during the preceding two years, but their hours must include six or more hours of approved transcript-quality coursework in ocular and systemic pharmacology and the diagnosis, treatment, and management of ocular and systemic conditions and diseases.²⁰

III. Effect of Proposed Changes:

Section 1 amends s. 463.006, F.S., to eliminate the requirement that applicants for licensure must take, and successfully pass, the licensure examinations after an application for licensure is submitted. The bill permits an applicant for licensure to submit an application for licensure that includes proof of specific items, and to also submit proof that he or she has successfully passed all parts of the licensure examination within three years prior to the date of application or after submission of the application. This allows graduates from a board approved, accredited school or college, and some out-of-state practitioners from taking the licensure examination a second time if the applicant successfully passed the examination within the prior three years.

¹⁴ Rule 64B13-4.002, F.A.C.

¹⁵ See Department of Health, *Senate Bill 520 Analysis* (Oct. 12, 2017) (on file with the Senate Committee on Health Policy).

¹⁶ Rule 64B13-4.001, F.A.C.

¹⁷ See Department of Administrative Hearings, *Final Order, Yontz & Johnson, v. DOH*, Case No. 16-6663RX (April 14, 2017), available at <https://www.doah.state.fl.us/ROS/2016/16006663.pdf> (last visited Dec. 5, 2017).

¹⁸ *Id.* at page 42.

¹⁹ *Supra* note 15.

²⁰ Section 463.007, F.S.

The bill requires the board to approve the licensure examination that meets certain requirements, and clarifies that the board may offer a practical examination in addition to a written examination.

Section 2 amends s. 463.0057, F.S., to make a conforming cross-reference change.

Section 3 provides the bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

New licensees to the optometry profession, as well as some optometrists licensed in other states seeking licensure in Florida, may avoid the cost of retaking the required examinations if they successfully passed the examinations within three years prior to submitting an application. The estimated cost of the examination, not including travel and overnight accommodations to North Carolina, the only location Part III is given, is approximately \$2,500.²¹

C. Government Sector Impact:

The DOH may incur additional expenses in the development, preparation, administration, scoring, score reporting and evaluation of the examinations if the board elects to offer its own practical examination; however, these costs can be absorbed within its existing resources.

VI. Technical Deficiencies:

None.

²¹ *Supra* note 15.

VII. Related Issues:

Lines 31-35 of the bill contains existing statutory language that establishes caps for fees required for the licensure and certification of optometrists in Florida. The Department of Health no longer offers a state examination; therefore, fees required related to examinations are no longer collected, and the current statutory language can be deleted. The existing statutory language does not establish caps for a licensure application fee or a licensure fee. The current statutory language should be revised to include these fees in order to comply with section 456.025, F.S.

The bill permits three years to lapse since successful passage of the required licensure examination, either prior to the date of application or after the submission of an application, for licensure as an optometrist. It is not clear if the intent of this requirement is to limit the time period to three years or six years based on how the language is currently drafted. This language should be amended to clarify the intent of the restriction on the time permitted to lapse to qualify for licensure. Nonetheless, the restriction on the time permitted to lapse to qualify for licensure could deter the licensure of experienced optometrists who wish to move to Florida and continue practicing if more time has lapsed since they initially passed the examination. The restriction on the time permitted to lapse to qualify for licensure could be removed by incorporating similar language contained in the chiropractic practice act,²² or the time frame could be extended to allow more time to lapse prior to requiring an optometrist licensed in another state to retake the licensure examination.

VIII. Statutes Affected:

This bill substantially amends sections 463.006 and 463.0057, of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health Policy on December 5, 2017:

The original bill amended s. 463.006, F.S., to authorize an optometry student, attending a board approved, accredited school of optometry, to submit his or her application for licensure and certification during the 24 months preceding his or her graduation. The CS removes this language and permits a graduate from a board-approved, accredited school or college, and certain out-of-state optometrists seeking licensure in Florida, to submit an application for licensure and proof that the applicant has passed all parts of the licensure examination within three years before the date of application or after the application submission. The CS also requires the board to approve the licensure examination.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²² Section 460.406(5), F.S.

By the Committee on Health Policy; and Senators Young and Campbell

588-01802-18

2018520c1

1 A bill to be entitled
 2 An act relating to optometry; amending s. 463.006,
 3 F.S.; requiring an applicant for licensure as an
 4 optometrist to submit proof to the Department of
 5 Health that she or he meets certain requirements;
 6 removing a requirement that the department examine an
 7 applicant who meets specified requirements for
 8 licensure and certification; requiring the Board of
 9 Optometry to approve a licensure examination that
 10 meets certain requirements; clarifying that the board
 11 may offer a practical examination in addition to a
 12 written examination under certain circumstances;
 13 providing that an applicant must pass the licensure
 14 examination within a specified timeframe as a
 15 condition of licensure as an optometrist and
 16 certification to administer and prescribe ocular
 17 pharmaceutical agents; amending s. 463.0057, F.S.;
 18 conforming a cross-reference; providing an effective
 19 date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Section 463.006, Florida Statutes, is amended to
 24 read:

25 463.006 Licensure and certification by examination.—

26 (1) Any person desiring to be a licensed practitioner
 27 pursuant to this chapter ~~must shall~~ apply to the department and
 28 must submit proof to ~~take the licensure and certification~~
 29 ~~examinations.~~ the department that she or he shall examine each

Page 1 of 3

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

588-01802-18

2018520c1

30 ~~applicant who the board determines has:~~
 31 (a) Has completed the application forms as required by the
 32 board, remitted an application fee for certification not to
 33 exceed \$250, remitted an examination fee for certification not
 34 to exceed \$250, and remitted an examination fee for licensure
 35 not to exceed \$325, all as set by the board.
 36 (b) ~~Submitted proof satisfactory to the department that she~~
 37 ~~or he:~~
 38 ~~1-~~ Is at least 18 years of age.
 39 (c) ~~2-~~ Has graduated from an accredited school or college of
 40 optometry approved by rule of the board.
 41 (d) ~~3-~~ Is of good moral character.
 42 (e) ~~4-~~ Has successfully completed at least 110 hours of
 43 transcript-quality coursework and clinical training in general
 44 and ocular pharmacology as determined by the board, at an
 45 institution that:
 46 1.a- Has facilities for both didactic and clinical
 47 instructions in pharmacology; and
 48 2.b- Is accredited by a regional or professional
 49 accrediting organization that is recognized and approved by the
 50 Commission on Recognition of Postsecondary Accreditation or the
 51 United States Department of Education.
 52 (f) ~~5-~~ Has completed at least 1 year of supervised
 53 experience in differential diagnosis of eye disease or disorders
 54 as part of the optometric training or in a clinical setting as
 55 part of the optometric experience.
 56 (2) The board shall approve a licensure examination
 57 consisting shall consist of the appropriate subjects and,
 58 including applicable state laws and rules and general and ocular

Page 2 of 3

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

588-01802-18

2018520c1

59 pharmacology with emphasis on the use and side effects of ocular
60 pharmaceutical agents. The board may by rule substitute a
61 national examination as part or all of the examination and,
62 notwithstanding chapter 456, may by rule offer a practical
63 examination in addition to a ~~the~~ written examination.

64 (3) Each applicant who submits proof satisfactory to the
65 department that he or she has met the requirements of subsection
66 (1), who successfully passes the licensure examination within 3
67 years before the date of application or after the submission of
68 an application, and who otherwise meets the requirements of this
69 chapter is entitled to be licensed as a practitioner and to be
70 certified to administer and prescribe ocular pharmaceutical
71 agents in the diagnosis and treatment of ocular conditions.

72 Section 2. Subsection (3) of section 463.0057, Florida
73 Statutes, is amended to read:

74 463.0057 Optometric faculty certificate.—

75 (3) The holder of a faculty certificate may engage in the
76 practice of optometry as permitted by this section but may not
77 administer or prescribe topical ocular pharmaceutical agents
78 unless the certificateholder has satisfied the requirements of
79 s. 463.006(1)(e) and (f) ~~s. 463.006(1)(b)4. and 5.~~ If a
80 certificateholder wishes to administer or prescribe oral ocular
81 pharmaceutical agents, the certificateholder must also satisfy
82 the requirements of s. 463.0055(1)(b).

83 Section 3. This act shall take effect July 1, 2018.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations, *Chair*
Appropriations Subcommittee on the
Environment and Natural Resources
Commerce and Tourism
Environmental Preservation and Conservation
Files

SENATE APPROPRIATIONS
RECEIVED
17 DEC -5 AM 11:17
SENT TO: CHAIRMAN _____
STAFF DIR. _____ STAFF _____

JOINT COMMITTEE:
Joint Legislative Budget Commission,
Alternating Chair

SENATOR JACK LATVALA
16th District

December 5, 2017

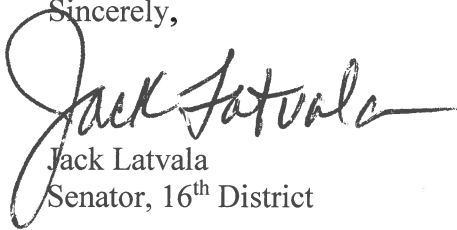
The Honorable Rob Bradley
414 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Bradley,

I respectfully request you place Committee Substitute for Senate Bill 520, relating to Optometrists, on your Appropriations agenda at your earliest convenience.

Should you have any questions or concerns regarding this legislation, please do not hesitate to contact me personally.

Sincerely,


Jack Latvala
Senator, 16th District

cc: Mike Hansen, Staff Director

REPLY TO:

- 26133 U.S. Highway 19 North, Suite 201, Clearwater, Florida 33763 (727) 793-2797 FAX: (888) 263-7847
- 412 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

AP

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/18

Meeting Date

520
SB ~~520~~

Bill Number (if applicable)

Topic Vision

Amendment Barcode (if applicable)

Name GUS CORBELLA

Job Title SR. DIRECTOR - Greenberg Traurig

Address 101 E. College Av

Phone 222-6891

Street
Tallahassee FL 32301

Email corbella@gtlaw.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing National Vision

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/2018
Meeting Date

520

Bill Number (if applicable)

Topic OPTOMETRY

Amendment Barcode (if applicable)

Name DAVID RAMBA

Job Title _____

Address 120 S. MONROE ST
Street

Phone 850-727-7087

TALLAHASSEE FL 32301
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA OPTOMETRIC ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/18
Meeting Date

SB 520
Bill Number (if applicable)

Topic Optometry

Amendment Barcode (if applicable)

Name Sandi Harris

Job Title _____

Address 201 East Park Avenue, Ste. 201
Street

Phone (850) 681-0980

Tallahassee FL 32301
City State Zip

Email sharris@panzamaurer.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Nova Southeastern University

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/CS/SB 540

INTRODUCER: Appropriations Committee; Education Committee; and Senator Hukill

SUBJECT: Postsecondary Education

DATE: January 25, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Graf</u>	<u>ED</u>	Fav/CS
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AHE</u>	Recommend: Favorable
3.	<u>Sikes</u>	<u>Hansen</u>	<u>AP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 540 creates the “College Competitiveness Act of 2018” which restructures the governance of the Florida College System (FCS) and modifies the mission of the system and its institutions. Specifically, the bill:

- Modifies the governance of the FCS by establishing a State Board of Colleges (SBC), and transferring specified responsibilities from the State Board of Education to the SBC.
- Clarifies expectations and oversight of baccalaureate degree programs offered by colleges, and:
 - Modifies the baccalaureate approval process for all colleges.
 - Establishes a 20 percent cap on upper-level, undergraduate full-time equivalent (FTE) enrollment at each college, and a 10 percent cap on upper-level, undergraduate FTE enrollment for the FCS, and specifies conditions for planned and purposeful growth of baccalaureate degree programs.
- Establishes the “2+2” targeted pathway program to provide students guaranteed access to baccalaureate degree programs at state universities.
- Establishes the Supporting Students for Academic Success program to fund the efforts of colleges in assisting students enrolled in an associate in arts (AA) degree program to complete college-credit courses, graduate with an AA degree, and transfer to a baccalaureate degree program.
- Modifies the college performance accountability metrics and standards to promote on-time student graduation.
- Enhances transparency and accountability of college direct-support organizations.

The bill transfers 34 existing positions and \$2.8 million from the State Board of Education budget for the creation of the SBC. The bill also provides an additional 17 positions and \$1.5 million for necessary SBC positions such as a General Counsel, Inspector General, Board Secretary, and others.

The bill also appropriates \$100 million in recurring performance and program funding for the FCS. Specifically, the bill appropriates:

- \$10 million in recurring funds for distribution to colleges for students who earn industry certifications during the 2018-2019 academic year;
- \$60 million in recurring funds for the Florida College Performance-Based Incentive, for the 2018-2019 fiscal year. From these funds, \$30 million is included as the state investment in performance funding and \$30 million is redistributed from the base budget of FCS institutions as the institutional investment in performance funding.
- \$30 million in recurring funds for the Supporting Students for Academic Success Program for the 2018-2019 fiscal year, to be allocated to each college through the FCS Program Fund funding model.

The bill takes effect October 1, 2018, except as otherwise expressly provided.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed in the Effect of Proposed Changes section of this bill analysis.

III. Effect of Proposed Changes:

The Florida College System (FCS) is comprised of 28 FCS institutions, and the regional service areas for such institutions are specified in law.¹ Currently, the FCS serves 801,023 students² (320,900 full-time equivalent³ students).⁴

This bill modifies the governance of the FCS, clarifies the mission of colleges and oversight of baccalaureate degree programs, and establishes “2+2” targeted pathway programs to help college students transfer to baccalaureate degree programs. The bill also modifies performance metrics and fiscal accountability for colleges.

College Governance (Sections 2 through 6, 18, and 19)

Present Situation

State Board of Education

The State Board of Education (SBE)⁵ is the “chief implementing and coordinating body of public education in Florida, except for the State University System” and is authorized to adopt rules to implement the provisions of law conferring duties upon the SBE to improve the state system of K-20 public education, except for the state university system.⁶ As such, the SBE has authority over the Florida College System (FCS) institutions, and is authorized to delegate the SBE’s general powers to the Commissioner of Education (commissioner) or the directors of the divisions of the Florida Department of Education (DOE or department).⁷

¹ The 28 Florida College System (FCS) institutions are Broward College, College of Central Florida, Chipola College, Daytona State College, Eastern Florida State College, Florida SouthWestern State College, Florida State College at Jacksonville, Florida Keys Community College, Gulf Coast State College, Hillsborough Community College, Indian River State College, Florida Gateway College, Lake-Sumter State College, State College of Florida, Manatee-Sarasota, Miami Dade College, North Florida Community College, Northwest Florida State College, Palm Beach State College, Pasco-Hernando State College, Pensacola State College, Polk State College, St. Johns River State College, St. Petersburg College, Santa Fe College, Seminole State College of Florida, South Florida State College, Tallahassee Community College, and Valencia College. Section 1000.21(3), F.S.

² Florida Department of Education, *Preparing Postsecondary Students for Success*, Presentation to the Senate Committee on Education (Oct. 23, 2017), available at http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket_3977_2.pdf, at 4.

³ The full-time equivalent (FTE) of students is a single value providing a meaningful combination of full-time and part-time students. Integrated Postsecondary Education Data System, *Glossary Results*, <https://surveys.nces.ed.gov/ipeds/VisGlossaryAll.aspx> (last visited Nov. 9, 2017). Full-time equivalent in the Florida College System is calculated by the college credits for which students register during an academic year (or 900 hours for non-college credit instruction) divided by 30. SBE Rule 6A-14.076(1), F.A.C.

⁴ Florida Department of Education, *Florida College System, FTE Enrollment: Funded-30, Lower and Upper Division, 2016-2017 FTE-3*, available at <http://www.fldoe.org/core/fileparse.php/15267/urlt/1617FTE3EnrollmentReport.pdf>.

⁵ The State Board of Education is established as “a body corporate and have such supervision of the system of free public education as is provided by law.” Art. IX, s. 2, Fla. Const.

⁶ Section 1001.02(1), F.S.

⁷ *Id.*

Department of Education

The DOE is the administrative and supervisory agency under the implementation direction of the SBE.⁸ The commissioner is appointed by the SBE and serves as the executive director of the department.⁹ Within the DOE, the Division of Florida Colleges (DFC)¹⁰ is directed by the Chancellor of the DFC,¹¹ who is appointed by the commissioner.¹²

Florida College System Institution

Each FCS institution is governed by a local board of trustees (BOT).¹³ The FCS institution BOT members are appointed by the Governor to staggered four-year terms, and confirmed by the Senate.¹⁴ Each FCS institution BOT is responsible for cost-effective policy decisions regarding the FCS institution's mission, the implementation and maintenance of high-quality education programs within law and rules of the SBE, the measurement of performance, the reporting of information, and the provision of input on state policy, budgeting, and education standards.¹⁵ FCS institution BOTs are authorized to adopt rules, procedures, and policies regarding admissions, programs, administration, personnel, contracts, and facilities.¹⁶

Effect of Proposed Changes

The bill modifies the governance of the Florida College System (FCS) under a State Board of Colleges (SBC). Specifically, section 2 creates s. 1001.6001, F.S., to provide that:

- The SBC, administratively housed within the DOE, is created to oversee and coordinate the FCS, and requires the Governor to appoint the membership of the SBC in time for the board's organizational meeting by September 30, 2018.
- The DFC must provide administrative support to the SBC until September 30, 2018.
- The SBC is required to appoint a Chancellor of the FCS by November 1, 2018. Section 4 requires the Chancellor of the DFC to serve as the Chancellor of the FCS until the SBC selects a chancellor.
- FCS- and DFC-related powers and duties, functions, personnel, funds, contracts, and administrative rules are transferred, by type 2 transfer, to the SBC on October 1, 2018.
- SBE approvals, policies, guidance, and appointments remain in effect unless acted upon by the SBC.

In addition, sections 2 through 4 include technical and conforming provisions related to the transfer of responsibilities regarding Florida's colleges, effective October 1, 2018. Specifically, the bill:

⁸ Section 1001.20(1), F.S.

⁹ Section 20.15(2), F.S.

¹⁰ *Id.* at (3)(a).

¹¹ *Id.* at (4).

¹² Section 20.15(4), F.S.

¹³ Sections 1001.60(3), 1001.61(1), and 1004.65(1), F.S. FCS institutions are statutorily designated as political subdivisions of the state. Section 1004.67, F.S.

¹⁴ Section 1001.61(2), F.S.

¹⁵ Section 1001.64(1), F.S.

¹⁶ *Id.* at (4).

- Transfers general and specific powers and duties relating to the FCS from the SBE to the SBC.¹⁷
- Removes the DFC as a division within the DOE, and transfers the division's duties to the SBC or Chancellor of the FCS.¹⁸
- Transfers specific powers and duties relating to the FCS from the commissioner to the Chancellor of the FCS.¹⁹
- Transfers general and specific powers and duties relating to the FCS from the commissioner to the SBC.²⁰
- Transfers specific powers and duties relating to the FCS from the DOE to the SBC.²¹
- Requires the DOE to provide support services to the SBC, consistent with the ongoing support services that the DOE provides to the Board of Governors of the State University System (BOG).
- Adds an SBC role in specific duties currently performed by the SBE and BOG.²²
- Adds a Chancellor of the FCS role in specific duties currently performed by multiple entities (i.e., the commissioner and the Chancellor of the BOG).²³

Section 4 creates s. 20.156, F.S., to establish a new SBC as the governing board for colleges similar to the board that existed prior to 2003. The 1983 Legislature created the State Board of Community Colleges (former SBCC) as a coordinating board for the FCCS.²⁴ The law²⁵ charged the former SBCC with providing “statewide leadership in overseeing and coordinating the individually governed public community colleges.”²⁶ The former SBCC was subject to the overall supervision of the State Board of Education.²⁷

¹⁷ Sections 1000.03, 1000.05, 1001.02, 1001.03, 1001.60, 1001.61, 1001.64, 1001.65, 1001.66, 1001.67, 1002.34, 1004.02, 1004.03, 1004.07, 1004.084, 1004.085, 1004.096, 1004.0961, 1004.35, , 1004.65, 1004.67, 1004.70, 1004.71, 1004.78, 1004.80, 1004.91, 1004.92, 1004.925, 1004.93, 1006.60, 1006.61, 1006.62, 1006.71, 1007.25, 1007.263, 1007.264, 1007.265, 1007.27, 1007.273, 1008.30, 1008.31, 1008.32, 1008.44, 1008.45, 1009.22, 1009.23, 1009.25, 1009.26, 1009.28, 1010.01, 1010.02, 1010.04, 1010.07, 1010.08, 1010.09, 1010.22, 1010.30, 1010.58, 1011.01, 1011.30, 1011.32, 1011.80, 1011.801, 1011.81, 1011.82, 1011.83, 1011.84, 1011.85, 1012.01, 1012.80, 1012.81, 1012.83, 1012.855, 1012.86, 1013.02, 1013.28, 1013.31, 1013.36, 1013.40, and 1013.47, F.S.

¹⁸ Sections 20.15, 1001.67, 1004.015, 1004.65, 1004.70, 1008.30, 1009.23, and 1009.971, F.S.

¹⁹ Sections 1001.66, 1004.93, 1006.71, 1000.05, 1012.86, 1001.64, and 1013.52, F.S.

²⁰ Sections 1001.10, 1001.11, 1001.20, 1008.32, and 1013.03, F.S.

²¹ Sections 1001.20 and 1007.262, F.S.

²² Sections 1001.02, 1001.10, 1001.11, 1001.03, 1001.28, 1001.706, 1003.491, 1003.493, 1004.015, 1004.04, 1004.6495, 1004.91, 1007.01, 1007.23, 1007.24, 1007.27, 1007.271, 1008.30, 1008.31, 1008.345, 1008.37, 1008.38, 1008.405, 1009.21, 1009.90, 1009.91, 1009.26, 1010.01, 1011.01, 1011.011, 1011.80, 1012.01, 1013.01, 1013.03, 1013.31, 1013.52, and 1013.65, F.S.

²³ Sections 1004.6495, 1004.74, 1007.01, 1007.24, 1007.25, 1008.44, 1012.01, 1013.03, 1013.31, and 1013.37, F.S.

²⁴ See s. 15, ch. 83-326, L.O.F., amending s. 240.305, F.S., to redesignate the State Community College Coordinating Board as the State Board of Community Colleges.

²⁵ Section 240.305, F.S. (1983).

²⁶ *Id.*

²⁷ *Id.*

In 1998, a constitutional amendment replaced the State Board of Education,²⁸ composed of the elected governor and cabinet, with a new State Board of Education (SBE) appointed by the Governor.²⁹ To implement this change in governance structure and achieve a seamless system of education,³⁰ the 2000 Legislature enacted the Florida Governance Reorganization Act of 2000,³¹ which repealed the former SBC and transferred governance of the FCCS to the new Governor-appointed SBE, effective January 7, 2003. The 2001 Legislature continued to make necessary changes to Florida education governance and created the Division of Community Colleges (DCC) and a Chancellor of Community Colleges within the DOE.³²

The following table shows the governance of the college system in Florida since 1983.

²⁸ Art. IX, s. 2, Fla. Const. (1968).

²⁹ Art. IX, s. 2, Fla. Const. (Amended 1998). *See also* Preamble, ch. 2000-321, L.O.F.

³⁰ Section 2, ch. 2000-321, L.O.F.

³¹ Section 6, ch. 2000-321, L.O.F.

³² Section 3, ch. 2001-170, L.O.F.

Governance of Florida's Colleges			
	1983 – 2003	Current	Proposed
System	Florida Community College System ³³	Florida College System ³⁴	Florida College System
Board	SBCC as Coordinating Board ³⁵	SBE as Governing Board ³⁶	SBC as Governing Board
Board Oversight	Commissioner of Education ³⁷ and SBE ^{38,39}	Appointed by Governor ⁴⁰	Governor
Board Membership	Commissioner of Education, 1 student, 11 lay citizens; appointed by the Governor, approved by the SBE, and confirmed by the Senate ⁴¹	Seven members appointed by the Governor and confirmed by the Senate ⁴²	Commissioner of Education, 1 student and 1 faculty member, 10 lay citizens; 12 appointed by the Governor, in a manner that provides equitable geographical representation. All members must reside and be registered to vote in Florida and, except for the student member, be confirmed by the Senate
Staff	DCC ⁴³	DFC ⁴⁴	SBC
Staff Leadership	Executive Director of the Community College System ⁴⁵	Chancellor of the DFC ⁴⁶	Chancellor of the FCS
Administrative Location	DOE	DOE	DOE (administrative assignment only; SBC operates independently)
Institution Governance	Institution Board of Trustees ⁴⁷	Institution Board of Trustees ⁴⁸	Institution Board of Trustees

Sections 5 and 6 provide standards of conduct for members of the SBC, the Chancellor of the FCS, and members of an FCS institution board of trustees, which mirror the requirements for the BOG, the Chancellor of the SUS, and members of a state university board of trustees. Specifically,

³³ Section 240.3031, F.S., repealed January 7, 2003, by s. 3(7), ch. 2000-321, L.O.F.

³⁴ The Florida Community College System was renamed the Florida College System by s. 2, ch. 2008-52, L.O.F.

³⁵ Section 240.305, F.S., repealed January 7, 2003, by s. 3(7), ch. 2000-321, L.O.F.

³⁶ Section 1001.02(4), F.S.

³⁷ Art. IV, s. 5, Fla. Const. (1968).

³⁸ Art. IX, s. 1, Fla. Const. (1968).

³⁹ Section 240.305, F.S., repealed January 7, 2003, by s. 3(7), ch. 2000-321, L.O.F.

⁴⁰ The SBE is a body established in the Florida Constitution. Art. IX, s. 2, Fla. Const.

⁴¹ Section 240.307(1), F.S., repealed January 7, 2003, by s. 3(7), ch. 2000-321, L.O.F.

⁴² Art. IV, s. 2, Fla. Const. See also s. 1001.01(1), F.S.

⁴³ Section 240.3031, F.S., repealed January 7, 2003, by s. 3(7), ch. 2000-321, L.O.F.

⁴⁴ Section 20.15(3), F.S.

⁴⁵ The executive director of the community college system served as the executive officer and as secretary to the former SBCC. Section 240.311(4), F.S., repealed January 7, 2003, by s. 3(7), ch. 2000-321, L.O.F.

⁴⁶ Section 20.15(4), F.S.

⁴⁷ Section 240.313, F.S., repealed January 7, 2003, by s. 3(7), ch. 2000-321, L.O.F.

⁴⁸ Section 1001.64(3), F.S.

- Section 5 amends s. 112.313, F.S., to prohibit a citizen member of the SBC or a citizen member of a college board of trustees from being employed as a legislative lobbyist.
- Section 6 amends s. 112.3145, F.S., to require SBC members and the Chancellor of the FCS to disclose their financial interests.

Section 18 creates s. 1001.601, F.S., to establish the membership of the SBC and the terms of its members. Specifically, this section requires:

- The SBC to consist of 13 members, including the Commissioner of Education and 12 citizen members appointed by the Governor, including one FCS student and one FCS faculty member.
- The 12 citizen members must reside, and be registered to vote, in Florida.
- The appointed citizen members to serve staggered 4-year terms, except for the FCS student member who serves a 1-year term.

Section 19 creates s. 1001.602, F.S., to delineate the powers and duties of the SBC. In addition to the duties that currently exist under the SBE, the SBC is responsible for:

- Ensuring that FCS institutions operate consistent with the mission of the system and offer educational training and service programs designed to meet the needs of both students and the communities served.
- Overseeing the FCS and coordinating with the SBE and the BOG to avoid wasteful duplication of facilities or programs.
- Consulting or coordinating with the SBE and the BOG, to
 - Establish minimum and uniform standards of college-level communication and computation skills generally associated with successful performance and progression through the baccalaureate level, to identify college-preparatory high school coursework and postsecondary-level coursework that prepares students with the academic skills necessary to succeed in postsecondary education.
 - Develop and implement a common placement test to assess the basic communication and computation skills of students who intend to enter a degree program at a FCS institution or state university.
 - Collect and maintain data for the FCS.
 - Establishing an effective information system that will provide composite data concerning FCS institutions and state universities and that will ensure that special analyses and studies concerning the institutions are conducted, as necessary, for provision of accurate and cost-effective information concerning the institutions.
- Specifying procedures to be used by FCS institution boards of trustees in the annual evaluation of presidents, and review the evaluations of presidents by the boards of trustees, including the extent to which presidents serve both institutional and system goals.
- Establishing, subject to existing law, the tuition and out-of-state fees for developmental education 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.
- Directing the Chancellor of the FCS to conduct investigations of practices, procedures, or actions at a FCS institution that appear to be inconsistent with sound financial, management, or academic practice.
- Examining the annual administrative review of each FCS institution.

- Integrally working, through the Chancellor of the FCS, with the FCS institution boards of trustees.
- Establishing criteria for making recommendations concerning all proposals to establish additional centers or campuses for a FCS institution.

College Baccalaureate Degree Approval Process (Section 66)

Present Situation

The Legislature created the site-determined baccalaureate degree access program in 1999 to authorize Florida College System (FCS) institutions to offer baccalaureate degrees to meet the economic development and educational needs of place-bound, nontraditional students in areas of the state that are underserved by 4-year institutions.⁴⁹ However, the primary responsibility of FCS institutions is the provision of associate degrees that provide access to a university.⁵⁰

In 2001, the Legislature redesignated St. Petersburg Junior College as St. Petersburg College (SPC) and authorized community colleges to offer baccalaureate degrees in populous counties that are underserved by public baccalaureate degree granting institutions.⁵¹ The legislative intent to provide access to baccalaureate degrees was to “address the state’s workforce needs, especially the need for teachers, nurses, and business managers in agencies and firms that require expertise in technology.”⁵² The Legislature specified the purpose for authorizing SPC to offer high quality undergraduate education at affordable prices is to “promote economic development by preparing people for occupations that require a bachelor’s degree and are in demand by existing or emerging public and private employers in this state.”⁵³

The State Board of Education (SBE) is responsible for reviewing and approving proposals by FCS institutions to offer baccalaureate degree programs.⁵⁴ As a part of the approval process:

- FCS institutions must submit a notice of intent to the Division of Florida College (DFC) regarding the proposed baccalaureate degree program 100 days before the submission of the program proposal.⁵⁵
- Within 10 days after receipt, the DFC must forward the notice of intent to the Chancellor of the State University System (SUS), the President of Independent Colleges and Universities of Florida (ICUF), and the Executive Director of the Commission for Independent Education.⁵⁶
- State universities have 60 days, after receipt of the notice by the Chancellor of the SUS, to submit objections to the proposed program or submit an alternative proposal to offer the baccalaureate degree program.

⁴⁹ Section 1, ch. 99-290, L.O.F.

⁵⁰ Section 1007.33(3), F.S.

⁵¹ Section 40, ch. 2001-170, L.O.F.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Section 1001.03(15), F.S.

⁵⁵ Section 1007.33(5)(a), F.S.

⁵⁶ *Id.* at (5)(b).

- If the SBE does not receive a proposal from a state university within the 60-day period, the SBE must provide regionally accredited private colleges and universities 30 days to submit objections to the proposed program or submit an alternative proposal.
- Objections and alternative proposals must be submitted to the DFC, and must be considered by the SBE in making its decision to approve or deny a FCS institution's baccalaureate degree program proposal.⁵⁷
- The DFC must notify the FCS institution of any deficiencies in writing within 30 days following receipt of the proposal, and provide the FCS institution with an opportunity to correct the deficiencies.
- Within 45 days following receipt of a completed proposal by the DFC, the commissioner must recommend approval or disapproval of the proposal to the SBE.
- The SBE must consider such recommendation, the proposal, and any objections or alternative proposals at its next meeting, and the SBE must provide to the FCS institution written reasons for any disapproval of baccalaureate degree proposals.

Currently, 27 FCS institutions offer 179 baccalaureate degree programs.⁵⁸ Since August 2015, the SBE has approved 17 baccalaureate degree proposals; however, since that time the DFC has not recommended 16 baccalaureate degree proposals for consideration by the SBE.⁵⁹

In 2016-2017, funded full-time-equivalent (FTE) enrollment in FCS upper-division programs was 16,130, which represented 5.0 percent of the total funded FCS FTE enrollment of 320,900.⁶⁰ Funded FTE enrollment in upper division programs in the FCS has risen by approximately 113 percent from 7,584 in 2010-2011⁶¹ to 16,130 in 2016-2017.⁶²

Effect of Proposed Changes

Section 66 amends s. 1007.33, F.S., to clarify expectations and state oversight of baccalaureate degree programs offered by colleges. Specifically, this section:

- Modifies the community college baccalaureate degree approval process to:
 - Require colleges to submit a notice of interest into a shared postsecondary database at least 180 days before submission of the notice of intent.

⁵⁷ Section 1007.33(5)(b), F.S.

⁵⁸ Email, Florida Department of Education (Nov. 6, 2017). Hillsborough Community College is the only Florida College System institution that does not offer a baccalaureate degree program. Florida College System, *Baccalaureate Programs as of October 2016*, available at http://www.fldoe.org/core/fileparse.php/5592/urlt/0082821-program_list.xls.

⁵⁹ Email, Florida Department of Education (Nov. 6, 2017).

⁶⁰ The Florida Senate staff analysis, Office of Economic & Demographic Research, Florida College System Enrollment Forecast, *FTE-3 Actual Enrollment FY 2016-17 by College and Program Area*, (Aug. 2, 2017), available at http://edr.state.fl.us/Content/conferences/communitycolleges/FTE-3_ActualEnrollment_FY2016-17.pdf.

⁶¹ Florida Department of Education, *The Fact Book, Report for the Florida College System, 2016*, Fact Book 3.1F Florida College System FTE Enrollment (Funded) by Program Area, 2010-11 through 2014-15, available at <http://www.fldoe.org/core/fileparse.php/15267/urlt/FactBook2016.pdf>.

⁶² Office of Economic & Demographic Research, Florida College System Enrollment Forecast, *FTE-3 Actual Enrollment FY 2016-17 by College and Program Area*, (Aug. 2, 2017), available at http://edr.state.fl.us/Content/conferences/communitycolleges/FTE-3_ActualEnrollment_FY2016-17.pdf.

- Require colleges to submit a notice of intent and justification for the proposed baccalaureate degree at least 100 days before submitting the baccalaureate degree proposal.
- Specify that the required justification for the proposed baccalaureate degree include a data-driven analysis of workforce demand, including employment data and projections by the Department of Economic Opportunity, which must be verified by the Chancellor of the Florida College System (FCS).
- Extend the timeframe from 30 days to 60 days for private regionally-accredited colleges and universities, to submit their objections to the proposed baccalaureate degree programs and provide reasons for such objections.
- Eliminate the requirement for state universities and private colleges and universities to submit alternative proposals to the proposed baccalaureate degree programs.
- Require the SBC to consider input from the Chancellor of the SUS and the president of ICUF, and any objections before approving or denying a college's proposal.
- Aligns the baccalaureate degree approval process for SPC with the approval process for other colleges.

This section reinforces state oversight responsibilities by requiring the SBC to direct a colleges' board of trustees to terminate a baccalaureate degree program if the SBC's review of the baccalaureate degree program performance and compliance indicators and needs assessment indicates negative performance and compliance results, and if the needs assessment fails to demonstrate a need for the program.

Additionally, section 66 prohibits colleges from offering bachelor of arts degree programs⁶³ and establishes a cap on upper-level, undergraduate FTE enrollment at colleges and the FCS while providing flexibility for planned and purposeful growth of baccalaureate degree programs if certain conditions are met. This section:

- Specifies that the upper-level, undergraduate FTE enrollment:⁶⁴
 - At a college may not exceed 20 percent of the total FTE enrollment at that college.
 - In the FCS may not exceed 10 percent of the total FTE enrollment of the FCS.
- Emphasizes that, for any planned and purposeful expansion of existing baccalaureate degree programs or creation of a new baccalaureate program, a college must demonstrate satisfactory performance in:
 - Fulfilling its primary mission specified in law;⁶⁵
 - Executing at least one "2+2" targeted pathway articulation agreement; and

⁶³ Currently, there are no bachelor of arts degrees offered by community colleges. Email, Florida Department of Education, (Nov. 6, 2017). The Baccalaureate Proposal Application, incorporated into Rule 6A-14.095, F.A.C., permits baccalaureate degree proposals only for bachelor of science or bachelor of applied science programs.

⁶⁴ The 2016-2017 upper-level FTE enrollment as a percentage of total FTE enrollment at an FCS institution ranges from 0.0 percent at Hillsborough Community College and North Florida Community College to 13.9 percent at St. Petersburg College. The 2016-2017 upper-level FTE enrollment as a percentage of total FTE enrollment for the FCS is 5.0 percent. The Florida Senate staff analysis, Office of Economic & Demographic Research, Florida College System Enrollment Forecast, *FTE-3 Actual Enrollment FY 2016-17 by College and Program Area*, (Aug. 2, 2017), available at http://edr.state.fl.us/Content/conferences/communitycolleges/FTE-3_ActualEnrollment_FY2016-17.pdf.

⁶⁵ Section 1004.65, F.S.

- Meeting or exceeding the performance standards related to on-time completion and graduation rates for students earning associate in arts or baccalaureate degrees.⁶⁶
- Establishes reporting requirements relating to baccalaureate degree program enrollment, provides a mechanism for the SBC to ensure compliance, and prohibits colleges from reporting for funding, the upper-level, undergraduate FTE enrollment that exceeds the upper-level enrollment percent specified in the bill.

This section also reinforces the state's expectation of college affordability by requiring a college's baccalaureate degree program proposal to include the college's efforts to sustain the program at the cost of tuition and fees for Florida residents for tuition purposes, not to exceed \$10,000 for the entire degree program, including flexible tuition and fee rates, and the use of waivers authorized by law.⁶⁷

Mission (Sections 7, 15, 16, 26, 40, and 48)

The mission of Florida's K-20 education system is to allow its students to increase their proficiency by allowing them the opportunity to expand their knowledge and skills through rigorous and relevant learning opportunities in accordance with the mission statement and requirements of Florida's K-20 education performance accountability system.⁶⁸

Present Situation

Florida College System

The primary mission and responsibility of Florida College System (FCS) institutions is responding to community needs for postsecondary academic education and career degree education.⁶⁹ Florida law specifies the following as the primary mission of FCS institutions:⁷⁰

- Providing lower-level undergraduate instruction and awarding associate degrees.
- Preparing students directly for careers requiring less than baccalaureate degrees.
- Providing student development services to ensure student success.
- Promoting economic development for the state through special programs (e.g., Enterprise Florida-related programs and workforce literacy programs).
- Providing dual enrollment instruction.
- Providing upper-level instruction and awarding baccalaureate degrees authorized by law.

Additionally, a secondary mission of FCS institutions includes offering programs in:⁷¹

- Community services that are not directly related to academic or occupational advancement.
- Adult education services.
- Recreational and leisure services.

⁶⁶ Section 1001.66, F.S.

⁶⁷ Section 1009.26(11), F.S.

⁶⁸ Section 1000.03(4), F.S.

⁶⁹ Section 1004.65(5), F.S.

⁷⁰ *Id.*

⁷¹ Section 1004.65(6), F.S.

Technical Centers

Florida law does not provide a specific mission for the career centers.⁷² However, the law specifies that career centers, under the control of district school boards,⁷³ must offer terminal courses of a technical nature and courses for out-of-school youth and adults.⁷⁴

The purpose of charter technical career centers is to:⁷⁵

- Develop a competitive workforce to support local business and industry and economic development.
- Create a training and education model that is reflective of marketplace realities.
- Offer a continuum of career educational opportunities using school-to-work, tech-prep, technical academy, and magnet school model.
- Provide career pathways for lifelong learning and career mobility.
- Enhance career and technical training.

Effect of Proposed Changes

Section 7 amends s. 1000.03, F.S., to reinforce the state's expectation that institutions within Florida's K-20 education system avoid wasteful duplication of programs offered by state universities, colleges, and career centers and charter technical career centers that are operated by district school boards.

The bill also clarifies the mission of Florida's public K-20 education system. Specifically,

- Section 40 amends s. 1004.65, F.S., to change the provision of upper-level instruction and awarding baccalaureate degrees from a primary mission to a secondary mission of colleges.
- Sections 16 and 26 amend ss. 1001.44 and 1002.34, F.S., respectively, to specify that the primary mission of a career center or a charter technical career center is to promote advances and innovations in workforce preparation and economic development. These sections also specify that a career center or charter technical career center operated by a district school board may not offer college credit courses or certificates or an associate or baccalaureate degree.

The bill does not change Florida's longstanding articulation system, which allows⁷⁶ for the conversion of clock hours generated by students enrolled in non-college-credit programs at career centers and charter technical career centers to college credit programs offered by colleges.⁷⁷ The Florida Department of Education maintains a list of articulation agreements for:

⁷² Section 1001.44, F.S.

⁷³ There are 49 Council on Occupational Education-accredited career centers operated by school districts, 1 of which is a charter technical career center. Email, Department of Education (Nov. 6, 2017).

⁷⁴ Section 1001.44(3)(a), F.S.

⁷⁵ Section 1002.34(2), F.S. Currently, Lake Technical College is the only charter technical career center. Email, Department of Education (Nov. 6, 2017).

⁷⁶ The statewide articulation agreement between the State Board of Education and the Board of Governors must guarantee the statewide articulation of appropriate workforce development programs and courses between school districts and community colleges. Section 1007.23(4), F.S.

⁷⁷ Workforce education programs may be conducted by a community college institution or a school district, except that college credit in an associate in applied science or an associate in science degree may be awarded only by a community college. Section 1011.80(2), F.S.

- Postsecondary Adult Vocational (PSAV) to associate in science (AS) and associate in applied science (AAS) degree programs.⁷⁸
- Industry certifications to AS and AAS degree programs.⁷⁹

All 28 colleges are regionally accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.⁸⁰ In comparison, career centers and charter technical career centers that are operated by district school boards are nationally accredited by the Council on Occupational Education.⁸¹

The bill modifies the scope and responsibilities for career education in school districts and colleges. Specifically,

- Section 40 amends s. 1004.65, F.S., to expand the scope of career education at a college to include nationally recognized industry certifications.
- Section 48 amends s. 1004.92, F.S., to modify the accountability for career education to specify that the standards for accountability must reflect the quality components of career and technical education programs.

Articulation and Student Supports

The Legislature has established a process for the articulation of credits earned by students and specified the instructional strategies for the delivery of developmental education.

It is the intent of the Legislature to facilitate articulation and seamless integration of the K-20 education system by building, sustaining, and strengthening relationships among the various education sectors and delivery systems within the state.⁸² Additionally, it is the intent of the Legislature that articulated acceleration mechanisms serve to shorten the time necessary for students to fulfill high school and postsecondary education requirements, broaden the scope of curricular options available to students, and increase the depth of study in a particular subject.⁸³

⁷⁸ Such agreements assure a minimum number of articulated college credit for qualifying students who have completed articulated PSAV programs. There are 46 such agreements. Florida Department of Education, *Statewide Articulation Agreements - PSAV Program to AAS/AS Degree*, <http://www.fldoe.org/academics/career-adult-edu/career-technical-edu-agreements/psav-to-aas-as-degree.stml> (last visited Nov. 9, 2017).

⁷⁹ Students receive college credit for successfully earning a nationally recognized industry certification that is aligned with an associate in applied science (AAS) or associate in science (AS) degree. There are 186 such agreements. Florida Department of Education, *Industry Certification to AAS/AS Degree*, <http://www.fldoe.org/academics/career-adult-edu/career-technical-edu-agreements/industry-certification.stml> (last visited Nov. 9, 2017).

⁸⁰ Southern Association of Colleges and Schools, Commission on Colleges, *SACSCOC Member and Candidate List*, available at <http://www.sacscoc.org/pdf/webmemlist.pdf>.

⁸¹ Email, Department of Education (Nov. 6, 2017). See also Council on Occupational Education, *Membership Directory*, available at <http://council.org/wp-content/uploads/2017/02/Accredited-Institutions-3-30-2017.pdf>, at 13-25.

⁸² Section 1007.01(1), F.S.

⁸³ Section 1007.27(1), F.S.

2+2 Articulation (Section 56)

Present Situation

The State Board of Education (SBE) and the Board of Governors of the State University System (BOG) are required to enter into a statewide articulation agreement to preserve Florida's "2+2" system of articulation, facilitate the seamless articulation of student credit across and among Florida's education entities, and reinforce the articulation and access provisions⁸⁴ specified in law.⁸⁵

The articulation agreement must require each student who is seeking an associate in arts (AA) degree to indicate a baccalaureate degree program offered by an institution of interest by the time the student earns 30 semester hours.⁸⁶ Additionally, the articulation agreement must provide that every associate in arts graduate of a Florida College System (FCS) institution has met all general education requirements and must be granted admission to the upper division, with certain exceptions,⁸⁷ of a state university or an FCS institution that offers a baccalaureate degree.⁸⁸ However, eligibility for admission to a state university does not provide to a transfer student guaranteed admission to the specific university or degree program that the student chooses.⁸⁹

The 2+2 transfer outcome for the fall 2009 first-time-in-college, full-time cohort indicates that 31.9 percent of such students transferred to a state university within 6 years.⁹⁰ The transfer rates for such students ranged from 47.5 percent at Santa Fe College to 11.3 percent at Florida Keys Community College.⁹¹

Effect of Proposed Changes

Section 56 amends s. 1007.23, F.S., to establish the "2+2" targeted pathway program to strengthen Florida's "2+2" system of articulation and improve student retention and on-time graduation. Specifically, this section requires that by the 2018-2019 academic year:

- Each college must execute at least one "2+2" targeted pathway articulation agreement with one or more state universities.
- Each state university must execute at least one "2+2" targeted pathway articulation agreement with one or more colleges.

Section 56 requires the "2+2" targeted pathway articulation agreement to provide students who graduate with an AA degree and who meet specified requirements guaranteed access to the state

⁸⁴ See Chapter 1007, F.S.

⁸⁵ Section 1007.23(1), F.S.

⁸⁶ Section 1007.23(3), F.S.

⁸⁷ Section 1007.23(2)(a), F.S., exceptions include limited access programs, teacher certification programs, and those requiring an audition.

⁸⁸ Section 1007.23(2)(a), F.S.

⁸⁹ Board of Governors Regulation 6.004(2)(b).

⁹⁰ Office of Program Policy Analysis and Government Accountability, *How Do Florida Schools Perform on The Community College Research Center's (CCRC) 2+2 Institutional Transfer Outcome Metrics?*, (Feb. 10, 2017), at 3.

⁹¹ *Id.*

university and a baccalaureate degree program at that university, in accordance with the terms of the agreement.

This section also specifies requirements for students, state universities, and the governing boards for colleges and state universities. Specifically, the bill:

- Establishes student eligibility criteria to participate in a “2+2” targeted pathway program to require that a student:
 - Enroll in the program before completing 30 credit hours;
 - Complete an AA degree; and
 - Meet the state university’s transfer requirements.
- Establishes requirements for state universities that execute “2+2” targeted pathway articulation agreements with their partner college to require a state university to:
 - Establish a 4-year on-time graduation plan for a baccalaureate degree program, including a plan for students to complete AA degree programs, general education courses, common prerequisite courses, and elective courses;
 - Advise students enrolled in the program about the university’s transfer and degree program requirements; and
 - Provide students access to academic advisors and campus events, and guarantee admittance to the state university and degree program of the state university, in accordance with the terms of the agreement.
- Requires the SBC and the BOG to collaborate to eliminate barriers in executing “2+2” targeted pathway articulation agreements.

The “2+2” targeted pathway program is consistent with recent efforts by state universities to strengthen regional articulation. The statewide “2+2” articulation agreement established in law⁹² does not require a 4-year graduation plan and does not guarantee access to a specific university or degree program. To provide students a path to on-time graduation in 4 years with a baccalaureate degree, some state universities have established articulation agreements with regional public colleges.⁹³ For instance, the University of South Florida (USF) “FUSE” program offers students guaranteed admission to a USF System institution and specified degree program.⁹⁴ The FUSE program creates an academic pathway that provides a map for taking required courses, advising at USF and the partner institution regarding university requirements, a specially-designed orientation session for 2+2 students at the beginning of the program, and access to USF facilities and events.⁹⁵ The “DirectConnect to UCF” program guarantees admission to the University of Central Florida (UCF) with an associate degree from a partner

⁹² Section 1007.23(2), F.S.

⁹³ State universities and Florida College System institutions have partnered to offer 57 targeted 2+2 articulation agreements. Florida Department of Education, Presentation to the Senate Committee on Education, *Building on Excellence* (Oct. 23, 2017), available at http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket_3977_2.pdf, at 13. Examples of regional articulation agreements are the “[DirectConnect to UCF](#),” the [University of South Florida “FUSE” program](#), “[TCC2FSU](#),” “[TCC2FAMU](#),” “[FIU Connect4Success](#),” “[Link to FAU](#),” “[2UWF Transfer Student Partnership](#),” and “[UNF/SJR Gateway](#).” The Florida Senate staff analysis.

⁹⁴ University of South Florida, *Office of Admissions*, <http://www.usf.edu/admissions/transfer/fuse/index.aspx>, (last visited Nov. 9, 2017).

⁹⁵ University of South Florida, *Office of Admissions*, <http://www.usf.edu/admissions/transfer/fuse/index.aspx>, (last visited Nov. 9, 2017).

institution, offers university advising to develop an academic plan, and provides access to UCF campuses for services and events.⁹⁶

Notification of Acceleration College Credit (Section 63)

Present Situation

Articulated acceleration mechanisms include, but are not limited, to Advanced Placement (AP), Advanced International Certificate of Education (AICE), International Baccalaureate (IB), credit by examination, and dual enrollment.⁹⁷ The Department of Education is required to annually identify and publish the minimum scores, maximum credit, and course or courses for which credit must be awarded for specified examinations.⁹⁸ The Articulation Coordinating Committee (ACC)⁹⁹ has established passing scores and course and credit equivalents for examinations specified in law.¹⁰⁰ The credit-by-exam equivalencies have been adopted in rule by the State Board of Education (SBE).¹⁰¹ Each FCS institution and state university must award credit for specific courses for which competency has been demonstrated by successful passage of one of the examinations associated with the identified acceleration mechanisms.¹⁰²

The law also requires the Commissioner of Education (commissioner) to appoint faculty committees representing secondary and public postsecondary education institutions to identify postsecondary courses that meet high school graduation requirements and equivalent high school credits earned through dual enrollment.¹⁰³ Additionally, the commissioner must recommend such courses to the SBE.¹⁰⁴ The dual enrollment course-to-high school subject area equivalency list specifies postsecondary courses that when completed earn both high school and college credit.¹⁰⁵ All high schools must accept these dual enrollment courses toward meeting the standard high school diploma requirements.¹⁰⁶

Effect of Proposed Changes

Section 63 amends s. 1007.27, F.S., to require district school boards to notify students who enroll in acceleration mechanism courses or take exams about the *credit-by-examination equivalency*

⁹⁶ University of Central Florida, *Direct Connect to UCF*, <http://directconnectoucf.com/>, (last visited Nov. 9, 2017).

⁹⁷ Section 1007.27(1), F.S.

⁹⁸ Section 1007.27(2), F.S.

⁹⁹ The Articulation Coordinating Committee (ACC) is established by the Commissioner of Education in consultation with the Chancellor of the SUS, to make recommendations related to statewide articulation policies regarding access, quality, and data reporting. The ACC serves as an advisory body to the Higher Education Coordinating Council, the SBE, and BOG.

¹⁰⁰ Section 1007.27(2), F.S. *See also* Florida Department of Education, *Articulation Coordinating Committee Credit by Exam Equivalencies* (Initially adopted Nov. 14, 2001), available at <https://www.flrules.org/gateway/readRefFile.asp?refId=8560&filename=ACC%20Credit%20by%20Exam.pdf>.

¹⁰¹ Rule 6A-10.024, F.A.C.

¹⁰² *Id.*

¹⁰³ Section 1007.271(9), F.S.

¹⁰⁴ *Id.*

¹⁰⁵ Florida Department of Education, *2017-2018 Dual Enrollment Course—High School Subject Area Equivalency List*, available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078394-delist.pdf>.

¹⁰⁶ Section 1007.271(9), F.S.

list and dual enrollment course and high school subject area equivalency list. The notification requirement promotes targeted student advising at the secondary school level to inform students about generating college credits through certain acceleration mechanism courses and exams, and applying such credits purposefully to a postsecondary certificate or degree program, to ensure students receive credit for such courses and exams taken during high school. Such application of acceleration credit was a key part of Governor Scott’s “‘Finish in Four, Save More’ Challenge” to encourage state universities and colleges to help full-time students graduate with an affordable degree in four years to avoid additional costs and fees.¹⁰⁷ The notification may also assist students with higher education planning and affordability considerations.

Instructional Strategies for Developmental Education (Section 67)

Present Situation

Developmental education is instruction through which a high school graduate who applies for any college credit program may attain the communication and computation skills necessary to successfully complete college credit instruction.¹⁰⁸ Developmental education may be delivered through a variety of strategies, including:¹⁰⁹

- Modularized instruction that is customized and targeted to address specific skills gaps;
- Compressed course structures that accelerate student progression from developmental instruction to college-level coursework;
- Contextualized developmental instruction that is related to meta-majors; and
- Corequisite developmental instruction or tutoring that supplements credit instruction while a student is concurrently enrolled in a credit-bearing course.

Each Florida College System (FCS) institution board of trustees (BOT) is required to develop a plan to implement the developmental education strategies defined in law¹¹⁰ and rules¹¹¹ of the State Board of Education (SBE).¹¹² A university BOT may contract with a FCS institution to provide developmental education services for university students in need of developmental education.¹¹³ Currently, Florida Agricultural and Mechanical University (FAMU) is the only state university in the SUS authorized to offer developmental education.¹¹⁴

Beginning in 2013,¹¹⁵ each FCS institution was required to annually prepare an accountability report that includes student success data relating to each developmental education strategy implemented by the institution.¹¹⁶ By December 31 of each year, the Chancellor of the FCS must

¹⁰⁷ Office of The Governor, *Governor Rick Scott Issues “Finish in Four, Save More” Challenge to Universities and Colleges* (May 25, 2016), <http://www.flgov.com/2016/05/25/governor-rick-scott-issues-finish-in-four-save-more-challenge-to-universities-and-colleges/> (last visited Nov. 9, 2017).

¹⁰⁸ Section 1008.02(1), F.S.

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ Rule 6A-14.030(12), F.A.C.

¹¹² Section 1008.30(5)(a), F.S.

¹¹³ Section 1008.30(5)(c), F.S.

¹¹⁴ Board of Governors Regulation 6.008(1).

¹¹⁵ Section 19, ch. 2013-51, L.O.F.

¹¹⁶ Section 1008.30(5)(b), F.S.

compile and submit the institutional reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the SBE.¹¹⁷

Effect of Proposed Changes

Section 67 amends s. 1008.30, F.S., to strengthen developmental education instruction by emphasizing the focus on instructional strategies specified in law¹¹⁸ in the delivery of developmental education instruction by a state university. In accordance with the bill modifications, FAMU may need to revise its developmental education instructional program to incorporate the developmental education instructional strategies specified in law. Currently, each college board of trustees must develop a plan to implement the developmental education strategies defined in law and comply with the related reporting provisions.¹¹⁹

In addition, section 67 establishes the Supporting Students for Academic Success Program to fund the efforts of colleges in assisting students enrolled in an associate in arts (AA) degree program complete college credit courses, graduate with an AA degree, and transfer to a baccalaureate degree program. The bill requires the Chancellor of the Florida College System (FCS) to include in the summary of the FCS accountability report the number and percentage of students enrolled at colleges who:

- Successfully complete a gateway course in mathematics¹²⁰ within the first academic year after initial enrollment;
- Successfully complete at least 24 credit hours at a college within the first academic year after initial enrollment and who remain enrolled at that institution in the academic year immediately following the first academic year;
- Graduate with an AA degree; and
- Transfer to a baccalaureate degree offered by an institution of higher education in Florida within one year after earning an AA degree.

College Performance and Fiscal Accountability

The Legislature has established performance expectations for Florida's colleges and provided for financial incentives to boost student achievement, graduation, and job placement.

¹¹⁷ *Id.* The most recent report is the *Florida College System Developmental Education Accountability Reports* (Dec. 30, 2016), available at https://www.floridacollegesystem.com/sites/www/Uploads/files/Downloads/Dev%20Ed%20Account_2016%20Final%20Report.pdf.

¹¹⁸ Section 1008.02, F.S.

¹¹⁹ Section 1008.30(5)(a), F.S.

¹²⁰ "Gateway course" means the first course that provides transferable, college-level credit allowing a student to progress in his or her program of study. Section 1008.02(2), F.S. The gateway courses for business are College Algebra, MAC X105, or Elementary Statistics, STA X023; The gateway courses for science, technology, engineering, and mathematics is College Algebra, MAC X105; The gateway courses for all other meta-major academic pathways identified in subsection (1) of this rule are College Algebra, MAC X105, Liberal Arts Mathematics I, MGF X106, Liberal Arts Mathematics II, MGF X107, or Elementary Statistics, STA X023. Rule 6A-14.065(2), F.A.C.

Florida College System Performance-Based Incentive (Section 23)

Present Situation

The Florida College System (FCS) Performance-Based Incentive is awarded to FCS institutions using metrics adopted by the State Board of Education (SBE). The metrics must include retention rates; program completion and graduation rates; post-graduation employment, salaries, and continuing education for workforce education and baccalaureate programs, with wage thresholds that reflect the added value of the certificate or degree; and outcome measures appropriate for associate of arts degree recipients.¹²¹ The SBE is required to adopt benchmarks to evaluate each institution's performance on the metrics for eligibility to receive performance funding.¹²²

Effect of Proposed Changes

Section 23 amends s. 1001.66, F.S., to revise the existing FCS performance metrics for awarding performance-based incentives to colleges, and adds new metrics that emphasize on-time program completion. These revised and new metrics, which must be adopted by the State Board of Colleges (SBC) are:

- A student retention rate, as calculated by the SBC;
- A 100 percent-of-normal-time program completion and graduation rate for full-time, first-time-in-college students, as calculated by the SBC, using a cohort definition of "full-time" based on a student's majority enrollment in full-time terms;
- A continuing education or post-graduation job placement rate for workforce education programs, including workforce baccalaureate degree programs, with wage thresholds that reflect the added value of the applicable certificate or degree, and specifies that such metric does not apply to associate in arts (AA) degrees;
- A graduation rate metric for full-time, first-time-in-college (FTIC) students in AA programs who graduate with a baccalaureate degree in 4 years after initially enrolling in an AA program; and
- A new performance-based metric on college affordability.

The outcomes for the 2009 first-time-in-college, full-time cohort enrolled in AA degree programs over a 6-year timeframe indicate that 17.7 percent of the students earned a baccalaureate degree over the 6-year period, 26.2 percent were still enrolled in the AA degree program, 13.0 percent exited with a certificate or associate degree, and 43.1 percent exited the college with no credential.¹²³ The 6-year graduation rate for such students who earned a baccalaureate degree ranged from 33.8 percent at Santa Fe College to 1.9 percent at Florida Keys Community College.¹²⁴

¹²¹ Section 1001.66(1), F.S.

¹²² *Id.* Rule 6A-14.07621, F.A.C., provides a description of the metrics and benchmarks, and calculations for performance funding.

¹²³ Office of Program Policy Analysis and Government Accountability. *Florida College System AA Student Outcomes, All Students, Six Year Window, Fall 2009 Cohort*, (Feb. 10, 2017).

¹²⁴ *Id.*

The revisions to the college performance metrics are likely to prompt a modification to the strategic plan for the Florida College System, as well as changes in the college accountability mechanisms, which may guide institutional efforts toward on-time graduation.

Distinguished Florida College System Institution Program (Section 24)

Present Situation

The Distinguished Florida College System (FCS) Institution Program is a collaborative partnership between the State Board of Education and the Legislature to recognize the excellence of Florida's highest-performing FCS institutions.¹²⁵ The excellence standards include:

- A 150 percent-of-normal-time completion rate¹²⁶ of 50 percent or higher, as calculated by the Division of Florida Colleges (DFC).
- A 150 percent-of-normal-time completion rate for Pell Grant recipients of 40 percent or higher, as calculated by the DFC.
- A retention rate of 70 percent or higher, as calculated by the DFC.
- A continuing education, or transfer, rate of 72 percent or higher for students graduating with an associate of arts degree, as reported by the Florida Education and Training Placement Information Program (FETPIP).
- A licensure passage rate on the National Council Licensure Examination for Registered Nurses (NCLEX-RN) of 90 percent or higher for first-time exam takers, as reported by the Board of Nursing.
- A job placement or continuing education rate of 88 percent or higher for workforce programs, as reported by FETPIP.
- A time-to-degree for students graduating with an associate of arts degree of 2.25 years or less for first-time-in-college students with accelerated college credits, as reported by the Southern Regional Education Board.

An FCS institution that meets 5 of the 7 excellence standards is designated as a distinguished college.¹²⁷

Effect of Proposed Changes

Section 24 amends s. 1001.67, F.S., to emphasize on-time graduation by revising the excellence standards for the Distinguished Florida College System Institution Program. Specifically, this section:

- Changes the normal-time completion rate metric from 150 percent to 100 percent for full-time, first-time-in-college students, as calculated by the State Board of Colleges (SBC).
- Changes the normal-time completion rate metric for full-time, first-time-in-college Pell Grant recipients from 150 percent to 100 percent, as calculated by the SBC.

¹²⁵ Section 1001.67, F.S.

¹²⁶ Rule 6A-14.07621(3)(b), F.A.C. The normal-time-completion rate captures the outcomes of a cohort of full-time, FTIC students who graduate within the amount of time is dependent on the catalogue time for the academic program.

¹²⁷ Section 1001.67(1)-(2), F.S.

- Specifies that the job placement metric must be based on the wage thresholds that reflect the added value of the applicable certificate or degree; and specifies that the continuing education and job placement metric does not apply to associate in arts (AA) degrees.
- Replaces the time-to-degree metric with an excess-hours rate metric of 40 percent or lower for AA degree recipients who graduate with 72 or more credit hours, as calculated by the SBC.

The modifications to the excellence standards may guide institutional efforts toward helping students graduate timely.

College Direct Support Organizations (Section 42)

Present Situation

A Florida College System (FCS) institution direct-support organization (DSO) is:¹²⁸

- A Florida corporation not for profit, incorporated under the provisions of chapter 617, and approved by the Department of State.
- Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to, or for the benefit of, a FCS institution.
- An organization reviewed and certified by the FCS institution board of trustees (BOT) to be operating in a manner consistent with the goals of the college and in the best interest of the state.

FCS institution BOTs are currently authorized to permit the use of property, facilities, and personal services at their college by the DSO.¹²⁹ “Personal services” includes full-time or part-time personnel as well as payroll processing.¹³⁰ Each FCS institution BOT is authorized to prescribe by rule any condition with which a FCS institution DSO must comply in order to use property, facilities, or personal services at any FCS institution.¹³¹

The FCS institution DSOs are prohibited from giving, either directly or indirectly, any gift to a political committee¹³² for any purpose other than those certified by a majority roll call vote of the governing board of the DSO at a regularly scheduled meeting as being directly related to the educational mission of the FCS institution.¹³³

Effect of Proposed Changes

Section 42 amends s. 1004.70, F.S., to enhance transparency and strengthens accountability of college direct-support organizations (DSO). Specifically, this section:

- Prohibits college boards of trustees from permitting:
 - Any college DSO to use personal services beginning July 1, 2022.
 - The use of state funds for travel expenses by any college DSO.

¹²⁸ Section 1004.70(1)(a), F.S.

¹²⁹ Section 1004.70(3)(a), F.S.

¹³⁰ *Id.* at (1)(b).

¹³¹ *Id.* at (3)(b).

¹³² A “political committee” is defined in s. 106.011, F.S.

¹³³ Section 1004.70(4)(d), F.S.

- Reinforces the prohibition in current law that a college DSO may not give, either directly or indirectly, any gift to a political committee. Specifically, the bill eliminates the exception to the prohibition that allows gifts certified by a majority roll call vote of the governing board of the DSO at a regularly scheduled meeting as being directly related to the educational mission of the FCS institution.
- Modifies the requirement for the chair of a college board of trustees to appoint a representative to the DSO board of directors and executive committee from one to at least one representative.

Funding

Section 122 transfers 34 existing positions and \$2.8 million from the State Board of Education budget for the creation of the State Board of Colleges (SBC). This section also provides an additional 17 positions and \$1.5 million for necessary SBC positions such as a General Counsel, Inspector General, Board Secretary, and others.

Section 122 also appropriates \$100 million in recurring performance and program funding for the FCS. Specifically, this section appropriates:

- \$10 million in recurring funds for distribution to colleges for students who earn industry certifications during the 2018-2019 academic year;
- \$60 million in recurring funds for the Florida College Performance-Based Incentive, for the 2018-2019 fiscal year. From these funds, \$30 million is included as the state investment in performance funding and \$30 million is redistributed from the base budget of Florida College System (FCS) institutions as the institutional investment in performance funding.
- \$30 million in recurring funds for the Supporting Students for Academic Success Program for the 2018-2019 fiscal year, to be allocated to each college through the FCS Program Fund funding model.

The bill takes effect October 1, 2018, except as otherwise expressly provided.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill transfers 34 existing positions and \$2.8 million from the State Board of Education budget for the creation of the State Board of Colleges (SBC). The bill also provides an additional 17 positions and \$1.5 million for necessary SBC positions such as a General Counsel, Inspector General, Board Secretary, and others.

The bill also appropriates \$100 million in recurring performance and program funding for the FCS. Specifically, the bill appropriates:

- \$10 million in recurring funds for distribution to colleges for students who earn industry certifications during the 2018-2019 academic year;
- \$60 million in recurring funds for the Florida College Performance-Based Incentive, for the 2018-2019 fiscal year. From these funds, \$30 million is included as the state investment in performance funding and \$30 million is redistributed from the base budget of FCS institutions as the institutional investment in performance funding.
- \$30 million in recurring funds for the Supporting Students for Academic Success Program for the 2018-2019 fiscal year, to be allocated to each college through the FCS Program Fund funding model.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.15, 112.313, 112.3145, 1000.03, 1000.05, 1001.02, 1001.03, 1001.10, 1001.11, 1001.20, 1001.28, 1001.42, 1001.44, 1001.60, 1001.61, 1001.64, 1001.65, 1001.66, 1001.67, 1001.706, 1002.34, 1003.491, 1003.493, 1004.015, 1004.02, 1004.03, 1004.04, 1004.07, 1004.084, 1004.085, 1004.096, 1004.0961, 1004.35, 1004.6495, 1004.65, 1004.67, 1004.70, 1004.71, 1004.74, 1004.78, 1004.80, 1004.91, 1004.92, 1004.925, 1004.93, 1006.60, 1006.61, 1006.62, 1006.71, 1007.01, 1007.23, 1007.24, 1007.25, 1007.262, 1007.263, 1007.264, 1007.265, 1007.27, 1007.271, 1007.273, 1007.33, 1008.30, 1008.31, 1008.32, 1008.345, 1008.37, 1008.38, 1008.405, 1008.44, 1008.45, 1009.21, 1009.22, 1009.23, 1009.25, 1009.26, 1009.28, 1009.90, 1009.91, 1009.971,

1010.01, 1010.02, 1010.04, 1010.07, 1010.08, 1010.09, 1010.22, 1010.30, 1010.58, 1011.01, 1011.011, 1011.30, 1011.32, 1011.80, 1011.801, 1011.81, 1011.82, 1011.83, 1011.84, 1011.85, 1012.01, 1012.80, 1012.81, 1012.83, 1012.855, 1012.86, 1013.01, 1013.02, 1013.03, 1013.28, 1013.31, 1013.36, 1013.37, 1013.40, 1013.47, 1013.52, and 1013.65.

This bill creates the following sections of the Florida Statutes: 20.156, 1001.6001, 1001.601, and 1001.602.

This bill creates two undesignated sections of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes: (Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations on January 24, 2018:

The committee substitute:

- Removes the term “community” in all references in the bill to the Florida College System (FCS) and its institutions.
- Transfers 34 existing positions and \$2.8 million from the State Board of Education budget for the creation of the State Board of Colleges (SBC).
- Provides an additional 17 positions and \$1.5 million for necessary SBC positions such as a General Counsel, Inspector General, Board Secretary, and others.
- Appropriates \$100 million in recurring performance and program funding for the FCS. Specifically:
 - \$10 million in recurring funds for distribution to colleges for students who earn industry certifications during the 2018-2019 academic year;
 - \$60 million in recurring funds for the Florida College Performance-Based Incentive, for the 2018-2019 fiscal year. From these funds, \$30 million is included as the state investment in performance funding and \$30 million is redistributed from the base budget of FCS institutions as the institutional investment in performance funding.
 - \$30 million in recurring funds for the Supporting Students for Academic Success Program for the 2018-2019 fiscal year, to be allocated to each college through the FCS Program Fund funding model.

CS by Education on November 13, 2017:

The committee substitute:

- Modifies conforming provisions in the bill relating to the Florida Postsecondary Comprehensive Transition Program to restore current law regarding:
 - The role of the Commissioner of Education (commissioner) in the approval of such programs for the applicable eligible institutions (i.e., programs offered by technical centers operated by district school boards).
 - The inclusion of the State Board of Education (SBE) in the notification and required rulemaking provisions related to such programs.
 - The inclusion of the commissioner and the SBE in the accountability provisions related to such programs.

- Changes from the 2018 to the 2019 Regular Session the directive to the Division of Law Revision and Information to develop a reviser's bill to update terms in the Florida Statutes regarding the Florida Community College System and Florida Community College System institutions.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



294156

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/25/2018	.	
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The Committee on Appropriations (Hukill) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act shall be cited as the "College
Competitiveness Act of 2018."

Section 2. Effective July 1, 2018, section 1001.6001,
Florida Statutes, is created to read:

1001.6001 Florida College System governance.—

(1) The State Board of Colleges is created pursuant to s.



294156

11 20.156 to oversee and coordinate the Florida College System. The
12 Governor shall appoint the membership of the State Board of
13 Colleges, subject to confirmation by the Senate, in time for the
14 members to convene for the board's organizational meeting
15 pursuant to s. 20.156(5).

16 (2) The Division of Florida Colleges shall provide
17 administrative support to the State Board of Colleges until
18 September 30, 2018.

19 (3) On October 1, 2018, all powers, duties, functions,
20 records, offices, personnel, property, pending issues and
21 existing contracts, administrative authority, administrative
22 rules, and unexpended balances of appropriations, allocations,
23 and other funds related to the Florida College System and the
24 Division of Florida Colleges are transferred by a type two
25 transfer, as defined in s. 20.06(2), from the State Board of
26 Education to the State Board of Colleges.

27 (4) The State Board of Colleges shall appoint a Chancellor
28 of the Florida College System by November 1, 2018, to aid the
29 board in the implementation of its responsibilities.

30 (5) Any State Board of Education approval, policy,
31 guidance, and appointment in effect on October 1, 2018, remains
32 effective unless acted upon by the State Board of Colleges.

33 Section 3. Subsections (3) and (8) of section 20.15,
34 Florida Statutes, are amended to read:

35 20.15 Department of Education.—There is created a
36 Department of Education.

37 (3) DIVISIONS.—The following divisions of the Department of
38 Education are established:

39 ~~(a) Division of Florida Colleges.~~



294156

40 ~~(a)~~ ~~(b)~~ Division of Public Schools.
41 ~~(b)~~ ~~(e)~~ Division of Career and Adult Education.
42 ~~(c)~~ ~~(d)~~ Division of Vocational Rehabilitation.
43 ~~(d)~~ ~~(e)~~ Division of Blind Services.
44 ~~(e)~~ ~~(f)~~ Division of Accountability, Research, and
45 Measurement.
46 ~~(f)~~ ~~(g)~~ Division of Finance and Operations.
47 ~~(g)~~ ~~(h)~~ Office of K-20 Articulation.
48 ~~(h)~~ ~~(i)~~ The Office of Independent Education and Parental
49 Choice, which must include the following offices:
50 1. The Office of Early Learning, which shall be
51 administered by an executive director who is fully accountable
52 to the Commissioner of Education. The executive director shall,
53 pursuant to s. 1001.213, administer the early learning programs,
54 including the school readiness program and the Voluntary
55 Prekindergarten Education Program at the state level.
56 2. The Office of K-12 School Choice, which shall be
57 administered by an executive director who is fully accountable
58 to the Commissioner of Education.
59 (8) SUPPORT SERVICES.—The Department of Education shall
60 continue to provide support to the Board of Governors of the
61 State University System and to the State Board of Colleges of
62 the Florida College System. At a minimum, support services
63 provided to the Board of Governors and the State Board of
64 Colleges shall include accounting, printing, computer and
65 Internet support, personnel and human resources support, support
66 for accountability initiatives, and administrative support as
67 needed for trust funds under the jurisdiction of the Board of
68 Governors and the State Board of Colleges.



294156

69 Section 4. Effective July 1, 2018, section 20.156, Florida
70 Statutes, is created to read:

71 20.156 State Board of Colleges.—

72 (1) GENERAL PROVISIONS.—The State Board of Colleges is
73 created. For the purposes of s. 6, Art. IV of the State
74 Constitution, the state board shall be assigned to and
75 administratively housed within the Department of Education.
76 However, the state board shall independently exercise the powers
77 and duties in s. 1001.602; is a separate budget program; and is
78 not subject to control, supervision, or direction by the
79 department. For purposes of this section, the State Board of
80 Colleges is referred to as the "state board."

81 (2) HEAD OF THE FLORIDA COLLEGE SYSTEM.—The state board is
82 the head of the Florida College System. The Governor shall
83 appoint the board members, subject to confirmation by the
84 Senate.

85 (3) PERSONNEL.—The state board shall appoint a Chancellor
86 of the Florida College System by November 1, 2018, to aid in
87 carrying out the state board's duties. The chancellor is the
88 chief executive officer and secretary to the state board and
89 directs the activities of the staff of the state board. The
90 Chancellor of the Division of Florida Colleges shall serve as
91 the Chancellor of the Florida College System until the state
92 board selects a chancellor.

93 (4) POWERS AND DUTIES.—Effective October 1, 2018, the state
94 board shall regulate, control, and be responsible for the
95 management of the Florida College System.

96 (5) ORGANIZATION.—The state board shall, by September 30,
97 2018, conduct an organizational meeting to adopt bylaws, elect a



294156

98 chair and vice chair from the membership, and fix dates and
99 places for regular meetings.

100 Section 5. Subsection (18) is added to section 112.313,
101 Florida Statutes, to read:

102 112.313 Standards of conduct for public officers, employees
103 of agencies, and local government attorneys.—

104 (18) STATE BOARD OF COLLEGES AND BOARDS OF TRUSTEES.—A
105 citizen member of the State Board of Colleges or a citizen
106 member of a Florida College System institution board of trustees
107 may not have or hold an employment or contractual relationship
108 as a legislative lobbyist requiring annual registration and
109 reporting pursuant to s. 11.045.

110 Section 6. Paragraph (c) of subsection (1) of section
111 112.3145, Florida Statutes, is amended to read:

112 112.3145 Disclosure of financial interests and clients
113 represented before agencies.—

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

116 (c) "State officer" means:

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

122 2. An appointed member of each board, commission,
123 authority, or council having statewide jurisdiction, excluding a
124 member of an advisory body.

125 3. A member of the Board of Governors of the State
126 University System or a state university board of trustees, the



294156

127 Chancellor and Vice Chancellors of the State University System,
128 and the president of a state university; or a member of the
129 State Board of Colleges and the Chancellor of the Florida
130 College System.

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

133 Section 7. Subsections (2) and (4) of section 1000.03,
134 Florida Statutes, are amended to read:

135 1000.03 Function, mission, and goals of the Florida K-20
136 education system.—

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

140 (b) With the exception of matters relating to the State
141 University System and the Florida College System, the State
142 Board of Education shall oversee the enforcement of all laws and
143 rules, and the timely provision of direction, resources,
144 assistance, intervention when needed, and strong incentives and
145 disincentives to force accountability for results.

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

151 (d) The State Board of Colleges shall oversee the
152 enforcement of all Florida College System laws and rules and the
153 timely provision of direction, resources, assistance,
154 intervention when needed, and strong incentives and
155 disincentives to force accountability for results.



294156

156 (4) The mission of Florida's K-20 education system is to
157 allow its students to increase their proficiency by allowing
158 them the opportunity to expand their knowledge and skills
159 through rigorous and relevant learning opportunities, in
160 accordance with the mission of the applicable career center or
161 system ~~statement~~ and the accountability requirements of s.
162 1008.31, and to avoid wasteful duplication of programs offered
163 by state universities, Florida College System institutions, and
164 career centers and charter technical career centers that are
165 operated by a district school board or a Florida College System
166 institution board of trustees.

167 Section 8. Paragraph (d) of subsection (3) and subsections
168 (5) and (6) of section 1000.05, Florida Statutes, are amended to
169 read:

170 1000.05 Discrimination against students and employees in
171 the Florida K-20 public education system prohibited; equality of
172 access required.—

173 (3)

174 (d) A public K-20 educational institution which operates or
175 sponsors interscholastic, intercollegiate, club, or intramural
176 athletics shall provide equal athletic opportunity for members
177 of both genders.

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

180 2. The Commissioner of Education, for school districts, and
181 the Chancellor of the Florida College System, for Florida
182 College System institutions, shall determine whether equal
183 opportunities are available in school districts and Florida
184 College System institutions, respectively. In determining



294156

185 whether equal opportunities are available in school districts
186 and Florida College System institutions, the Commissioner of
187 Education and the Chancellor of the Florida College System shall
188 consider, among other factors:

- 189 a. Whether the selection of sports and levels of
190 competition effectively accommodate the interests and abilities
191 of members of both genders.
- 192 b. The provision of equipment and supplies.
- 193 c. Scheduling of games and practice times.
- 194 d. Travel and per diem allowances.
- 195 e. Opportunities to receive coaching and academic tutoring.
- 196 f. Assignment and compensation of coaches and tutors.
- 197 g. Provision of locker room, practice, and competitive
198 facilities.
- 199 h. Provision of medical and training facilities and
200 services.
- 201 i. Provision of housing and dining facilities and services.
- 202 j. Publicity.

203
204 Unequal aggregate expenditures for members of each gender or
205 unequal expenditures for male and female teams if a public
206 school or Florida College System institution operates or
207 sponsors separate teams do not constitute nonimplementation of
208 this subsection, but the Commissioner of Education shall
209 consider the failure to provide necessary funds for teams for
210 one gender in assessing equality of opportunity for members of
211 each gender.

212 (5) (a) The State Board of Education shall adopt rules to
213 implement this section as it relates to school districts ~~and~~



294156

214 ~~Florida College System institutions.~~

215 (b) The Board of Governors shall adopt regulations to
216 implement this section as it relates to state universities.

217 (c) The State Board of Colleges shall adopt rules to
218 implement this section as it relates to Florida College System
219 institutions.

220 (6) The functions of the State Board of Colleges for
221 Florida College System institutions and the Office of Equal
222 Educational Opportunity of the Department of Education shall
223 include, but are not limited to:

224 (a) Requiring all district school boards and Florida
225 College System institution boards of trustees to develop and
226 submit plans for the implementation of this section to the
227 Department of Education.

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

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

239 (d) Conducting studies of the effectiveness of methods and
240 strategies designed to increase the participation of students in
241 programs and courses in which students of a particular race,
242 ethnicity, national origin, gender, disability, or marital



294156

243 status have been traditionally underrepresented and monitoring
244 the success of students in such programs or courses, including
245 performing followup monitoring.

246 (e) Requiring all district school boards and Florida
247 College System institution boards of trustees to submit data and
248 information necessary to determine compliance with this section.
249 The Commissioner of Education, for school districts, and the
250 Chancellor of the Florida College System, for Florida College
251 System institutions, shall prescribe the format and the date for
252 submission of such data and any other educational equity data.
253 If any board does not submit the required compliance data or
254 other required educational equity data by the prescribed date,
255 the commissioner or the chancellor, as applicable, shall notify
256 the board of this fact and, if the board does not take
257 appropriate action to immediately submit the required report,
258 the State Board of Education or the State Board of Colleges, as
259 applicable, shall impose monetary sanctions.

260 (f) Based upon rules of the State Board of Education, for
261 school districts, and the State Board of Colleges, for Florida
262 College System institutions, developing and implementing
263 enforcement mechanisms with appropriate penalties to ensure that
264 public K-12 schools and Florida College System institutions
265 comply with Title IX of the Education Amendments of 1972 and
266 subsection (3) of this section. However, the State Board of
267 Education may not force a public school and the State Board of
268 Colleges may not force a ~~or~~ Florida College System institution
269 to conduct, nor penalize such entity for not conducting, a
270 program of athletic activity or athletic scholarship for female
271 athletes unless it is an athletic activity approved for women by



294156

272 a recognized association whose purpose is to promote athletics
273 and a conference or league exists to promote interscholastic or
274 intercollegiate competition for women in that athletic activity.

275 (g) Reporting to the Commissioner of Education, for school
276 districts, or to the Chancellor of the Florida College System,
277 for Florida College System institutions, any district school
278 board or Florida College System institution board of trustees
279 found to be out of compliance with rules of the State Board of
280 Education or the State Board of Colleges adopted as required by
281 paragraph (f) or paragraph (3) (d). To penalize the respective
282 board, the State Board of Education or the State Board of
283 Colleges, as applicable, shall:

284 1. Declare the school district or Florida College System
285 institution ineligible for competitive state grants.

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

290
291 The school district or Florida College System institution shall
292 remain ineligible and the funds may ~~shall~~ not be paid until the
293 institution comes into compliance or the State Board of
294 Education or the State Board of Colleges, as applicable,
295 approves a plan for compliance.

296 Section 9. Section 1001.02, Florida Statutes, is amended to
297 read:

298 1001.02 General powers of State Board of Education.—

299 (1) The State Board of Education is the chief implementing
300 and coordinating body of public education in Florida except for



294156

301 the State University System and the Florida College System, and
302 it shall focus on high-level policy decisions. It has authority
303 to adopt rules pursuant to ss. 120.536(1) and 120.54 to
304 implement the provisions of law conferring duties upon it for
305 the improvement of the state system of K-20 public education
306 except for the State University System and the Florida College
307 System. Except as otherwise provided herein, it may, as it finds
308 appropriate, delegate its general powers to the Commissioner of
309 Education or the directors of the divisions of the department.

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

311 (a) To adopt comprehensive educational objectives for
312 public education except for the State University System and the
313 Florida College System.

314 (b) To adopt comprehensive long-range plans and short-range
315 programs for the development of the state system of public
316 education except for the State University System and the Florida
317 College System.

318 (c) To exercise general supervision over the divisions of
319 the Department of Education as necessary to ensure coordination
320 of educational plans and programs and resolve controversies and
321 to minimize problems of articulation and student transfers, to
322 ensure that students moving from one level of education to the
323 next have acquired competencies necessary for satisfactory
324 performance at that level, and to ensure maximum utilization of
325 facilities.

326 (d) To adopt, in consultation with the Board of Governors
327 and the State Board of Colleges, and from time to time modify,
328 minimum and uniform standards of college-level communication and
329 computation skills generally associated with successful



294156

330 performance and progression through the baccalaureate level and
331 to identify college-preparatory high school coursework and
332 postsecondary-level coursework that prepares students with the
333 academic skills necessary to succeed in postsecondary education.

334 (e) To adopt and submit to the Governor and Legislature, as
335 provided in s. 216.023, a coordinated K-20 education budget that
336 estimates the expenditure requirements for the Board of
337 Governors, as provided in s. 1001.706, the State Board of
338 Education, including the Department of Education and the
339 Commissioner of Education, and all of the boards, institutions,
340 agencies, and services under the general supervision of the
341 Board of Governors, as provided in s. 1001.706, the State Board
342 of Colleges, as provided in s. 1001.602, or the State Board of
343 Education for the ensuing fiscal year. The State Board of
344 Education may not amend the budget request submitted by the
345 Board of Governors or the State Board of Colleges. Any program
346 recommended by the Board of Governors, the State Board of
347 Colleges, or the State Board of Education which will require
348 increases in state funding for more than 1 year must be
349 presented in a multiyear budget plan.

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

354 (g) To approve plans for cooperating with the Federal
355 Government.

356 (h) To approve plans for cooperating with other public
357 agencies in the development of rules and in the enforcement of
358 laws for which the state board and such agencies are jointly



294156

359 responsible.

360 (i) To review plans for cooperating with appropriate
361 nonpublic agencies for the improvement of conditions relating to
362 the welfare of schools.

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

366 (k) To constitute any education bodies or other structures
367 as required by federal law.

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

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

375 (n) To adopt cohesive rules pursuant to ss. 120.536(1) and
376 120.54, within statutory authority.

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

379 (p) To contract with independent institutions accredited by
380 an agency whose standards are comparable to the minimum
381 standards required to operate a postsecondary career center
382 ~~educational institution at that level in the state.~~ The purpose
383 of the contract is to provide those educational programs and
384 facilities which will meet needs unfulfilled by the state system
385 of public postsecondary education.

386 (q) To recommend that a district school board take action
387 consistent with the state board's decision relating to an appeal



294156

388 of a charter school application.

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

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

394 (t) To establish accountability standards for existing
395 legislative performance goals, standards, and measures, and
396 order the development of mechanisms to implement new legislative
397 goals, standards, and measures.

398 (u) To adopt criteria and implementation plans for future
399 growth issues, ~~such as new Florida College System institutions~~
400 ~~and Florida College System institution campus mergers,~~ and to
401 provide for cooperative agreements between and within public and
402 private education sectors.

403 (v) To develop, in conjunction with the Board of Governors
404 and the State Board of Colleges, and periodically review for
405 adjustment, a coordinated 5-year plan for postsecondary
406 enrollment, identifying enrollment and graduation expectations
407 by baccalaureate degree program, and annually submit the plan to
408 the Legislature as part of its legislative budget request.

409 ~~(w) Beginning in the 2014-2015 academic year and annually~~
410 ~~thereafter, to require each Florida College System institution~~
411 ~~prior to registration to provide each enrolled student~~
412 ~~electronic access to the economic security report of employment~~
413 ~~and earning outcomes prepared by the Department of Economic~~
414 ~~Opportunity pursuant to s. 445.07.~~

415 (3) (a) The State Board of Education shall adopt a strategic
416 plan that specifies goals and objectives for the state's public



294156

417 ~~schools and Florida College System institutions.~~ The plan shall
418 be formulated in conjunction with plans of the Board of
419 Governors and the State Board of Colleges in order to provide
420 for the roles of the universities and Florida College System
421 institutions to be coordinated to best meet state needs and
422 reflect cost-effective use of state resources. The strategic
423 plan must clarify the mission statements of each Florida College
424 System institution and the system as a whole and identify degree
425 programs, including baccalaureate degree programs, to be offered
426 at each Florida College System institution in accordance with
427 the objectives provided in this subsection and the coordinated
428 5-year plan pursuant to paragraph (2) (v). The strategic plan
429 must cover a period of 5 years, with modification of the program
430 lists after 2 years. Development of each 5-year plan must be
431 coordinated with and initiated after completion of the master
432 plan. The strategic plans must specifically include programs and
433 procedures for responding to the educational needs of teachers
434 and students in the public schools of this state and consider
435 reports and recommendations of the Higher Education Coordinating
436 Council pursuant to s. 1004.015 and the Articulation
437 Coordinating Committee pursuant to s. 1007.01. The state board
438 shall submit a report to the President of the Senate and the
439 Speaker of the House of Representatives upon modification of the
440 plan and as part of its legislative budget request.

441 (b) The State Board of Education, ~~and~~ the Board of
442 Governors, and the State Board of Colleges shall jointly develop
443 long-range plans and annual reports for financial aid in this
444 state. The long-range plans shall establish goals and objectives
445 for a comprehensive program of financial aid for Florida



294156

446 students and shall be updated every 5 years. The annual report
447 shall include programs administered by the department as well as
448 awards made from financial aid fee revenues, any other funds
449 appropriated by the Legislature for financial assistance, and
450 the value of tuition and fees waived for students enrolled in a
451 dual enrollment course at a public postsecondary educational
452 institution. The annual report shall include an assessment of
453 progress made in achieving goals and objectives established in
454 the long-range plans and recommendations for repealing or
455 modifying existing financial aid programs or establishing new
456 programs. A long-range plan shall be submitted by January 1,
457 2004, and every 5 years thereafter. An annual report shall be
458 submitted on January 1, 2004, and in each successive year that a
459 long-range plan is not submitted, to the President of the Senate
460 and the Speaker of the House of Representatives.

461 (4) The State Board of Education shall:

462 ~~(a) Provide for each Florida College System institution to~~
463 ~~offer educational training and service programs designed to meet~~
464 ~~the needs of both students and the communities served.~~

465 ~~(b) Specify, by rule, procedures to be used by the Florida~~
466 ~~College System institution boards of trustees in the annual~~
467 ~~evaluations of presidents and review the evaluations of~~
468 ~~presidents by the boards of trustees, including the extent to~~
469 ~~which presidents serve both institutional and system goals.~~

470 ~~(c) Establish, in conjunction with the Board of Governors,~~
471 ~~an effective information system that will provide composite data~~
472 ~~concerning the Florida College System institutions and state~~
473 ~~universities and ensure that special analyses and studies~~
474 ~~concerning the institutions are conducted, as necessary, for~~



294156

475 ~~provision of accurate and cost-effective information concerning~~
476 ~~the institutions.~~

477 ~~(d) Establish criteria for making recommendations for~~
478 ~~modifying district boundary lines for Florida College System~~
479 ~~institutions, including criteria for service delivery areas of~~
480 ~~Florida College System institutions authorized to grant~~
481 ~~baccalaureate degrees.~~

482 ~~(e) Establish criteria for making recommendations~~
483 ~~concerning all proposals for the establishment of additional~~
484 ~~centers or campuses for Florida College System institutions.~~

485 ~~(f) Examine the annual administrative review of each~~
486 ~~Florida College System institution.~~

487 ~~(g) adopt and submit to the Legislature a 3-year list of~~
488 ~~priorities for fixed-capital-outlay projects. The State Board of~~
489 ~~Education may not amend the 3-year list of priorities of the~~
490 ~~Board of Governors or the State Board of Colleges.~~

491 ~~(5) The State Board of Education is responsible for~~
492 ~~reviewing and administering the state program of support for the~~
493 ~~Florida College System institutions and, subject to existing~~
494 ~~law, shall establish the tuition and out-of-state fees for~~
495 ~~developmental education and for credit instruction that may be~~
496 ~~counted toward an associate in arts degree, an associate in~~
497 ~~applied science degree, or an associate in science degree.~~

498 ~~(6) The State Board of Education shall prescribe minimum~~
499 ~~standards, definitions, and guidelines for Florida College~~
500 ~~System institutions that will ensure the quality of education,~~
501 ~~coordination among the Florida College System institutions and~~
502 ~~state universities, and efficient progress toward accomplishing~~
503 ~~the Florida College System institution mission. At a minimum,~~



294156

504 ~~these rules must address:~~

505 ~~(a) Personnel.~~

506 ~~(b) Contracting.~~

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

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

517 ~~1. Provide for the award of an associate in arts degree to~~
518 ~~a student who successfully completes 60 semester credit hours at~~
519 ~~the Florida College System institution.~~

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

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

527
528 ~~The rules should encourage Florida College System institutions~~
529 ~~to enter into agreements with state universities that allow~~
530 ~~Florida College System institution students to complete upper-~~
531 ~~division-level courses at a Florida College System institution.~~
532 ~~An agreement may provide for concurrent enrollment at the~~



294156

533 ~~Florida College System institution and the state university and~~
534 ~~may authorize the Florida College System institution to offer an~~
535 ~~upper division level course or distance learning.~~

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

538 ~~(f) Budgeting.~~

539 ~~(g) Business and financial matters.~~

540 ~~(h) Student services.~~

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

543 Section 10. Subsections (7) through (17) of section
544 1001.03, Florida Statutes, are amended to read:

545 1001.03 Specific powers of State Board of Education.—

546 (7) ARTICULATION ACCOUNTABILITY.—The State Board of
547 Education shall develop articulation accountability measures
548 that assess the status of systemwide articulation processes, in
549 conjunction with the Board of Governors regarding the State
550 University System and the State Board of Colleges regarding the
551 Florida College System, and shall establish an articulation
552 accountability process in accordance with the provisions of
553 chapter 1008, in conjunction with the Board of Governors
554 regarding the State University System and the State Board of
555 Colleges regarding the Florida College System.

556 (8) SYSTEMWIDE ENFORCEMENT.—The State Board of Education
557 shall enforce compliance with law and state board rule by all
558 school districts and public postsecondary educational
559 institutions, except for institutions within the State
560 University System and the Florida College System, in accordance
561 with the provisions of s. 1008.32.



294156

562 (9) MANAGEMENT INFORMATION DATABASES.—The State Board of
563 Education, in conjunction with the Board of Governors regarding
564 the State University System and the State Board of Colleges
565 regarding the Florida College System, shall continue to collect
566 and maintain, at a minimum, the management information databases
567 for state universities, Florida College System institutions, and
568 all other components of the public K-20 education system as such
569 databases existed on June 30, 2002.

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

576 (10)~~(11)~~ MINIMUM STANDARDS FOR NONPUBLIC POSTSECONDARY
577 EDUCATION.—The State Board of Education shall adopt minimum
578 standards relating to nonpublic postsecondary education and
579 institutions, in accordance with the provisions of chapter 1005.

580 ~~(12) COMMON POSTSECONDARY DEFINITIONS.—The State Board of~~
581 ~~Education shall adopt, by rule, common definitions for associate~~
582 ~~in science degrees and for certificates.~~

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



294156

591 ~~decisions at the institutional level.~~

592 ~~(11)(14) UNIFORM CLASSIFICATION SYSTEM FOR SCHOOL DISTRICT~~
593 ~~ADMINISTRATIVE AND MANAGEMENT PERSONNEL.—The State Board of~~
594 ~~Education shall maintain a uniform classification system for~~
595 ~~school district administrative and management personnel that~~
596 ~~will facilitate the uniform coding of administrative and~~
597 ~~management personnel to total district employees.~~

598 ~~(15) FLORIDA COLLEGE SYSTEM INSTITUTION BACCALAUREATE~~
599 ~~DEGREE PROGRAMS.—The State Board of Education shall provide for~~
600 ~~the review and approval of proposals by Florida College System~~
601 ~~institutions to offer baccalaureate degree programs pursuant to~~
602 ~~s. 1007.33. A Florida College System institution, as defined in~~
603 ~~s. 1000.21, that is approved to offer baccalaureate degrees~~
604 ~~pursuant to s. 1007.33 remains under the authority of the State~~
605 ~~Board of Education and the Florida College System institution's~~
606 ~~board of trustees. The State Board of Education may not approve~~
607 ~~Florida College System institution baccalaureate degree program~~
608 ~~proposals from March 31, 2014, through May 31, 2015.~~

609 ~~(16) PLAN SPECIFYING GOALS AND OBJECTIVES.—By July 1, 2013,~~
610 ~~the State Board of Education shall identify performance metrics~~
611 ~~for the Florida College System and develop a plan that specifies~~
612 ~~goals and objectives for each Florida College System~~
613 ~~institution. The plan must include:~~

614 ~~(a) Performance metrics and standards common for all~~
615 ~~institutions and metrics and standards unique to institutions~~
616 ~~depending on institutional core missions, including, but not~~
617 ~~limited to, remediation success, retention, graduation,~~
618 ~~employment, transfer rates, licensure passage, excess hours,~~
619 ~~student loan burden and default rates, job placement, faculty~~



294156

620 ~~awards, and highly respected rankings for institution and~~
621 ~~program achievements.~~

622 ~~(b) Student enrollment and performance data delineated by~~
623 ~~method of instruction, including, but not limited to,~~
624 ~~traditional, online, and distance learning instruction.~~

625 (12) ~~(17)~~ UNIFIED STATE PLAN FOR SCIENCE, TECHNOLOGY,
626 ENGINEERING, AND MATHEMATICS (STEM).—The State Board of
627 Education, in consultation with the Board of Governors, the
628 State Board of Colleges, and the Department of Economic
629 Opportunity, shall adopt a unified state plan to improve K-20
630 STEM education and prepare students for high-skill, high-wage,
631 and high-demand employment in STEM and STEM-related fields.

632 Section 11. Subsection (1), paragraphs (g) and (j) of
633 subsection (6), and subsection (7) of section 1001.10, Florida
634 Statutes, are amended to read:

635 1001.10 Commissioner of Education; general powers and
636 duties.—

637 (1) The Commissioner of Education is the chief educational
638 officer of the state and the sole custodian of the K-20 data
639 warehouse, and is responsible for giving full assistance to the
640 State Board of Education in enforcing compliance with the
641 mission and goals of the K-20 education system except for the
642 State University System and the Florida College System.

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

645 (g) To submit to the State Board of Education, on or before
646 October 1 of each year, recommendations for a coordinated K-20
647 education budget that estimates the expenditures for the Board
648 of Governors, the State Board of Colleges, the State Board of



294156

649 Education, including the Department of Education and the
650 Commissioner of Education, and all of the boards, institutions,
651 agencies, and services under the general supervision of the
652 Board of Governors, the State Board of Colleges, or the State
653 Board of Education for the ensuing fiscal year. Any program
654 recommended to the State Board of Education that will require
655 increases in state funding for more than 1 year must be
656 presented in a multiyear budget plan.

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

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

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

667 ~~3. The Florida College System institution board of trustees~~
668 ~~is responsible for Florida College System institution~~
669 ~~performance and student performance.~~

670 ~~(7) The commissioner, or the commissioner's designee, may~~
671 ~~conduct a review or investigation of practices, procedures, or~~
672 ~~actions at any Florida College System institution which appear~~
673 ~~to be inconsistent with sound financial, management, or academic~~
674 ~~practice.~~

675 Section 12. Paragraphs (c) through (f) of subsection (1)
676 and subsection (3) of section 1001.11, Florida Statutes, are
677 amended to read:



294156

678 1001.11 Commissioner of Education; other duties.—

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

681 (c) In cooperation with the Board of Governors and the
682 State Board of Colleges, develop and implement a process for
683 receiving and processing requests, in conjunction with the
684 Legislature, for the allocation of PECO funds for qualified
685 postsecondary education projects.

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

688 (d) ~~(e)~~ Monitor the activities of the State Board of
689 Education and provide information related to current and pending
690 policies to the members of the boards of trustees of the Florida
691 College System institutions and state universities.

692 (e) ~~(f)~~ Ensure the timely provision of information requested
693 by the Legislature from the State Board of Education, the
694 commissioner's office, and the Department of Education.

695 (3) Notwithstanding any other provision of law to the
696 contrary, the Commissioner of Education, in conjunction with the
697 Legislature, ~~and~~ the Board of Governors regarding the State
698 University System, and the State Board of Colleges regarding the
699 Florida College System, must recommend funding priorities for
700 the distribution of capital outlay funds for public
701 postsecondary educational institutions, based on priorities that
702 include, but are not limited to, the following criteria:

703 (a) Growth at the institutions.

704 (b) Need for specific skills statewide.

705 (c) Need for maintaining and repairing existing facilities.

706 Section 13. Paragraph (e) of subsection (4) of section



294156

707 1001.20, Florida Statutes, is amended to read:

708 1001.20 Department under direction of state board.—

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

713 (e) *Office of Inspector General.*—Organized using existing
714 resources and funds and responsible for promoting
715 accountability, efficiency, and effectiveness and detecting
716 fraud and abuse within school districts and~~7~~ the Florida School
717 for the Deaf and the Blind,~~7~~ ~~and Florida College System~~
718 ~~institutions in Florida~~. If the Commissioner of Education
719 determines that a district school board or~~7~~ the Board of
720 Trustees for the Florida School for the Deaf and the Blind,~~7~~ ~~or a~~
721 ~~Florida College System institution board of trustees~~ is
722 unwilling or unable to address substantiated allegations made by
723 any person relating to waste, fraud, or financial mismanagement
724 within the school district or~~7~~ the Florida School for the Deaf
725 and the Blind,~~7~~ ~~or the Florida College System institution~~, the
726 office shall conduct, coordinate, or request investigations into
727 such substantiated allegations. The office shall have access to
728 all information and personnel necessary to perform its duties
729 and shall have all of its current powers, duties, and
730 responsibilities authorized in s. 20.055.

731 Section 14. Section 1001.28, Florida Statutes, is amended
732 to read:

733 1001.28 Distance learning duties.—The duties of the
734 Department of Education concerning distance learning include,
735 but are not limited to, the duty to:



294156

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

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

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

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

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

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

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

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



294156

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

Section 15. Effective July 1, 2018, subsection (26) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(26) TECHNICAL CENTER GOVERNING BOARD.—May appoint a governing board for a school district technical center or a system of technical centers for the purpose of aligning the educational programs of the technical center with the needs of local businesses and responding quickly to the needs of local businesses for employees holding industry certifications. A technical center governing board shall be comprised of seven members, three of whom must be members of the district school board or their designees and four of whom must be local business leaders. The district school board shall delegate to the technical center governing board decisions regarding entrance requirements for students, curriculum, program development, budget and funding allocations, and the development with local businesses of partnership agreements and appropriate industry certifications in order to meet local and regional economic needs. A technical center governing board may approve only courses and programs that contain industry certifications. A



294156

794 course may be continued if at least 25 percent of the students
795 enrolled in the course attain an industry certification. If
796 fewer than 25 percent of the students enrolled in a course
797 attain an industry certification, the course must be
798 discontinued the following year. However, notwithstanding the
799 authority to approve courses and programs under this subsection,
800 a technical center governing board may not approve a college
801 credit course or college credit certificate or an associate
802 degree or baccalaureate degree program.

803 Section 16. Effective July 1, 2018, section 1001.44,
804 Florida Statutes, is amended to read:

805 1001.44 Career centers; governance, mission, and
806 responsibilities.—

807 (1) DISTRICT SCHOOL BOARD MAY ESTABLISH OR ACQUIRE CAREER
808 CENTERS.—Any district school board, after first obtaining the
809 approval of the Department of Education, may, as a part of the
810 district school system, organize, establish and operate a career
811 center, or acquire and operate a career center previously
812 established.

813 (a) The primary mission of a career center that is operated
814 by a district school board is to promote advances and
815 innovations in workforce preparation and economic development. A
816 career center may provide a learning environment that serves the
817 needs of a specific population group or group of occupations,
818 thus promoting diversity and choices within the public technical
819 education community in this state.

820 (b) A career center that is operated by a district school
821 board may not offer a college credit course or college credit
822 certificate or an associate degree or baccalaureate degree



294156

823 program.

824 (2) DISTRICT SCHOOL BOARDS OF CONTIGUOUS DISTRICTS MAY
825 ESTABLISH OR ACQUIRE CAREER CENTERS.—The district school boards
826 of any two or more contiguous districts may, upon first
827 obtaining the approval of the department, enter into an
828 agreement to organize, establish and operate, or acquire and
829 operate, a career center under this section.

830 (3) CAREER CENTER PART OF DISTRICT SCHOOL SYSTEM DIRECTED
831 BY A DIRECTOR.—

832 (a) A career center established or acquired under
833 provisions of law and minimum standards prescribed by the
834 commissioner shall comprise a part of the district school system
835 and shall mean an educational institution offering terminal
836 courses of a technical nature which are not for college credit,
837 and courses for out-of-school youth and adults; shall be subject
838 to all applicable provisions of this code; shall be under the
839 control of the district school board of the school district in
840 which it is located; and shall be directed by a director
841 responsible through the district school superintendent to the
842 district school board of the school district in which the center
843 is located.

844 (b) Each career center shall maintain an academic
845 transcript for each student enrolled in the center. Such
846 transcript shall delineate each course completed by the student.
847 Courses shall be delineated by the course prefix and title
848 assigned pursuant to s. 1007.24. The center shall make a copy of
849 a student's transcript available to any student who requests it.

850 Section 17. Effective July 1, 2018, paragraph (b) of
851 subsection (2) of section 1001.60, Florida Statutes, is amended



294156

852 to read:

853 1001.60 Florida College System.—

854 (2) FLORIDA COLLEGE SYSTEM.—There shall be a single Florida
855 College System comprised of the Florida College System
856 institutions identified in s. 1000.21(3). A Florida College
857 System institution may not offer graduate degree programs.

858 (b)1. With the approval of its district board of trustees,
859 a Florida College System institution may change the
860 institution's name set forth in s. 1000.21(3) and use the
861 designation "college" or "state college" if it has been
862 authorized to grant baccalaureate degrees pursuant to s. 1007.33
863 and has been accredited as a baccalaureate-degree-granting
864 institution by the Commission on Colleges of the Southern
865 Association of Colleges and Schools.

866 2. With the approval of its district board of trustees, a
867 Florida College System institution that does not meet the
868 criteria in subparagraph 1. may request approval from the State
869 Board of Colleges Education to change the institution's name set
870 forth in s. 1000.21(3) and use the designation "college." The
871 State Board of Colleges Education may approve the request if the
872 Florida College System institution enters into an agreement with
873 the State Board of Colleges Education to do the following:

874 a. Maintain as its primary mission responsibility for
875 responding to community needs for postsecondary academic
876 education and career degree education as prescribed in s.
877 1004.65(5).

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

880 c. Continue to provide outreach to underserved populations.



294156

881 d. Continue to provide remedial education.

882 e. Comply with all provisions of the statewide articulation
883 agreement that relate to 2-year and 4-year public degree-
884 granting institutions as adopted by the State Board of Colleges
885 Education pursuant to s. 1007.23.

886 Section 18. Effective July 1, 2018, section 1001.601,
887 Florida Statutes, is created to read:

888 1001.601 State Board of Colleges of the Florida College
889 System.—

890 (1) The State Board of Colleges is established as a body
891 corporate consisting of 13 members, which shall consist of the
892 Commissioner of Education and 12 citizen members who are
893 appointed by the Governor in a manner that provides equitable
894 geographical representation.

895 (a) The 12 appointed citizen members must include a student
896 enrolled in a Florida College System institution and a faculty
897 member employed at a Florida College System institution.

898 (b) Each citizen member must reside and be registered to
899 vote in this state.

900 (c) Except for the student member, who shall serve a 1-year
901 term, appointed citizen members shall serve staggered 4-year
902 terms. In order to achieve staggered terms, beginning September
903 1, 2018, of the initial appointments, 3 members shall serve 2-
904 year terms, 4 members shall serve 3-year terms, and 4 members
905 shall serve 4-year terms.

906 (d) Except for the student member, each citizen member must
907 be confirmed by the Senate.

908 (2) Members of the State Board of Colleges may not receive
909 compensation but may be reimbursed for per diem and travel



294156

910 expenses as provided in s. 112.061.

911 Section 19. Section 1001.602, Florida Statutes, is created
912 to read:

913 1001.602 Powers and duties of the State Board of Colleges.-

914 (1) RESPONSIBILITIES.-The State Board of Colleges is
915 responsible for the efficient and effective operation and
916 maintenance of the Florida College System, as established in s.
917 1001.60. The State Board of Colleges may adopt rules pursuant to
918 ss. 120.536(1) and 120.54 to implement provisions of law for the
919 Florida College System. For the purposes of this section, the
920 State Board of Colleges is referred to as the "state board."

921 (2) DUTIES.-The state board has the following duties:

922 (a) Ensure that Florida College System institutions operate
923 consistent with the mission of the system, pursuant to s.
924 1004.65.

925 (b) Oversee the Florida College System and coordinate with
926 the State Board of Education and the Board of Governors to avoid
927 wasteful duplication of facilities or programs.

928 (c) Provide for each Florida College System institution to
929 offer educational training and service programs designed to meet
930 the needs of both students and the communities served.

931 (d) Hold meetings, transact business, keep records, and,
932 except as otherwise provided by law, perform such other duties
933 as may be necessary for the enforcement of laws and rules
934 relating to the Florida College System.

935 (e) Provide for the coordination of educational plans and
936 programs to resolve controversies, minimize problems of
937 articulation and student transfers, ensure that students moving
938 from one level of education to the next have acquired



294156

939 competencies necessary for satisfactory performance at that
940 level, and ensure maximum utilization of facilities.

941 (f) Establish and review, in consultation with the State
942 Board of Education and the Board of Governors, minimum and
943 uniform standards of college-level communication and computation
944 skills generally associated with successful performance and
945 progression through the baccalaureate level, to identify
946 college-preparatory high school coursework and postsecondary-
947 level coursework that prepares students with the academic skills
948 necessary to succeed in postsecondary education.

949 (g) Approve plans for cooperating with the Federal
950 Government.

951 (h) Approve plans for cooperating with other public
952 agencies in the development of rules and in the enforcement of
953 laws for which the state board and the agencies are jointly
954 responsible.

955 (i) Create subordinate advisory bodies if required by law
956 or as necessary for the improvement of the Florida College
957 System.

958 (j) Coordinate with the State Board of Education and the
959 Board of Governors to collect and maintain data for the Florida
960 College System.

961 (k) Establish, in conjunction with the State Board of
962 Education and the Board of Governors, an effective information
963 system that will provide composite data concerning the Florida
964 College System institutions and state universities and that will
965 ensure that special analyses and studies concerning the
966 institutions are conducted, as necessary, for provision of
967 accurate and cost-effective information concerning the



294156

968 institutions.

969 (l) Establish accountability standards for existing
970 legislative performance goals, standards, and measures, and
971 order the development of mechanisms to implement new legislative
972 goals, standards, and measures.

973 (m) Require each Florida College System institution, before
974 registration, to provide each enrolled student electronic access
975 to the economic security report of employment and earning
976 outcomes prepared by the Department of Economic Opportunity
977 pursuant to s. 445.07.

978 (n) Specify, by rule, procedures to be used by Florida
979 College System institution boards of trustees in the annual
980 evaluation of presidents, and review the evaluations of
981 presidents by the boards of trustees, including the extent to
982 which presidents serve both institutional and system goals.

983 (o) Establish, subject to existing law, the tuition and
984 out-of-state fees for developmental education and for credit
985 instruction that may be counted toward an associate in arts
986 degree, an associate in applied science degree, or an associate
987 in science degree.

988 (p) Develop, in conjunction with the State Board of
989 Education and the Board of Governors, and implement a common
990 placement test to assess the basic communication and computation
991 skills of students who intend to enter a degree program at a
992 Florida College System institution or state university.

993 (q) May direct the Chancellor of the Florida College System
994 to conduct investigations of practices, procedures, or actions
995 at a Florida College System institution which appear to be
996 inconsistent with sound financial, management, or academic



294156

997 practice.

998 (r) Examine the annual administrative review of each
999 Florida College System institution.

1000 (s) Through the Chancellor of the Florida College System,
1001 integrally work with the Florida College System institution
1002 boards of trustees.

1003 (t) Establish criteria for making recommendations
1004 concerning all proposals to establish additional centers or
1005 campuses for a Florida College System institution.

1006 (3) PLAN SPECIFYING GOALS AND OBJECTIVES.—To comply with
1007 the requirements under subsection (4) and the performance
1008 metrics and standards adopted under ss. 1001.66 and 1001.67, the
1009 state board shall identify performance metrics for the Florida
1010 College System and develop a plan that specifies goals and
1011 objectives for each Florida College System institution. The plan
1012 must include:

1013 (a) Performance metrics and standards common for all
1014 institutions and metrics and standards unique to institutions
1015 depending on institutional core missions, including, but not
1016 limited to, remediation success, retention, graduation,
1017 employment, transfer rates, licensure passage, excess hours,
1018 student loan burden and default rates, job placement, faculty
1019 awards, and highly respected rankings for institution and
1020 program achievements.

1021 (b) Student enrollment and performance data delineated by
1022 method of instruction, including, but not limited to,
1023 traditional, online, and distance learning instruction.

1024 (4) STRATEGIC PLAN, LONG-RANGE PLANS, AND OTHER PLANS.—

1025 (a) The state board shall adopt a strategic plan that



1026 specifies goals and objectives for the Florida College System.
1027 The plan must be formulated in conjunction with plans of the
1028 State Board of Education and the Board of Governors in order to
1029 coordinate the roles of the school districts and state
1030 universities to best meet state needs and reflect cost-effective
1031 use of state resources. The strategic plan must clarify the
1032 mission statements of the Florida College System and each
1033 Florida College System institution and identify degree programs,
1034 including baccalaureate degree programs, to be offered at each
1035 Florida College System institution in accordance with the
1036 objectives provided in this subsection and the coordinated 5-
1037 year plan pursuant to s. 1001.02 (2) (v). The strategic plan must
1038 cover a period of 5 years, with modification of the program
1039 lists after 2 years. Development of each 5-year plan must be
1040 coordinated with and initiated after completion of the master
1041 plan. The strategic plan must consider reports and
1042 recommendations of the Higher Education Coordinating Council
1043 pursuant to s. 1004.015 and the Articulation Coordinating
1044 Committee pursuant to s. 1007.01. Upon modification of the plan,
1045 the state board shall submit a report to the President of the
1046 Senate and the Speaker of the House of Representatives as part
1047 of its legislative budget request.

1048 (b) The state board, the State Board of Education, and the
1049 Board of Governors shall jointly develop long-range plans and
1050 annual reports for financial aid in this state. The long-range
1051 plans must establish goals and objectives for a comprehensive
1052 program of financial aid for students and shall be updated every
1053 5 years. The annual report must include programs administered by
1054 the department as well as awards made from financial aid fee



294156

1055 revenues, other funds appropriated by the Legislature for
1056 financial assistance, and the value of tuition and fees waived
1057 for students enrolled in a dual enrollment course at a public
1058 postsecondary educational institution. The annual report must
1059 include an assessment of the progress made in achieving goals
1060 and objectives established in the long-range plans and must
1061 include recommendations for repealing or modifying existing
1062 financial aid programs or establishing new programs. The state
1063 board, the State Board of Education, and the Board of Governors
1064 shall submit their long-range plans by July 1, 2018, and every 5
1065 years thereafter and shall submit their annual reports on July
1066 1, 2018, and in each successive year that a long-range plan is
1067 not submitted, to the President of the Senate and the Speaker of
1068 the House of Representatives.

1069 (c) The state board shall also:

1070 1. Adopt comprehensive long-range plans and short-range
1071 programs for the development of the Florida College System.

1072 2. Assist in the economic development of the state by
1073 developing a state-level planning process to identify future
1074 training needs for industry, especially high-technology
1075 industry.

1076 3. Adopt criteria and implementation plans for future
1077 growth issues, such as new Florida College System institutions
1078 and Florida College System institution campus mergers, and
1079 provide for cooperative agreements between and within public and
1080 private education sectors.

1081 (5) MINIMUM STANDARDS AND GUIDELINES.—The state board shall
1082 prescribe minimum standards, definitions, and guidelines for
1083 Florida College System institutions which will ensure the



294156

1084 quality of education, coordination among the Florida College
1085 System institutions and state universities, and efficient
1086 progress toward accomplishing the Florida College System
1087 institution's mission. At a minimum, these rules must address
1088 all of the following:
1089 (a) Personnel.
1090 (b) Contracting.
1091 (c) Program offerings and classification, including
1092 college-level communication and computation skills associated
1093 with successful performance in college and with tests and other
1094 assessment procedures that measure student achievement of those
1095 skills. The performance measures must provide that students
1096 moving from one level of education to the next acquire the
1097 necessary competencies for that level.
1098 (d) Provisions for curriculum development, graduation
1099 requirements, college calendars, and program service areas.
1100 These provisions must include rules that:
1101 1. Provide for the award of an associate in arts degree to
1102 a student who successfully completes 60 semester credit hours at
1103 the Florida College System institution.
1104 2. Require all of the credits accepted for the associate in
1105 arts degree to be in the statewide course numbering system as
1106 credits toward a baccalaureate degree offered by a state
1107 university or a Florida College System institution.
1108 3. Require no more than 36 semester credit hours in general
1109 education courses in the subject areas of communication,
1110 mathematics, social sciences, humanities, and natural sciences.
1111
1112 The rules under this paragraph should encourage Florida College



294156

1113 System institutions to enter into agreements with state
1114 universities which allow a Florida College System institution
1115 student to complete upper-division-level courses at a Florida
1116 College System institution. An agreement may provide for
1117 concurrent enrollment at the Florida College System institution
1118 and the state university and may authorize the Florida College
1119 System institution to offer an upper-division-level course or
1120 distance learning.

1121 (e) Student admissions, conduct, and discipline;
1122 nonclassroom activities; and fees.

1123 (f) Budgeting.

1124 (g) Business and financial matters.

1125 (h) Student services.

1126 (i) Reports, surveys, and information systems, including
1127 forms and dates of submission.

1128 (6) CYCLIC REVIEW OF ACADEMIC PROGRAMS.—The state board
1129 shall provide for the cyclic review of all academic programs in
1130 Florida College System institutions at least every 7 years.
1131 Program reviews must document how individual academic programs
1132 are achieving stated student learning and program objectives
1133 within the context of the institution's mission. The results of
1134 the program reviews must inform strategic planning, program
1135 development, and budgeting decisions at the institutional level.

1136 (7) FLORIDA COLLEGE SYSTEM INSTITUTION BACCALAUREATE DEGREE
1137 PROGRAMS.—The state board shall provide for the review and
1138 approval of proposals by Florida College System institutions to
1139 offer baccalaureate degree programs pursuant to s. 1007.33. A
1140 Florida College System institution, as defined in s. 1000.21,
1141 which is approved to offer baccalaureate degrees pursuant to s.



294156

1142 1007.33 remains under the authority of the state board and the
1143 Florida College System institution's board of trustees.

1144 (8) MODIFICATIONS TO SERVICE AREA.—The state board shall
1145 establish criteria for making recommendations for modifying
1146 district boundary lines for a Florida College System
1147 institution, including criteria for service delivery areas of a
1148 Florida College System institution authorized to grant
1149 baccalaureate degrees.

1150 (9) PERFORMANCE OVERSIGHT.—The state board shall oversee
1151 the performance of Florida College System institution boards of
1152 trustees in enforcement of all laws and rules. Florida College
1153 System institution boards of trustees are primarily responsible
1154 for compliance with law and state board rule.

1155 (a) In order to ensure compliance with law or state board
1156 rule, the state board has the authority to request and receive
1157 information, data, and reports from Florida College System
1158 institutions. The Florida College System institution president
1159 is responsible for the accuracy of the information and data
1160 reported to the state board.

1161 (b) The Chancellor of the Florida College System may
1162 investigate allegations of noncompliance with law or state board
1163 rule and determine probable cause. The chancellor shall report
1164 determinations of probable cause to the State Board of Colleges,
1165 which shall require the Florida College System institution board
1166 of trustees to document compliance with law or state board rule.

1167 (c) If the Florida College System institution board of
1168 trustees cannot satisfactorily document compliance, the state
1169 board may order compliance within a specified timeframe.

1170 (d) If the state board determines that a Florida College



294156

1171 System institution board of trustees is unwilling or unable to
1172 comply with law or state board rule within the specified time,
1173 the state board has the authority to initiate any of the
1174 following actions:

1175 1. Report to the Legislature that the Florida College
1176 System institution is unwilling or unable to comply with law or
1177 state board rule and recommend that the Legislature take action
1178 against the institution;

1179 2. Withhold the transfer of state funds, discretionary
1180 grant funds, discretionary lottery funds, or any other funds
1181 specified as eligible for this purpose by the Legislature until
1182 the Florida College System institution complies with the law or
1183 state board rule;

1184 3. Declare the Florida College System institution
1185 ineligible for competitive grants; or

1186 4. Require monthly or periodic reporting on the situation
1187 related to noncompliance until it is remedied.

1188 (e) This section may not be construed to create a private
1189 cause of action or create any rights for individuals or entities
1190 in addition to those provided elsewhere in law or rule.

1191 (10) INSPECTOR GENERAL.—The inspector general is
1192 responsible for promoting accountability, efficiency, and
1193 effectiveness and detecting fraud and abuse within Florida
1194 College System institutions. If the Chancellor of the Florida
1195 College System determines that a Florida College System
1196 institution board of trustees is unwilling or unable to address
1197 substantiated allegations made by any person relating to waste,
1198 fraud, or financial mismanagement within the Florida College
1199 System institution, the inspector general shall conduct,



294156

1200 coordinate, or request investigations into such substantiated
1201 allegations. The inspector general shall have access to all
1202 information and personnel necessary to perform its duties and
1203 shall have all of his or her current powers, duties, and
1204 responsibilities authorized in s. 20.055.

1205 (11) COORDINATION WITH THE STATE BOARD OF EDUCATION.—The
1206 state board shall coordinate with the State Board of Education:

1207 (a) Pursuant to s. 1001.02(2)(e), in the adoption of a K-20
1208 education budget.

1209 (b) Pursuant to s. 1001.02(4)(g), to adopt and submit to
1210 the Legislature a 3-year list of priorities for fixed capital
1211 outlay projects.

1212 (12) COMMON POSTSECONDARY DEFINITIONS.—The state board
1213 shall, in collaboration with the State Board of Education, adopt
1214 by rule definitions for associate in science degrees and for
1215 certificates offered by Florida College System institutions.

1216 Section 20. Subsection (1) of section 1001.61, Florida
1217 Statutes, is amended to read:

1218 1001.61 Florida College System institution boards of
1219 trustees; membership.—

1220 (1) Florida College System institution boards of trustees
1221 shall be comprised of five members when a Florida College System
1222 institution district is confined to one school board district;
1223 seven members when a Florida College System institution district
1224 is confined to one school board district and the board of
1225 trustees so elects; and not more than nine members when the
1226 district contains two or more school board districts, as
1227 provided by rules of the State Board of Colleges Education.

1228 However, Florida State College at Jacksonville shall have an odd



294156

1229 number of trustees, and St. Johns River State College shall have
1230 seven trustees from the three-county area that the college
1231 serves.

1232 Section 21. Subsections (1) through (4), paragraphs (a) and
1233 (g) of subsection (8), and subsections (11), (12), (14), (18),
1234 (19), and (42) of section 1001.64, Florida Statutes, are amended
1235 to read:

1236 1001.64 Florida College System institution boards of
1237 trustees; powers and duties.—

1238 (1) The boards of trustees shall be responsible for cost-
1239 effective policy decisions appropriate to the Florida College
1240 System institution's mission, the implementation and maintenance
1241 of high-quality education programs within law and rules of the
1242 State Board of Colleges Education, the measurement of
1243 performance, the reporting of information, and the provision of
1244 input regarding state policy, budgeting, and education
1245 standards.

1246 (2) Each board of trustees is vested with the
1247 responsibility to govern its respective Florida College System
1248 institution and with such necessary authority as is needed for
1249 the proper operation and improvement thereof in accordance with
1250 rules of the State Board of Colleges Education.

1251 (3) A board of trustees shall have the power to take action
1252 without a recommendation from the president and shall have the
1253 power to require the president to deliver to the board of
1254 trustees all data and information required by the board of
1255 trustees in the performance of its duties. A board of trustees
1256 shall ask the Chancellor of the Florida College System
1257 ~~Commissioner of Education~~ to authorize an investigation of the



294156

1258 president's actions by the State Board of Colleges' ~~department's~~
1259 inspector general if the board considers such investigation
1260 necessary. The inspector general shall provide a report
1261 detailing each issue under investigation and shall recommend
1262 corrective action. If the inspector general identifies potential
1263 legal violations, he or she shall refer the potential legal
1264 violations to the Commission on Ethics, the Department of Law
1265 Enforcement, the Attorney General, or another appropriate
1266 authority.

1267 (4) (a) The board of trustees, after considering
1268 recommendations submitted by the Florida College System
1269 institution president, may adopt rules pursuant to ss.
1270 120.536(1) and 120.54 to implement the provisions of law
1271 conferring duties upon it. These rules may supplement those
1272 prescribed by the State Board of Colleges ~~Education~~ if they will
1273 contribute to the more orderly and efficient operation of
1274 Florida College System institutions.

1275 (b) Each board of trustees is specifically authorized to
1276 adopt rules, procedures, and policies, consistent with law and
1277 rules of the State Board of Colleges ~~Education~~, related to its
1278 mission and responsibilities as set forth in s. 1004.65, its
1279 governance, personnel, budget and finance, administration,
1280 programs, curriculum and instruction, buildings and grounds,
1281 travel and purchasing, technology, students, contracts and
1282 grants, or college property.

1283 (8) Each board of trustees has authority for policies
1284 related to students, enrollment of students, student records,
1285 student activities, financial assistance, and other student
1286 services.



294156

1287 (a) Each board of trustees shall govern admission of
1288 students pursuant to s. 1007.263 and rules of the State Board of
1289 Colleges Education. A board of trustees may establish additional
1290 admissions criteria, which shall be included in the dual
1291 enrollment articulation agreement developed according to s.
1292 1007.271(21), to ensure student readiness for postsecondary
1293 instruction. Each board of trustees may consider the past
1294 actions of any person applying for admission or enrollment and
1295 may deny admission or enrollment to an applicant because of
1296 misconduct if determined to be in the best interest of the
1297 Florida College System institution.

1298 (g) Each board of trustees pursuant to s. 1006.53 shall
1299 adopt a policy in accordance with rules of the State Board of
1300 Colleges Education that reasonably accommodates the religious
1301 observance, practice, and belief of individual students in
1302 regard to admissions, class attendance, and the scheduling of
1303 examinations and work assignments.

1304 (11) Each board of trustees shall submit an institutional
1305 budget request, including a request for fixed capital outlay,
1306 and an operating budget to the State Board of Colleges Education
1307 for review in accordance with guidelines established by the
1308 State Board of Colleges Education.

1309 (12) Each board of trustees shall account for expenditures
1310 of all state, local, federal, and other funds in the manner
1311 described by the State Board of Colleges Department of
1312 Education.

1313 (14) Each board of trustees shall develop a strategic plan
1314 specifying institutional goals and objectives for the Florida
1315 College System institution for recommendation to the State Board



294156

1316 of Colleges Education.

1317 (18) Each board of trustees shall establish the personnel
1318 program for all employees of the Florida College System
1319 institution, including the president, pursuant to the provisions
1320 of chapter 1012 and rules and guidelines of the State Board of
1321 Colleges Education, including: compensation and other conditions
1322 of employment; recruitment and selection; nonreappointment;
1323 standards for performance and conduct; evaluation; benefits and
1324 hours of work; leave policies; recognition; inventions and work
1325 products; travel; learning opportunities; exchange programs;
1326 academic freedom and responsibility; promotion; assignment;
1327 demotion; transfer; ethical obligations and conflict of
1328 interest; restrictive covenants; disciplinary actions;
1329 complaints; appeals and grievance procedures; and separation and
1330 termination from employment.

1331 (19) Each board of trustees shall appoint, suspend, or
1332 remove the president of the Florida College System institution.
1333 The board of trustees may appoint a search committee. The board
1334 of trustees shall conduct annual evaluations of the president in
1335 accordance with rules of the State Board of Colleges Education
1336 and submit such evaluations to the State Board of Colleges
1337 Education for review. The evaluation must address the
1338 achievement of the performance goals established by the
1339 accountability process implemented pursuant to s. 1008.45 and
1340 the performance of the president in achieving the annual and
1341 long-term goals and objectives established in the Florida
1342 College System institution's employment accountability program
1343 implemented pursuant to s. 1012.86.

1344 (42) Each board of trustees shall implement a plan, in



294156

1345 accordance with guidelines of the State Board of Colleges
1346 ~~Education~~, for working on a regular basis with the other Florida
1347 College System institution boards of trustees, representatives
1348 of the university boards of trustees, and representatives of the
1349 district school boards to achieve the goals of the seamless
1350 education system.

1351 Section 22. Subsections (1) through (5), (7), (11), (13),
1352 (18), (21), and (22) of section 1001.65, Florida Statutes, are
1353 amended to read:

1354 1001.65 Florida College System institution presidents;
1355 powers and duties.—The president is the chief executive officer
1356 of the Florida College System institution, shall be corporate
1357 secretary of the Florida College System institution board of
1358 trustees, and is responsible for the operation and
1359 administration of the Florida College System institution. Each
1360 Florida College System institution president shall:

1361 (1) Recommend the adoption of rules, as appropriate, to the
1362 Florida College System institution board of trustees to
1363 implement provisions of law governing the operation and
1364 administration of the Florida College System institution, which
1365 shall include the specific powers and duties enumerated in this
1366 section. Such rules shall be consistent with law, the mission of
1367 the Florida College System institution, and the rules and
1368 policies of the State Board of Colleges ~~Education~~.

1369 (2) Prepare a budget request and an operating budget
1370 pursuant to s. 1011.30 for approval by the Florida College
1371 System institution board of trustees at such time and in such
1372 format as the State Board of Colleges ~~Education~~ may prescribe.

1373 (3) Establish and implement policies and procedures to



294156

1374 recruit, appoint, transfer, promote, compensate, evaluate,
1375 reward, demote, discipline, and remove personnel, within law and
1376 rules of the State Board of Colleges Education and in accordance
1377 with rules or policies approved by the Florida College System
1378 institution board of trustees.

1379 (4) Govern admissions, subject to law and rules or policies
1380 of the Florida College System institution board of trustees and
1381 the State Board of Colleges Education.

1382 (5) Approve, execute, and administer contracts for and on
1383 behalf of the Florida College System institution board of
1384 trustees for licenses; the acquisition or provision of
1385 commodities, goods, equipment, and services; leases of real and
1386 personal property; and planning and construction to be rendered
1387 to or by the Florida College System institution, provided such
1388 contracts are within law and guidelines of the State Board of
1389 Colleges Education and in conformance with policies of the
1390 Florida College System institution board of trustees, and are
1391 for the implementation of approved programs of the Florida
1392 College System institution.

1393 (7) Establish the internal academic calendar of the Florida
1394 College System institution within general guidelines of the
1395 State Board of Colleges Education.

1396 (11) Recommend to the board of trustees a schedule of
1397 tuition and fees to be charged by the Florida College System
1398 institution, within law and rules of the State Board of Colleges
1399 Education.

1400 (13) Review periodically the operations of the Florida
1401 College System institution in order to determine how effectively
1402 and efficiently the Florida College System institution is being



294156

1403 administered and whether it is meeting the goals of its
1404 strategic plan adopted by the State Board of Colleges Education.

1405 (18) Certify to the department a project's compliance with
1406 the requirements for expenditure of PECO funds prior to release
1407 of funds pursuant to ~~the provisions of~~ chapter 1013.

1408 (21) Have authority, after notice to the student of the
1409 charges and after a hearing thereon, to expel, suspend, or
1410 otherwise discipline any student who is found to have violated
1411 any law, ordinance, or rule or regulation of the State Board of
1412 Colleges Education or of the board of trustees of the Florida
1413 College System institution pursuant to the provisions of s.
1414 1006.62.

1415 (22) Submit an annual employment accountability plan to the
1416 State Board of Colleges Department of Education pursuant to the
1417 provisions of s. 1012.86.

1418 Section 23. Effective July 1, 2018, section 1001.66,
1419 Florida Statutes, is amended to read:

1420 1001.66 Florida College System Performance-Based
1421 Incentive.—

1422 (1) The State Board of Colleges shall adopt the following
1423 performance-based metrics for use in awarding a Florida College
1424 System Performance-Based Incentive shall be awarded to a Florida
1425 College System institution: institutions using performance-based
1426 metrics

1427 (a) A student retention rate, as calculated by the State
1428 Board of Colleges;

1429 (b) A 100 percent-of-normal-time program completion and
1430 graduation rate for full-time, first-time-in-college students,
1431 as calculated by the State Board of Colleges using a cohort



294156

1432 definition of "full-time" based on a student's majority
1433 enrollment in full-time terms. This paragraph does not apply to
1434 nondegree-seeking students;

1435 (c) A continuing education or postgraduation job placement
1436 rate for workforce education programs, including workforce
1437 baccalaureate degree programs, as reported by the Florida
1438 Education and Training Placement Information Program, with wage
1439 thresholds that reflect the added value of the applicable
1440 certificate or degree. This paragraph does not apply to
1441 associate in arts degrees;

1442 (d) A graduation rate for full-time, first-time-in-college
1443 students enrolled in an associate of arts degree program who
1444 graduate with a baccalaureate degree in 4 years after initially
1445 enrolling in an associates of arts degree program; and

1446 (e) One performance-based metric on college affordability
1447 adopted by the State Board of Education. The performance-based
1448 metrics must include retention rates; program completion and
1449 graduation rates; postgraduation employment, salaries, and
1450 continuing education for workforce education and baccalaureate
1451 programs, with wage thresholds that reflect the added value of
1452 the certificate or degree; and outcome measures appropriate for
1453 associate of arts degree recipients.

1454
1455 The state board shall adopt benchmarks to evaluate each
1456 institution's performance on the metrics to measure the
1457 institution's achievement of institutional excellence or need
1458 for improvement and ~~the~~ minimum requirements for eligibility to
1459 receive performance funding.

1460 (2) Each fiscal year, the amount of funds available for



294156

1461 allocation to the Florida College System institutions based on
1462 the performance-based funding model shall consist of the state's
1463 investment in performance funding plus institutional investments
1464 consisting of funds to be redistributed from the base funding of
1465 the Florida College System Program Fund as determined in the
1466 General Appropriations Act. The State Board of Colleges
1467 ~~Education~~ shall establish minimum performance funding
1468 eligibility thresholds for the state's investment and the
1469 institutional investments. An institution that meets the minimum
1470 institutional investment eligibility threshold, but fails to
1471 meet the minimum state investment eligibility threshold, shall
1472 have its institutional investment restored but is ineligible for
1473 a share of the state's investment in performance funding. The
1474 institutional investment shall be restored for all institutions
1475 eligible for the state's investment under the performance-based
1476 funding model.

1477 (3) (a) Each Florida College System institution's share of
1478 the performance funding shall be calculated based on its
1479 relative performance on the established metrics in conjunction
1480 with the institutional size and scope.

1481 (b) A Florida College System institution that fails to meet
1482 the State Board of Colleges' ~~Education's~~ minimum institutional
1483 investment performance funding eligibility threshold shall have
1484 a portion of its institutional investment withheld by the state
1485 board and must submit an improvement plan to the state board
1486 which specifies the activities and strategies for improving the
1487 institution's performance. The state board must review and
1488 approve the improvement plan and, if the plan is approved, must
1489 monitor the institution's progress in implementing the



294156

1490 activities and strategies specified in the improvement plan. The
1491 institution shall submit monitoring reports to the state board
1492 by December 31 and May 31 of each year in which an improvement
1493 plan is in place. Beginning in the 2017-2018 fiscal year, the
1494 ability of an institution to submit an improvement plan to the
1495 state board is limited to 1 fiscal year.

1496 (c) The Chancellor of the Florida College System
1497 ~~Commissioner of Education~~ shall withhold disbursement of the
1498 institutional investment until the monitoring report is approved
1499 by the State Board of Colleges Education. A Florida College
1500 System institution determined by the state board to be making
1501 satisfactory progress on implementing the improvement plan shall
1502 receive no more than one-half of the withheld institutional
1503 investment in January and the balance of the withheld
1504 institutional investment in June. An institution that fails to
1505 make satisfactory progress may not have its full institutional
1506 investment restored. Any institutional investment funds that are
1507 not restored shall be redistributed in accordance with the state
1508 board's performance-based metrics.

1509 (4) Distributions of performance funding, as provided in
1510 this section, shall be made to each of the Florida College
1511 System institutions listed in the Florida Colleges category in
1512 the General Appropriations Act.

1513 (5) By October 1 of each year, the State Board of Colleges
1514 ~~Education~~ shall submit to the Governor, the President of the
1515 Senate, and the Speaker of the House of Representatives a report
1516 on the previous fiscal year's performance funding allocation,
1517 which must reflect the rankings and award distributions.

1518 (6) The State Board of Colleges Education shall adopt rules



294156

1519 to administer this section.

1520 Section 24. Effective July 1, 2018, section 1001.67,
1521 Florida Statutes, is amended to read:

1522 1001.67 Distinguished Florida College System Institution
1523 Program.—A collaborative partnership is established between the
1524 State Board of Colleges Education and the Legislature to
1525 recognize the excellence of Florida's highest-performing Florida
1526 College System institutions.

1527 (1) EXCELLENCE STANDARDS.—The following excellence
1528 standards are established for the program:

1529 (a) A 100 ~~150~~ percent-of-normal-time completion rate for
1530 full-time, first-time-in-college students of 50 percent or
1531 higher, as calculated by the State Board of ~~Division of Florida~~
1532 Colleges.

1533 (b) A 100 ~~150~~ percent-of-normal-time completion rate for
1534 full-time, first-time-in-college Pell Grant recipients of 40
1535 percent or higher, as calculated by the State Board of ~~Division~~
1536 of Florida Colleges.

1537 (c) A retention rate of 70 percent or higher, as calculated
1538 by the State Board of ~~Division of Florida~~ Colleges.

1539 (d) A continuing education, or transfer, rate of 72 percent
1540 or higher for students graduating with an associate of arts
1541 degree, as reported by the Florida Education and Training
1542 Placement Information Program (FETPIP).

1543 (e) A licensure passage rate on the National Council
1544 Licensure Examination for Registered Nurses (NCLEX-RN) of 90
1545 percent or higher for first-time exam takers, as reported by the
1546 Board of Nursing.

1547 (f) A ~~job placement or~~ continuing education or job



294156

1548 placement rate of 88 percent or higher for workforce programs,
1549 as reported by FETPIP, with wage thresholds that reflect the
1550 added value of the applicable certificate or degree. This
1551 paragraph does not apply to associate of arts degrees.

1552 (g) An excess hours rate of 40 percent or lower for A-time-
1553 to-degree for students graduating with an associate of arts
1554 degree recipients who graduate with 72 or more credit hours, as
1555 calculated by the State Board of Colleges of 2.25 years or less
1556 for first-time-in-college students with accelerated college
1557 credits, as reported by the Southern Regional Education Board.

1558 (2) DISTINGUISHED COLLEGE DESIGNATION.—The State Board of
1559 Colleges Education shall designate each Florida College System
1560 institution that meets five of the seven standards identified in
1561 subsection (1) as a distinguished college.

1562 (3) DISTINGUISHED COLLEGE SUPPORT.—A Florida College System
1563 institution designated as a distinguished college by the State
1564 Board of Colleges Education is eligible for funding as specified
1565 in the General Appropriations Act.

1566 Section 25. Effective July 1, 2018, subsection (9) of
1567 section 1001.706, Florida Statutes, is amended to read:

1568 1001.706 Powers and duties of the Board of Governors.—

1569 (9) COOPERATION WITH OTHER BOARDS.—The Board of Governors
1570 shall implement a plan for working on a regular basis with the
1571 State Board of Education, the State Board of Colleges, the
1572 Commission for Independent Education, the Higher Education
1573 Coordinating Council, the Articulation Coordinating Committee,
1574 the university boards of trustees, representatives of the
1575 Florida College System institution boards of trustees,
1576 representatives of the private colleges and universities, and



294156

1577 representatives of the district school boards to achieve a
1578 seamless education system.

1579 Section 26. Section 1002.34, Florida Statutes, is amended
1580 to read:

1581 1002.34 Charter technical career centers; governance,
1582 mission, and responsibilities.—

1583 (1) MISSION AND AUTHORIZATION.—

1584 (a) The primary mission of a charter technical career
1585 center is to promote ~~The Legislature finds that the~~
1586 ~~establishment of charter technical career centers can assist in~~
1587 ~~promoting~~ advances and innovations in workforce preparation and
1588 economic development. A charter technical career center may
1589 provide a learning environment that ~~better~~ serves the needs of a
1590 specific population group or a group of occupations, thus
1591 promoting diversity and choices within the public education and
1592 public postsecondary technical education community in this
1593 state. Therefore, the creation of such centers is authorized as
1594 part of the state's program of public education. A charter
1595 technical career center may be formed by creating a new school
1596 or converting an existing school district or Florida College
1597 System institution program to charter technical status.

1598 (b) A charter technical career center that is operated by a
1599 district school board may not offer a college credit course or
1600 college credit certificate or an associate degree or
1601 baccalaureate degree program.

1602 (2) PURPOSE.—The purpose of a charter technical career
1603 center is to:

1604 (a) Develop a competitive workforce to support local
1605 business and industry and economic development.



294156

1606 (b) Create a training and education model that is
1607 reflective of marketplace realities.

1608 (c) Offer a continuum of career educational opportunities
1609 using a school-to-work, tech-prep, technical, academy, and
1610 magnet school model.

1611 (d) Provide career pathways for lifelong learning and
1612 career mobility.

1613 (e) Enhance career and technical training.

1614 (3) DEFINITIONS.—As used in this section, the term:

1615 (a) "Charter technical career center" or "center" means a
1616 public school or a public technical center operated under a
1617 charter granted by a district school board or Florida College
1618 System institution board of trustees or a consortium, including
1619 one or more district school boards and Florida College System
1620 institution boards of trustees, that includes the district in
1621 which the facility is located, that is nonsectarian in its
1622 programs, admission policies, employment practices, and
1623 operations, and is managed by a board of directors.

1624 (b) "Sponsor" means a district school board, a Florida
1625 College System institution board of trustees, or a consortium of
1626 one or more of each.

1627 (4) CHARTER.—A sponsor may designate centers as provided in
1628 this section. An application to establish a center may be
1629 submitted by a sponsor or another organization that is
1630 determined, by rule of the State Board of Education, to be
1631 appropriate. However, an independent school is not eligible for
1632 status as a center. The charter must be signed by the governing
1633 body of the center and the sponsor and must be approved by the
1634 district school board and Florida College System institution



294156

1635 board of trustees in whose geographic region the facility is
1636 located. If a charter technical career center is established by
1637 the conversion to charter status of a public technical center
1638 formerly governed by a district school board, the charter status
1639 of that center takes precedence in any question of governance.
1640 The governance of the center or of any program within the center
1641 remains with its board of directors unless the board agrees to a
1642 change in governance or its charter is revoked as provided in
1643 subsection (15). Such a conversion charter technical career
1644 center is not affected by a change in the governance of public
1645 technical centers or of programs within other centers that are
1646 or have been governed by district school boards. A charter
1647 technical career center, or any program within such a center,
1648 that was governed by a district school board and transferred to
1649 a Florida College System institution prior to the effective date
1650 of this act is not affected by this provision. An applicant who
1651 wishes to establish a center must submit to the district school
1652 board or Florida College System institution board of trustees,
1653 or a consortium of one or more of each, an application on a form
1654 developed by the Department of Education which includes:

- 1655 (a) The name of the proposed center.
- 1656 (b) The proposed structure of the center, including a list
1657 of proposed members of the board of directors or a description
1658 of the qualifications for and method of their appointment or
1659 election.
- 1660 (c) The workforce development goals of the center, the
1661 curriculum to be offered, and the outcomes and the methods of
1662 assessing the extent to which the outcomes are met.
- 1663 (d) The admissions policy and criteria for evaluating the



294156

1664 admission of students.

1665 (e) A description of the staff responsibilities and the
1666 proposed qualifications of the teaching staff.

1667 (f) A description of the procedures to be implemented to
1668 ensure significant involvement of representatives of business
1669 and industry in the operation of the center.

1670 (g) A method for determining whether a student has
1671 satisfied the requirements for graduation specified in s.
1672 1002.3105(5), s. 1003.4281, or s. 1003.4282 and for completion
1673 of a postsecondary certificate or degree.

1674 (h) A method for granting secondary and postsecondary
1675 diplomas, certificates, and degrees.

1676 (i) A description of and address for the physical facility
1677 in which the center will be located.

1678 (j) A method for resolving conflicts between the governing
1679 body of the center and the sponsor and between consortium
1680 members, if applicable.

1681 (k) A method for reporting student data as required by law
1682 and rule.

1683 (l) A statement that the applicant has participated in the
1684 training provided by the Department of Education.

1685 (m) The identity of all relatives employed by the charter
1686 technical career center who are related to the center owner,
1687 president, chairperson of the governing board of directors,
1688 superintendent, governing board member, principal, assistant
1689 principal, or any other person employed by the center who has
1690 equivalent decisionmaking authority. As used in this paragraph,
1691 the term "relative" means father, mother, son, daughter,
1692 brother, sister, uncle, aunt, first cousin, nephew, niece,



1693 husband, wife, father-in-law, mother-in-law, son-in-law,
1694 daughter-in-law, brother-in-law, sister-in-law, stepfather,
1695 stepmother, stepson, stepdaughter, stepbrother, stepsister, half
1696 brother, or half sister.

1697 (n) Other information required by the district school board
1698 or Florida College System institution board of trustees.

1699

1700 Students at a center must meet the same testing and academic
1701 performance standards as those established by law and rule for
1702 students at public schools and public technical centers. The
1703 students must also meet any additional assessment indicators
1704 that are included within the charter approved by the district
1705 school board or Florida College System institution board of
1706 trustees.

1707 (5) APPLICATION.—An application to establish a center must
1708 be submitted by February 1 of the year preceding the school year
1709 in which the center will begin operation. The sponsor must
1710 review the application using an evaluation instrument developed
1711 by the Department of Education and make a final decision on
1712 whether to approve the application and grant the charter by
1713 March 1, and may condition the granting of a charter on the
1714 center's taking certain actions or maintaining certain
1715 conditions. Such actions and conditions must be provided to the
1716 applicant in writing. The district school board or Florida
1717 College System institution board of trustees is not required to
1718 issue a charter to any person.

1719 (6) SPONSOR.—A district school board or Florida College
1720 System institution board of trustees or a consortium of one or
1721 more of each may sponsor a center in the county in which the



294156

1722 board has jurisdiction.

1723 (a) A sponsor must review all applications for centers
1724 received through at least February 1 of each calendar year for
1725 centers to be opened at the beginning of the sponsor's next
1726 school year. A sponsor may receive applications later than this
1727 date if it so chooses. To facilitate an accurate budget
1728 projection process, a sponsor shall be held harmless for FTE
1729 students who are not included in the FTE projection due to
1730 approval of applications after the FTE projection deadline. A
1731 sponsor must, by a majority vote, approve or deny an application
1732 no later than 60 days after the application is received. If an
1733 application is denied, the sponsor must, within 10 days, notify
1734 the applicant in writing of the specific reasons for denial,
1735 which must be based upon good cause. Upon approval of a charter
1736 application, the initial startup must be consistent with the
1737 beginning of the public school or Florida College System
1738 institution calendar for the district in which the charter is
1739 granted, unless the sponsor allows a waiver of this provision
1740 for good cause.

1741 (b) An applicant may appeal any denial of its application
1742 to the State Board of Education within 30 days after the
1743 sponsor's denial and shall notify the sponsor of its appeal. Any
1744 response of the sponsor must be submitted to the state board
1745 within 30 days after notification of the appeal. The State Board
1746 of Education must, by majority vote, accept or reject the
1747 decision of the sponsor no later than 60 days after an appeal is
1748 filed, pursuant to State Board of Education rule. The State
1749 Board of Education may reject an appeal for failure to comply
1750 with procedural rules governing the appeals process, and the



294156

1751 rejection must describe the submission errors. The appellant may
1752 have up to 15 days after notice of rejection to resubmit an
1753 appeal. An application for appeal submitted after a rejection is
1754 timely if the original appeal was filed within 30 days after the
1755 sponsor's denial. The State Board of Education shall remand the
1756 application to the sponsor with a written recommendation that
1757 the sponsor approve or deny the application, consistent with the
1758 state board's decision. The decision of the State Board of
1759 Education is not subject to the provisions of chapter 120.

1760 (c) The sponsor must act upon the recommendation of the
1761 State Board of Education within 30 days after it is received,
1762 unless the sponsor determines by competent substantial evidence
1763 that approving the state board's recommendation would be
1764 contrary to law or the best interests of the students or the
1765 community. The sponsor must notify the applicant in writing
1766 concerning the specific reasons for its failure to follow the
1767 state board's recommendation. The sponsor's action on the state
1768 board's recommendation is a final action, subject to judicial
1769 review.

1770 (d)1. The Department of Education shall offer or arrange
1771 for training and technical assistance to centers which must
1772 include developing and amending business plans, estimating and
1773 accounting for costs and income, complying with state and
1774 federal grant and student performance accountability reporting
1775 requirements, implementing good business practices, and
1776 identifying state and federal financial aid the center may be
1777 eligible to receive.

1778 2. An applicant must participate in the training provided
1779 by the department after approval of its application but at least



294156

1780 30 days before the first day of classes at the center. The
1781 department may provide technical assistance to an applicant upon
1782 written request.

1783 (e) The terms and conditions for the operation of a center
1784 must be agreed to by the sponsor and the applicant in a written
1785 contract. The sponsor may not impose unreasonable requirements
1786 that violate the intent of giving centers greater flexibility to
1787 meet educational goals. The applicant and sponsor must reach an
1788 agreement on the provisions of the contract or the application
1789 is deemed denied.

1790 (f) The sponsor shall monitor and review the center's
1791 progress toward charter goals and shall monitor the center's
1792 revenues and expenditures. The sponsor shall perform the duties
1793 provided in s. 1002.345.

1794 (7) LEGAL ENTITY.—A center must organize as a nonprofit
1795 organization and adopt a name and corporate seal. A center is a
1796 body corporate and politic, with all powers to implement its
1797 charter program. The center may:

1798 (a) Be a private or a public employer.

1799 (b) Sue and be sued, but only to the same extent and upon
1800 the same conditions that a public entity can be sued.

1801 (c) Acquire real property by purchase, lease, lease with an
1802 option to purchase, or gift, to use as a center facility.

1803 (d) Receive and disburse funds.

1804 (e) Enter into contracts or leases for services, equipment,
1805 or supplies.

1806 (f) Incur temporary debts in anticipation of the receipt of
1807 funds.

1808 (g) Solicit and accept gifts or grants for career center



294156

1809 purposes.

1810 (h) Take any other action that is not inconsistent with
1811 this section and rules adopted under this section.

1812 (8) ELIGIBLE STUDENTS.—A center must be open to all
1813 students as space is available and may not discriminate in
1814 admissions policies or practices on the basis of an individual's
1815 physical disability or proficiency in English or on any other
1816 basis that would be unlawful if practiced by a public school or
1817 a Florida College System institution. A center may establish
1818 reasonable criteria by which to evaluate prospective students,
1819 which criteria must be outlined in the charter.

1820 (9) FACILITIES.—A center may be located in any suitable
1821 location, including part of an existing public school or Florida
1822 College System institution building, space provided on a public
1823 worksite, or a public building. A center's facilities must
1824 comply with the State Uniform Building Code for Public
1825 Educational Facilities Construction adopted pursuant to s.
1826 1013.37, or with applicable state minimum building codes
1827 pursuant to chapter 553, and state minimum fire protection codes
1828 pursuant to s. 633.208, adopted by the authority in whose
1829 jurisdiction the facility is located. If K-12 public school
1830 funds are used for construction, the facility must remain on the
1831 local school district's Florida Inventory of School Houses
1832 (FISH) school building inventory of the district school board
1833 and must revert to the district school board if the consortium
1834 dissolves and the program is discontinued. If Florida College
1835 System institution public school funds are used for
1836 construction, the facility must remain on the local Florida
1837 College System institution's facilities inventory and must



294156

1838 revert to the local Florida College System institution board of
1839 trustees if the consortium dissolves and the program is
1840 discontinued. The additional student capacity created by the
1841 addition of the center to the local school district's FISH may
1842 not be calculated in the permanent student capacity for the
1843 purpose of determining need or eligibility for state capital
1844 outlay funds while the facility is used as a center. If the
1845 construction of the center is funded jointly by K-12 public
1846 school funds and Florida College System institution funds, the
1847 sponsoring entities must agree, before granting the charter, on
1848 the appropriate owner and terms of transfer of the facility if
1849 the charter is dissolved.

1850 (10) EXEMPTION FROM STATUTES.—

1851 (a) A center must operate pursuant to its charter and is
1852 exempt from all statutes of the Florida School Code except
1853 provisions pertaining to civil rights and to student health,
1854 safety, and welfare, or as otherwise required by law.

1855 (b) A center must comply with the Florida K-20 Education
1856 Code with respect to providing services to students with
1857 disabilities.

1858 (c) A center must comply with the antidiscrimination
1859 provisions in s. 1000.05 and the provisions in s. 1002.33(24)
1860 which relate to the employment of relatives.

1861 (11) FUNDING.—

1862 (a) Notwithstanding any other provision of law, a charter
1863 technical career center's student membership enrollment must be
1864 calculated pursuant to this section.

1865 (b) Each district school board and Florida College System
1866 institution that sponsors a charter technical career center



294156

1867 shall pay directly to the center an amount stated in the
1868 charter. State funding shall be generated for the center for its
1869 student enrollment and program outcomes as provided in law. A
1870 center is eligible for funding from workforce education funds,
1871 the Florida Education Finance Program, and the Florida College
1872 System Program Fund, depending upon the programs conducted by
1873 the center.

1874 (c) A center may receive other state and federal aid,
1875 grants, and revenue through the district school board or Florida
1876 College System institution board of trustees.

1877 (d) A center may receive gifts and grants from private
1878 sources.

1879 (e) A center may not levy taxes or issue bonds, but it may
1880 charge a student tuition fee consistent with authority granted
1881 in its charter and permitted by law.

1882 (f) A center shall provide for an annual financial audit in
1883 accordance with s. 218.39. A center shall provide a monthly
1884 financial statement to the sponsor. The monthly financial
1885 statement shall be in a form prescribed by the Department of
1886 Education.

1887 (g) A center must define in the charter agreement the
1888 delivery system in which the instructional offering of
1889 educational services will be placed. The rules governing this
1890 delivery system must be applied to all of the center's students
1891 and must authorize all other sponsoring educational systems to
1892 report required enrollment and student data based solely on the
1893 rules of the offering institution. Each sponsor shall earn full-
1894 time equivalent membership for each student for funding and
1895 reporting purposes.



294156

- 1896 (12) EMPLOYEES OF A CENTER.—
- 1897 (a) A center may select its own employees.
- 1898 (b) A center may contract for services with an individual,
1899 partnership, or a cooperative. Such persons contracted with are
1900 not public employees.
- 1901 (c) If a center contracts with a public educational agency
1902 for services, the terms of employment must follow existing state
1903 law and rule and local policies and procedures.
- 1904 (d) The employees of a center may bargain collectively, as
1905 a separate unit or as part of the existing district collective
1906 bargaining unit, as determined by the structure of the center.
- 1907 (e) As a public employer, a center may participate in:
- 1908 1. The Florida Retirement System upon application and
1909 approval as a "covered group" under s. 121.021(34). If a center
1910 participates in the Florida Retirement System, its employees are
1911 compulsory members of the Florida Retirement System.
- 1912 2. The State Community College System Optional Retirement
1913 Program pursuant to s. 1012.875(2), if the charter is granted by
1914 a Florida College System institution that participates in the
1915 optional retirement program and meets the eligibility criteria
1916 of s. 121.051(2)(c).
- 1917 (f) Teachers who are considered qualified by the career
1918 center are exempt from state certification requirements.
- 1919 (g) A public school or Florida College System institution
1920 teacher or administrator may take a leave of absence to accept
1921 employment in a charter technical career center upon the
1922 approval of the school district or Florida College System
1923 institution.
- 1924 (h) An employee who is on a leave of absence under this



294156

1925 section may retain seniority accrued in that school district or
1926 Florida College System institution and may continue to be
1927 covered by the benefit programs of that district or Florida
1928 College System institution if the center and the district school
1929 board or Florida College System institution board of trustees
1930 agree to this arrangement and its financing.

1931 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors
1932 of a center may decide matters relating to the operation of the
1933 school, including budgeting, curriculum, and operating
1934 procedures, subject to the center's charter. The board of
1935 directors is responsible for performing the duties provided in
1936 s. 1002.345, including monitoring the corrective action plan.
1937 The board of directors must comply with s. 1002.33(26).

1938 (14) ACCOUNTABILITY.—Each center must submit a report to
1939 the participating district school board or Florida College
1940 System institution board of trustees by August 1 of each year.
1941 The report must be in such form as the sponsor prescribes and
1942 must include:

1943 (a) A discussion of progress made toward the achievement of
1944 the goals outlined in the center's charter.

1945 (b) A financial statement setting forth by appropriate
1946 categories the revenue and expenditures for the previous school
1947 year.

1948 (15) TERMS OF THE CHARTER.—The term of an initial charter
1949 may not exceed 5 years. Thereafter, the sponsor may renew a
1950 charter for a period up to 5 years. The sponsor may refuse to
1951 renew a charter or may revoke a charter if the center has not
1952 fulfilled a condition imposed under the charter or if the center
1953 has violated any provision of the charter. The sponsor may place



294156

1954 the center on probationary status to allow the implementation of
1955 a remedial plan, after which, if the plan is unsuccessful, the
1956 charter may be summarily revoked. The sponsor shall develop
1957 procedures and guidelines for the revocation and renewal of a
1958 center's charter. The sponsor must give written notice of its
1959 intent not to renew the charter at least 12 months before the
1960 charter expires. If the sponsor revokes a charter before the
1961 scheduled expiration date, the sponsor must provide written
1962 notice to the governing board of the center at least 60 days
1963 before the date of termination, stating the grounds for the
1964 proposed revocation. The governing board of the center may
1965 request in writing an informal hearing before the sponsor within
1966 14 days after receiving the notice of revocation. A revocation
1967 takes effect at the conclusion of a school year, unless the
1968 sponsor determines that earlier revocation is necessary to
1969 protect the health, safety, and welfare of students. The sponsor
1970 shall monitor and review the center in its progress toward the
1971 goals established in the charter and shall monitor the revenues
1972 and expenditures of the center.

1973 (16) TRANSPORTATION.—The center may provide transportation,
1974 pursuant to chapter 1006, through a contract with the district
1975 school board or the Florida College System institution board of
1976 trustees, a private provider, or parents of students. The center
1977 must ensure that transportation is not a barrier to equal access
1978 for all students in grades K-12 residing within a reasonable
1979 distance of the facility.

1980 (17) IMMUNITY.—For the purposes of tort liability, the
1981 governing body and employees of a center are governed by s.
1982 768.28.



294156

1983 (18) RULES.—The State Board of Education, for technical
1984 centers operated by school districts, and the State Board of
1985 Colleges, for technical centers operated by Florida College
1986 System institutions, shall adopt rules, pursuant to ss.
1987 120.536(1) and 120.54, relating to the implementation of charter
1988 technical career centers, including rules to implement a charter
1989 model application form and an evaluation instrument in
1990 accordance with this section.

1991 (19) EVALUATION; REPORT.—The Commissioner of Education
1992 shall provide for an annual comparative evaluation of charter
1993 technical career centers and public technical centers. The
1994 evaluation may be conducted in cooperation with the sponsor,
1995 through private contracts, or by department staff. At a minimum,
1996 the comparative evaluation must address the demographic and
1997 socioeconomic characteristics of the students served, the types
1998 and costs of services provided, and the outcomes achieved. By
1999 December 30 of each year, the Commissioner of Education shall
2000 submit to the Governor, the President of the Senate, the Speaker
2001 of the House of Representatives, and the Senate and House
2002 committees that have responsibility for secondary and
2003 postsecondary career and technical education a report of the
2004 comparative evaluation completed for the previous school year.

2005 Section 27. Paragraph (b) of subsection (4) of section
2006 1003.491, Florida Statutes, is amended to read:

2007 1003.491 Florida Career and Professional Education Act.—The
2008 Florida Career and Professional Education Act is created to
2009 provide a statewide planning partnership between the business
2010 and education communities in order to attract, expand, and
2011 retain targeted, high-value industry and to sustain a strong,



294156

2012 knowledge-based economy.

2013 (4) The State Board of Education shall establish a process
2014 for the continual and uninterrupted review of newly proposed
2015 core secondary courses and existing courses requested to be
2016 considered as core courses to ensure that sufficient rigor and
2017 relevance is provided for workforce skills and postsecondary
2018 education and aligned to state curriculum standards.

2019 (b) The curriculum review committee shall review newly
2020 proposed core courses electronically. Each proposed core course
2021 shall be approved or denied within 30 days after submission by a
2022 district school board or local workforce development board. All
2023 courses approved as core courses for purposes of middle school
2024 promotion and high school graduation shall be immediately added
2025 to the Course Code Directory. Approved core courses shall also
2026 be reviewed and considered for approval for dual enrollment
2027 credit. The Board of Governors, the State Board of Colleges, and
2028 the Commissioner of Education shall jointly recommend an annual
2029 deadline for approval of new core courses to be included for
2030 purposes of postsecondary admissions and dual enrollment credit
2031 the following academic year. The State Board of Education shall
2032 establish an appeals process in the event that a proposed course
2033 is denied which shall require a consensus ruling by the
2034 Department of Economic Opportunity and the Commissioner of
2035 Education within 15 days.

2036 Section 28. Paragraph (b) of subsection (4) of section
2037 1003.493, Florida Statutes, is amended to read:

2038 1003.493 Career and professional academies and career-
2039 themed courses.—

2040 (4) Each career and professional academy and secondary



294156

2041 school providing a career-themed course must:

2042 (b) Include one or more partnerships with postsecondary
2043 institutions, businesses, industry, employers, economic
2044 development organizations, or other appropriate partners from
2045 the local community. Such partnerships with postsecondary
2046 institutions shall be delineated in articulation agreements and
2047 include any career and professional academy courses or career-
2048 themed courses that earn postsecondary credit. Such agreements
2049 may include articulation between the secondary school and public
2050 or private 2-year and 4-year postsecondary institutions and
2051 technical centers. The Department of Education, in consultation
2052 with the Board of Governors and the State Board of Colleges,
2053 shall establish a mechanism to ensure articulation and transfer
2054 of credits to postsecondary institutions in this state. Such
2055 partnerships must provide opportunities for:

2056 1. Instruction from highly skilled professionals who
2057 possess industry-certification credentials for courses they are
2058 teaching.

2059 2. Internships, externships, and on-the-job training.

2060 3. A postsecondary degree, diploma, or certificate.

2061 4. The highest available level of industry certification.

2062 5. Maximum articulation of credits pursuant to s. 1007.23
2063 upon program completion.

2064 Section 29. Subsections (4), (5), and (6) of section
2065 1004.015, Florida Statutes, are amended to read:

2066 1004.015 Higher Education Coordinating Council.—

2067 (4) The council shall serve as an advisory board to the
2068 Legislature, the State Board of Education, ~~and~~ the Board of
2069 Governors, and the State Board of Colleges. Recommendations of



2070 the council shall be consistent with the following guiding
2071 principles:

2072 (a) To achieve within existing resources a seamless
2073 academic educational system that fosters an integrated continuum
2074 of kindergarten through graduate school education for Florida's
2075 students.

2076 (b) To promote consistent education policy across all
2077 educational delivery systems, focusing on students.

2078 (c) To promote substantially improved articulation across
2079 all educational delivery systems.

2080 (d) To promote a system that maximizes educational access
2081 and allows the opportunity for a high-quality education for all
2082 Floridians.

2083 (e) To promote a system of coordinated and consistent
2084 transfer of credit and data collection for improved
2085 accountability purposes between the educational delivery
2086 systems.

2087 (5) The council shall annually by December 31 submit to the
2088 Governor, the President of the Senate, the Speaker of the House
2089 of Representatives, the Board of Governors, the State Board of
2090 Colleges, and the State Board of Education a report outlining
2091 its recommendations relating to:

2092 (a) The primary core mission of public and nonpublic
2093 postsecondary education institutions in the context of state
2094 access demands and economic development goals.

2095 (b) Performance outputs and outcomes designed to meet
2096 annual and long-term state goals, including, but not limited to,
2097 increased student access, preparedness, retention, transfer, and
2098 completion. Performance measures must be consistent across



294156

2099 sectors and allow for a comparison of the state's performance to
2100 that of other states.

2101 (c) The state's articulation policies and practices to
2102 ensure that cost benefits to the state are maximized without
2103 jeopardizing quality. The recommendations shall consider return
2104 on investment for both the state and students and propose
2105 systems to facilitate and ensure institutional compliance with
2106 state articulation policies.

2107 (d) Workforce development education, specifically
2108 recommending improvements to the consistency of workforce
2109 education data collected and reported by Florida College System
2110 institutions and school districts, including the establishment
2111 of common elements and definitions for any data that is used for
2112 state and federal funding and program accountability.

2113 (6) The Office of K-20 Articulation, in collaboration with
2114 the Board of Governors and the State Board of ~~Division of~~
2115 ~~Florida~~ Colleges, shall provide administrative support for the
2116 council.

2117 Section 30. Subsection (7) of section 1004.02, Florida
2118 Statutes, is amended to read:

2119 1004.02 Definitions.—As used in this chapter:

2120 (7) "Applied technology diploma program" means a course of
2121 study that is part of a technical degree program, is less than
2122 60 credit hours, and leads to employment in a specific
2123 occupation. An applied technology diploma program may consist of
2124 either technical credit or college credit. A public school
2125 district may offer an applied technology diploma program only as
2126 technical credit, with college credit awarded to a student upon
2127 articulation to a Florida College System institution. Statewide



294156

2128 articulation among public schools and Florida College System
2129 institutions is guaranteed by s. 1007.23, and is subject to
2130 guidelines and standards adopted by the State Board of Colleges
2131 ~~Education~~ pursuant to ss. 1007.24 and 1007.25.

2132 Section 31. Subsection (2) of section 1004.03, Florida
2133 Statutes, is amended to read:

2134 1004.03 Program approval.—

2135 (2) The State Board of Colleges ~~Education~~ shall establish
2136 criteria for the approval of new programs at Florida College
2137 System institutions, which criteria include, but are not limited
2138 to, the following:

2139 (a) New programs may not be approved unless the same
2140 objectives cannot be met through use of educational technology.

2141 (b) Unnecessary duplication of programs offered by
2142 independent institutions shall be avoided.

2143 (c) Cooperative programs, particularly within regions,
2144 should be encouraged.

2145 (d) New programs may be approved only if they are
2146 consistent with the ~~state master~~ plan adopted by the State Board
2147 of Colleges ~~Education~~.

2148 Section 32. Paragraph (f) of subsection (4) of section
2149 1004.04, Florida Statutes, is amended to read:

2150 1004.04 Public accountability and state approval for
2151 teacher preparation programs.—

2152 (4) CONTINUED PROGRAM APPROVAL.—Continued approval of a
2153 teacher preparation program shall be based upon evidence that
2154 the program continues to implement the requirements for initial
2155 approval and upon significant, objective, and quantifiable
2156 measures of the program and the performance of the program



294156

2157 completers.

2158 (f) By January 1 of each year, the Department of Education
2159 shall report the results of each approved program's annual
2160 progress on the performance measures in paragraph (a) as well as
2161 the current approval status of each program to:

- 2162 1. The Governor.
- 2163 2. The President of the Senate.
- 2164 3. The Speaker of the House of Representatives.
- 2165 4. The State Board of Education.
- 2166 5. The Board of Governors.
- 2167 6. The State Board of Colleges.
- 2168 7. The Commissioner of Education.
- 2169 ~~8.7.~~ Each Florida postsecondary teacher preparation
2170 program.
- 2171 ~~9.8.~~ Each district school superintendent.
- 2172 ~~10.9.~~ The public.

2173

2174 This report may include the results of other continued approval
2175 requirements provided by State Board of Education rule and
2176 recommendations for improving teacher preparation programs in
2177 the state.

2178 Section 33. Subsections (2), (3), and (4) of section
2179 1004.07, Florida Statutes, are amended, and subsection (5) is
2180 added to that section, to read:

2181 1004.07 Student withdrawal from courses due to military
2182 service; effect.—

2183 (2) Such policies must ~~shall~~ provide that any student
2184 enrolled in a postsecondary course or courses at a career
2185 center, a Florida College System institution, or a state



294156

2186 university may ~~shall~~ not incur academic or financial penalties
2187 by virtue of performing military service on behalf of our
2188 country. Such student shall be permitted the option of either
2189 completing the course or courses at a later date without penalty
2190 or withdrawing from the course or courses with a full refund of
2191 fees paid. If the student chooses to withdraw, the student's
2192 record shall reflect that the withdrawal is due to active
2193 military service.

2194 (3) Policies of district school boards must ~~and Florida~~
2195 ~~College System institution boards of trustees~~ shall be
2196 established by rule and pursuant to guidelines of the State
2197 Board of Education.

2198 (4) Policies of state university boards of trustees must
2199 ~~shall~~ be established by regulation and pursuant to guidelines of
2200 the Board of Governors.

2201 (5) Policies of Florida College System institution boards
2202 of trustees must be established by rule and pursuant to
2203 guidelines of the State Board of Colleges.

2204 Section 34. Section 1004.084, Florida Statutes, is amended
2205 to read:

2206 1004.084 College affordability.—

2207 (1) The Board of Governors and the State Board of Colleges
2208 ~~Education~~ shall annually identify strategies to promote college
2209 affordability for all Floridians by evaluating, at a minimum,
2210 the impact of:

2211 (a) Tuition and fees on undergraduate, graduate, and
2212 professional students at public colleges and universities and
2213 graduate assistants employed by public universities.

2214 (b) Federal, state, and institutional financial aid



294156

2215 policies on the actual cost of attendance for students and their
2216 families.

2217 (c) The costs of textbooks and instructional materials.

2218 (2) By December 31 of each year, ~~beginning in 2016~~, the
2219 Board of Governors and the State Board of Colleges Education~~Education~~
2220 shall submit a report on their respective college affordability
2221 initiatives to the Governor, the President of the Senate, and
2222 the Speaker of the House of Representatives.

2223 Section 35. Paragraph (d) of subsection (3) and subsections
2224 (6), (7), and (8) of section 1004.085, Florida Statutes, are
2225 amended to read:

2226 1004.085 Textbook and instructional materials
2227 affordability.—

2228 (3) An employee may receive:

2229 (d) Fees associated with activities such as reviewing,
2230 critiquing, or preparing support materials for textbooks or
2231 instructional materials pursuant to guidelines adopted by the
2232 State Board of Colleges Education~~Education~~ or the Board of Governors.

2233 (6) Each Florida College System institution and state
2234 university shall post prominently in the course registration
2235 system and on its website, as early as is feasible, but at least
2236 45 days before the first day of class for each term, a hyperlink
2237 to lists of required and recommended textbooks and instructional
2238 materials for at least 95 percent of all courses and course
2239 sections offered at the institution during the upcoming term.
2240 The lists must include the International Standard Book Number
2241 (ISBN) for each required and recommended textbook and
2242 instructional material or other identifying information, which
2243 must include, at a minimum, all of the following: the title, all



294156

2244 authors listed, publishers, edition number, copyright date,
2245 published date, and other relevant information necessary to
2246 identify the specific textbooks or instructional materials
2247 required and recommended for each course. The State Board of
2248 Colleges Education and the Board of Governors shall include in
2249 the policies, procedures, and guidelines adopted under
2250 subsection (7) certain limited exceptions to this notification
2251 requirement for classes added after the notification deadline.

2252 (7) After receiving input from students, faculty,
2253 bookstores, and publishers, the State Board of Colleges
2254 ~~Education~~ and the Board of Governors each shall adopt textbook
2255 and instructional materials affordability policies, procedures,
2256 and guidelines for implementation by Florida College System
2257 institutions and state universities, respectively, that further
2258 efforts to minimize the cost of textbooks and instructional
2259 materials for students attending such institutions while
2260 maintaining the quality of education and academic freedom. The
2261 policies, procedures, and guidelines shall address:

2262 (a) The establishment of deadlines for an instructor or
2263 department to notify the bookstore of required and recommended
2264 textbooks and instructional materials so that the bookstore may
2265 verify availability, source lower cost options when practicable,
2266 explore alternatives with faculty when academically appropriate,
2267 and maximize the availability of used textbooks and
2268 instructional materials.

2269 (b) Confirmation by the course instructor or academic
2270 department offering the course, before the textbook or
2271 instructional materials adoption is finalized, of the intent to
2272 use all items ordered, particularly each individual item sold as



294156

2273 part of a bundled package.

2274 (c) Determination by a course instructor or the academic
2275 department offering the course, before a textbook or
2276 instructional material is adopted, of the extent to which a new
2277 edition differs significantly and substantively from earlier
2278 versions and the value to the student of changing to a new
2279 edition or the extent to which an open-access textbook or
2280 instructional material is available.

2281 (d) The availability of required and recommended textbooks
2282 and instructional materials to students otherwise unable to
2283 afford the cost, including consideration of the extent to which
2284 an open-access textbook or instructional material may be used.

2285 (e) Participation by course instructors and academic
2286 departments in the development, adaptation, and review of open-
2287 access textbooks and instructional materials and, in particular,
2288 open-access textbooks and instructional materials for high-
2289 demand general education courses.

2290 (f) Consultation with school districts to identify
2291 practices that impact the cost of dual enrollment textbooks and
2292 instructional materials to school districts, including, but not
2293 limited to, the length of time that textbooks and instructional
2294 materials remain in use.

2295 (g) Selection of textbooks and instructional materials
2296 through cost-benefit analyses that enable students to obtain the
2297 highest-quality product at the lowest available price, by
2298 considering:

2299 1. Purchasing digital textbooks in bulk.

2300 2. Expanding the use of open-access textbooks and
2301 instructional materials.



294156

2302 3. Providing rental options for textbooks and instructional
2303 materials.

2304 4. Increasing the availability and use of affordable
2305 digital textbooks and learning objects.

2306 5. Developing mechanisms to assist in buying, renting,
2307 selling, and sharing textbooks and instructional materials.

2308 6. The length of time that textbooks and instructional
2309 materials remain in use.

2310 7. An evaluation of cost savings for textbooks and
2311 instructional materials which a student may realize if
2312 individual students are able to exercise opt-in provisions for
2313 the purchase of the materials.

2314 (8) The board of trustees of each Florida College System
2315 institution and state university shall report, by September 30
2316 of each year, beginning in 2016, to the Chancellor of the
2317 Florida College System or the Chancellor of the State University
2318 System, as applicable, the textbook and instructional materials
2319 selection process for general education courses with a wide cost
2320 variance identified pursuant to subsection (4) and high-
2321 enrollment courses; specific initiatives of the institution
2322 designed to reduce the costs of textbooks and instructional
2323 materials; policies implemented in accordance with subsection
2324 (6); the number of courses and course sections that were not
2325 able to meet the textbook and instructional materials posting
2326 deadline for the previous academic year; and any additional
2327 information determined by the chancellors. By November 1 of each
2328 year, ~~beginning in 2016~~, each chancellor shall provide a summary
2329 of the information provided by institutions to the State Board
2330 of Colleges Education and the Board of Governors, as applicable.



294156

2331 Section 36. Section 1004.096, Florida Statutes, is amended
2332 to read:

2333 1004.096 College credit for military training and education
2334 courses.—The Board of Governors shall adopt regulations and the
2335 State Board of Colleges Education shall adopt rules that enable
2336 eligible servicemembers or veterans of the United States Armed
2337 Forces to earn academic college credit at public postsecondary
2338 educational institutions for college-level training and
2339 education acquired in the military. The regulations and rules
2340 shall include procedures for credential evaluation and the award
2341 of academic college credit, including, but not limited to,
2342 equivalency and alignment of military coursework with
2343 appropriate college courses, course descriptions, type and
2344 amount of college credit that may be awarded, and transfer of
2345 credit.

2346 Section 37. Section 1004.0961, Florida Statutes, is amended
2347 to read:

2348 1004.0961 Credit for online courses.—~~Beginning in the 2015-~~
2349 ~~2016 school year,~~ The State Board of Colleges Education shall
2350 adopt rules and the Board of Governors shall adopt regulations
2351 that enable students to earn academic credit for online courses,
2352 including massive open online courses, before initial enrollment
2353 at a postsecondary institution. The rules of the State Board of
2354 Colleges Education and regulations of the Board of Governors
2355 must include procedures for credential evaluation and the award
2356 of credit, including, but not limited to, recommendations for
2357 credit by the American Council on Education; equivalency and
2358 alignment of coursework with appropriate courses; course
2359 descriptions; type and amount of credit that may be awarded; and



294156

2360 transfer of credit.

2361 Section 38. Section 1004.35, Florida Statutes, is amended
2362 to read:

2363 1004.35 Broward County campuses of Florida Atlantic
2364 University; coordination with other institutions.—The State
2365 Board of Colleges Education, the Board of Governors, and Florida
2366 Atlantic University shall consult with Broward College and
2367 Florida International University in coordinating course
2368 offerings at the postsecondary level in Broward County. Florida
2369 Atlantic University may contract with the Board of Trustees of
2370 Broward College and with Florida International University to
2371 provide instruction in courses offered at the Southeast Campus.
2372 Florida Atlantic University shall increase course offerings at
2373 the Southeast Campus as facilities become available.

2374 Section 39. Paragraphs (c) and (d) of subsection (5) and
2375 subsections (8) and (9) of section 1004.6495, Florida Statutes,
2376 are amended to read:

2377 1004.6495 Florida Postsecondary Comprehensive Transition
2378 Program and Florida Center for Students with Unique Abilities.—

2379 (5) CENTER RESPONSIBILITIES.—The Florida Center for
2380 Students with Unique Abilities is established within the
2381 University of Central Florida. At a minimum, the center shall:

2382 (c) Create the application for the initial approval and
2383 renewal of approval as an FPCTP for use by an eligible
2384 institution which, at a minimum, must align with the federal
2385 comprehensive transition and postsecondary program application
2386 requirements. Notwithstanding the program approval requirements
2387 of s. 1004.03, the director shall review applications for the
2388 initial approval of an application for, or renewal of approval



294156

2389 of, an FPCTP.

2390 1. Within 30 days after receipt of an application, the
2391 director shall issue his or her recommendation regarding
2392 approval to the Chancellor of the State University System, ~~or~~
2393 the Chancellor of the Florida College System, or the
2394 Commissioner of Education, as applicable, or shall give written
2395 notice to the applicant of any deficiencies in the application,
2396 which the eligible institution must be given an opportunity to
2397 correct. Within 15 days after receipt of a notice of
2398 deficiencies, an eligible institution that chooses to continue
2399 to seek program approval shall correct the application
2400 deficiencies and return the application to the center. Within 30
2401 days after receipt of a revised application, the director shall
2402 recommend approval or disapproval of the revised application to
2403 the applicable chancellor or the commissioner, as applicable.
2404 Within 15 days after receipt of the director's recommendation,
2405 the applicable chancellor or the commissioner shall approve or
2406 disapprove the recommendation. If the applicable chancellor or
2407 the commissioner does not act on the director's recommendation
2408 within 15 days after receipt of such recommendation, the
2409 comprehensive transition program proposed by the institution
2410 shall be considered approved.

2411 2. Initial approval of an application for an FPCTP that
2412 meets the requirements of this section is valid for the 3
2413 academic years immediately following the academic year during
2414 which the approval is granted. An eligible institution may
2415 submit an application to the center requesting that the initial
2416 approval be renewed. If the approval is granted and the FPCTP
2417 continues to meet the requirements of this section, including,



294156

2418 but not limited to, program and student performance outcomes,
2419 and federal requirements, a renewal is valid for the 5 academic
2420 years immediately following the academic year during which the
2421 renewal is granted.

2422 3. An application must, at a minimum:

2423 a. Identify a credential associated with the proposed
2424 program which will be awarded to eligible students upon
2425 completion of the FPCTP.

2426 b. Outline the program length and design, including, at a
2427 minimum, inclusive and successful experiential education
2428 practices relating to curricular, assessment, and advising
2429 structure and internship and employment opportunities, which
2430 must support students with intellectual disabilities who are
2431 seeking to continue academic, career and technical, and
2432 independent living instruction at an eligible institution,
2433 including, but not limited to, opportunities to earn industry
2434 certifications, to prepare students for gainful employment. If
2435 an eligible institution offers a credit-bearing degree program,
2436 the institution is responsible for maintaining the rigor and
2437 effectiveness of a comprehensive transition degree program at
2438 the same level as other comparable degree programs offered by
2439 the institution pursuant to applicable accreditation standards.

2440 c. Outline a plan for students with intellectual
2441 disabilities to be integrated socially and academically with
2442 nondisabled students, to the maximum extent possible, and to
2443 participate on not less than a half-time basis, as determined by
2444 the eligible institution, with such participation focusing on
2445 academic components and occurring through one or more of the
2446 following activities with nondisabled students:



294156

2447 (I) Regular enrollment in credit-bearing courses offered by
2448 the institution.

2449 (II) Auditing or participating in courses offered by the
2450 institution for which the student does not receive academic
2451 credit.

2452 (III) Enrollment in noncredit-bearing, nondegree courses.

2453 (IV) Participation in internships or work-based training.

2454 d. Outline a plan for partnerships with businesses to
2455 promote experiential training and employment opportunities for
2456 students with intellectual disabilities.

2457 e. Identify performance indicators pursuant to subsection
2458 (8) and other requirements identified by the center.

2459 f. Outline a 5-year plan incorporating enrollment and
2460 operational expectations for the program.

2461 (d) Provide technical assistance regarding programs and
2462 services for students with intellectual disabilities to
2463 administrators, instructors, staff, and others, as applicable,
2464 at eligible institutions by:

2465 1. Holding meetings and annual workshops to share
2466 successful practices and to address issues or concerns.

2467 2. Facilitating collaboration between eligible institutions
2468 and school districts, private schools operating pursuant to s.
2469 1002.42, and parents of students enrolled in home education
2470 programs operating pursuant to s. 1002.41 in assisting students
2471 with intellectual disabilities and their parents to plan for the
2472 transition of such students into an FPCTP or another program at
2473 an eligible institution.

2474 3. Assisting eligible institutions with FPCTP and federal
2475 comprehensive transition and postsecondary program applications.



294156

2476 4. Assisting eligible institutions with the identification
2477 of funding sources for an FPCTP and for student financial
2478 assistance for students enrolled in an FPCTP.

2479 5. Monitoring federal and state law relating to the
2480 comprehensive transition program and notifying the Legislature,
2481 the Governor, the Board of Governors, the State Board of
2482 Colleges, and the State Board of Education of any change in law
2483 which may impact the implementation of this section.

2484 (8) ACCOUNTABILITY.—

2485 (a) The center, in collaboration with the Board of
2486 Governors, the State Board of Colleges, and the State Board of
2487 Education, shall identify indicators for the satisfactory
2488 progress of a student in an FPCTP and for the performance of
2489 such programs. Each eligible institution must address the
2490 indicators identified by the center in its application for the
2491 approval of a proposed program and for the renewal of an FPCTP
2492 and in the annual report that the institution submits to the
2493 center.

2494 (b) By October 1 of each year, the center shall provide to
2495 the Governor, the President of the Senate, the Speaker of the
2496 House of Representatives, the Chancellor of the State University
2497 System, the Chancellor of the Florida College System, and the
2498 Commissioner of Education a report summarizing information
2499 including, but not limited to:

2500 1. The status of the statewide coordination of FPCTPs and
2501 the implementation of FPCTPs at eligible institutions including,
2502 but not limited to:

2503 a. The number of applications approved and disapproved and
2504 the reasons for each disapproval and no action taken by the



294156

2505 chancellor or the commissioner.

2506 b. The number and value of all scholarships awarded to
2507 students and undisbursed advances remitted to the center
2508 pursuant to subsection (7).

2509 2. Indicators identified by the center pursuant to
2510 paragraph (a) and the performance of each eligible institution
2511 based on the indicators identified in paragraph (6)(c).

2512 3. The projected number of students with intellectual
2513 disabilities who may be eligible to enroll in the FPCTPs within
2514 the next academic year.

2515 4. Education programs and services for students with
2516 intellectual disabilities which are available at eligible
2517 institutions.

2518 (c) ~~Beginning in the 2016-2017 fiscal year,~~ The center, in
2519 collaboration with the Board of Governors, State Board of
2520 Colleges, State Board of Education, Higher Education
2521 Coordinating Council, and other stakeholders, by December 1 of
2522 each year, shall submit to the Governor, the President of the
2523 Senate, and the Speaker of the House of Representatives
2524 statutory and budget recommendations for improving the
2525 implementation and delivery of FPCTPs and other education
2526 programs and services for students with disabilities.

2527 (9) RULES.—The Board of Governors, the State Board of
2528 Colleges, and the State Board of Education, in consultation with
2529 the center, shall expeditiously adopt any necessary regulations
2530 and rules, as applicable, to allow the center to perform its
2531 responsibilities pursuant to this section ~~beginning in the 2016-~~
2532 ~~2017 fiscal year.~~

2533 Section 40. Section 1004.65, Florida Statutes, is amended



294156

2534 to read:

2535 1004.65 Florida College System institutions; governance,
2536 mission, and responsibilities.—

2537 (1) Each Florida College System institution shall be
2538 governed by a district board of trustees under statutory
2539 authority and rules of the State Board of Colleges ~~Education~~.

2540 (2) Each Florida College System institution district shall:

2541 (a) Consist of the county or counties served by the Florida
2542 College System institution pursuant to s. 1000.21(3).

2543 (b) Be an independent, separate, legal entity created for
2544 the operation of a Florida College System institution.

2545 (3) Florida College System institutions are locally based
2546 and governed entities with statutory and funding ties to state
2547 government. As such, the mission for Florida College System
2548 institutions reflects a commitment to be responsive to local
2549 educational needs and challenges. In achieving this mission,
2550 Florida College System institutions strive to maintain
2551 sufficient local authority and flexibility while preserving
2552 appropriate legal accountability to the state.

2553 (4) As comprehensive institutions, Florida College System
2554 institutions shall provide high-quality, affordable education
2555 and training opportunities, shall foster a climate of
2556 excellence, and shall provide opportunities to all while
2557 combining high standards with an open-door admission policy for
2558 lower-division programs. Florida College System institutions
2559 shall, as open-access institutions, serve all who can benefit,
2560 without regard to age, race, gender, creed, or ethnic or
2561 economic background, while emphasizing the achievement of social
2562 and educational equity so that all can be prepared for full



294156

2563 participation in society.

2564 (5) The primary mission and responsibility of Florida
2565 College System institutions is responding to community needs for
2566 postsecondary academic education and career degree education.
2567 This mission and responsibility includes being responsible for:

2568 (a) Providing lower-level ~~lower-level~~ undergraduate
2569 instruction and awarding associate degrees.

2570 (b) Preparing students directly for careers requiring less
2571 than baccalaureate degrees. This may include preparing for job
2572 entry, supplementing of skills and knowledge, and responding to
2573 needs in new areas of technology. Career education in a Florida
2574 College System institution consists ~~shall consist~~ of career
2575 certificates, nationally recognized industry certifications,
2576 credit courses leading to associate in science degrees and
2577 associate in applied science degrees, and other programs in
2578 fields requiring substantial academic work, background, or
2579 qualifications. A Florida College System institution may offer
2580 career education programs in fields having lesser academic or
2581 technical requirements.

2582 (c) Providing student development services, including
2583 assessment, student tracking, support for disabled students,
2584 advisement, counseling, financial aid, career development, and
2585 remedial and tutorial services, to ensure student success.

2586 (d) Promoting economic development for the state within
2587 each Florida College System institution district through the
2588 provision of special programs, including, but not limited to,
2589 the:

- 2590 1. Enterprise Florida-related programs.
2591 2. Technology transfer centers.



294156

- 2592 3. Economic development centers.
- 2593 4. Workforce literacy programs.
- 2594 (e) Providing dual enrollment instruction.
- 2595 ~~(f) Providing upper level instruction and awarding~~
- 2596 ~~baccalaureate degrees as specifically authorized by law.~~
- 2597 (6) A separate and secondary role for Florida College
- 2598 System institutions includes ~~the offering of programs in:~~
- 2599 (a) Programs in community services that are not directly
- 2600 related to academic or occupational advancement.
- 2601 (b) Programs in adult education services, including adult
- 2602 basic education, adult general education, adult secondary
- 2603 education, and high school equivalency examination instruction.
- 2604 (c) Programs in recreational and leisure services.
- 2605 (d) Upper-level instruction and awarding baccalaureate
- 2606 degrees as specifically authorized by law.
- 2607 (7) Funding for Florida College System institutions must
- 2608 ~~shall~~ reflect their mission as follows:
- 2609 (a) Postsecondary academic and career education programs
- 2610 and adult general education programs must ~~shall~~ have first
- 2611 priority in Florida College System institution funding.
- 2612 (b) Community service programs shall be presented to the
- 2613 Legislature with rationale for state funding. The Legislature
- 2614 may identify priority areas for use of these funds.
- 2615 (c) The resources of a Florida College System institution,
- 2616 including staff, faculty, land, and facilities, may ~~shall~~ not be
- 2617 used to support the establishment of a new independent nonpublic
- 2618 educational institution. If any institution uses resources for
- 2619 such purpose, the State Board of ~~Division of Florida Colleges~~
- 2620 shall notify the President of the Senate and the Speaker of the



294156

2621 House of Representatives.

2622 (8) Florida College System institutions are authorized to:

2623 (a) Offer such programs and courses as are necessary to

2624 fulfill their mission.

2625 (b) Grant associate in arts degrees, associate in science

2626 degrees, associate in applied science degrees, certificates,

2627 awards, and diplomas.

2628 (c) Make provisions for the high school equivalency

2629 examination.

2630 (d) Provide access to and award baccalaureate degrees in

2631 accordance with law.

2632

2633 Authority to offer one or more baccalaureate degree programs

2634 does not alter the governance relationship of the Florida

2635 College System institution with its district board of trustees

2636 or the State Board of Colleges Education.

2637 Section 41. Section 1004.67, Florida Statutes, is amended

2638 to read:

2639 1004.67 Florida College System institutions; legislative

2640 intent.—It is The legislative intent that Florida College System

2641 institutions, constituted as political subdivisions of the

2642 state, continue to be operated by Florida College System

2643 institution boards of trustees as provided in s. 1001.63 and

2644 that no department, bureau, division, agency, or subdivision of

2645 the state exercise any responsibility and authority to operate

2646 any Florida College System institution of the state except as

2647 specifically provided by law or rules of the State Board of

2648 Colleges Education.

2649 Section 42. Subsections (2), (3), (4), and (6) of section



294156

2650 1004.70, Florida Statutes, are amended to read:

2651 1004.70 Florida College System institution direct-support
2652 organizations.—

2653 (2) BOARD OF DIRECTORS.—The chair of the board of trustees
2654 shall appoint at least one ~~a~~ representative to the board of
2655 directors and the executive committee of each direct-support
2656 organization established under this section, including those
2657 established before July 1, 1998. The president of the Florida
2658 College System institution for which the direct-support
2659 organization is established, or the president's designee, shall
2660 also serve on the board of directors and the executive committee
2661 of the direct-support organization, including any direct-support
2662 organization established before July 1, 1998.

2663 (3) USE OF PROPERTY.—

2664 (a) The board of trustees is authorized to permit the use
2665 of property, facilities, and personal services at any Florida
2666 College System institution by any Florida College System
2667 institution direct-support organization, subject to the
2668 provisions of this section. Beginning July 1, 2022, a Florida
2669 College System institution board of trustees may not permit any
2670 Florida College System institution direct-support organization
2671 to use personal services.

2672 (b) The board of trustees is authorized to prescribe by
2673 rule any condition with which a Florida College System
2674 institution direct-support organization must comply in order to
2675 use property, facilities, or personal services at any Florida
2676 College System institution.

2677 (c) The board of trustees may not permit the use of
2678 property, facilities, or personal services at any Florida



294156

2679 College System institution by any Florida College System
2680 institution direct-support organization that does not provide
2681 equal employment opportunities to all persons regardless of
2682 race, color, national origin, gender, age, or religion.

2683 (d) The board of trustees may not permit the use of state
2684 funds for travel expenses by any Florida College System
2685 institution direct-support organization.

2686 (4) ACTIVITIES; RESTRICTIONS.—

2687 (a) A direct-support organization may, at the request of
2688 the board of trustees, provide residency opportunities on or
2689 near campus for students.

2690 (b) A direct-support organization that constructs
2691 facilities for use by a Florida College System institution or
2692 its students must comply with all requirements of law relating
2693 to the construction of facilities by a Florida College System
2694 institution, including requirements for competitive bidding.

2695 (c) Any transaction or agreement between one direct-support
2696 organization and another direct-support organization must be
2697 approved by the board of trustees.

2698 (d) A Florida College System institution direct-support
2699 organization is prohibited from giving, either directly or
2700 indirectly, any gift to a political committee as defined in s.
2701 106.011 for any purpose ~~other than those certified by a majority~~
2702 ~~roll call vote of the governing board of the direct-support~~
2703 ~~organization at a regularly scheduled meeting as being directly~~
2704 ~~related to the educational mission of the Florida College System~~
2705 ~~institution.~~

2706 (e) A Florida College System institution board of trustees
2707 must authorize all debt, including lease-purchase agreements,



294156

2708 incurred by a direct-support organization. Authorization for
2709 approval of short-term loans and lease-purchase agreements for a
2710 term of not more than 5 years, including renewals, extensions,
2711 and refundings, for goods, materials, equipment, and services
2712 may be delegated by the board of trustees to the board of
2713 directors of the direct-support organization. Trustees shall
2714 evaluate proposals for debt according to guidelines issued by
2715 the State Board of ~~Division of Florida~~ Colleges. Revenues of the
2716 Florida College System institution may not be pledged to debt
2717 issued by direct-support organizations.

2718 (6) ANNUAL AUDIT.—Each direct-support organization shall
2719 provide for an annual financial audit in accordance with rules
2720 adopted by the Auditor General pursuant to s. 11.45(8). The
2721 annual audit report must be submitted, within 9 months after the
2722 end of the fiscal year, to the Auditor General, the State Board
2723 of Colleges ~~Education~~, and the board of trustees for review. The
2724 board of trustees, the Auditor General, and the Office of
2725 Program Policy Analysis and Government Accountability may
2726 require and receive from the organization or from its
2727 independent auditor any detail or supplemental data relative to
2728 the operation of the organization. The identity of donors who
2729 desire to remain anonymous shall be protected, and that
2730 anonymity shall be maintained in the auditor's report. All
2731 records of the organization, other than the auditor's report,
2732 any information necessary for the auditor's report, any
2733 information related to the expenditure of funds, and any
2734 supplemental data requested by the board of trustees, the
2735 Auditor General, and the Office of Program Policy Analysis and
2736 Government Accountability, shall be confidential and exempt from



294156

2737 the provisions of s. 119.07(1).

2738 Section 43. Subsections (1), (2), (4), and (5) of section
2739 1004.71, Florida Statutes, are amended to read:

2740 1004.71 Statewide Florida College System institution
2741 direct-support organizations.—

2742 (1) DEFINITIONS.—For the purposes of this section:

2743 (a) “Statewide Florida College System institution direct-
2744 support organization” means an organization that is:

2745 1. A Florida corporation not for profit, incorporated under
2746 the provisions of chapter 617 and approved by the Department of
2747 State.

2748 2. Organized and operated exclusively to receive, hold,
2749 invest, and administer property and to make expenditures to, or
2750 for the benefit of, the Florida College System institutions in
2751 this state.

2752 3. An organization that the State Board of Colleges
2753 ~~Education~~, after review, has certified to be operating in a
2754 manner consistent with the goals of the Florida College System
2755 institutions and in the best interest of the state.

2756 (b) “Personal services” includes full-time or part-time
2757 personnel as well as payroll processing.

2758 (2) BOARD OF DIRECTORS.—The chair of the State Board of
2759 Colleges ~~Education~~ may appoint a representative to the board of
2760 directors and the executive committee of any statewide, direct-
2761 support organization established under this section or s.
2762 1004.70. The chair of the State Board of Colleges ~~Education~~, or
2763 the chair’s designee, shall also serve on the board of directors
2764 and the executive committee of any direct-support organization
2765 established to benefit Florida College System institutions.



294156

2766 (4) RESTRICTIONS.—

2767 (a) A statewide, direct-support organization may not use
2768 public funds to acquire, construct, maintain, or operate any
2769 facilities.

2770 (b) Any transaction or agreement between a statewide,
2771 direct-support organization and any other direct-support
2772 organization must be approved by the State Board of Colleges
2773 ~~Education~~.

2774 (c) A statewide Florida College System institution direct-
2775 support organization is prohibited from giving, either directly
2776 or indirectly, any gift to a political committee as defined in
2777 s. 106.011 for any purpose other than those certified by a
2778 majority roll call vote of the governing board of the direct-
2779 support organization at a regularly scheduled meeting as being
2780 directly related to the educational mission of the State Board
2781 of Colleges ~~Education~~.

2782 (5) ANNUAL BUDGETS AND REPORTS.—Each direct-support
2783 organization shall submit to the State Board of Colleges
2784 ~~Education~~ its federal Internal Revenue Service Application for
2785 Recognition of Exemption form (Form 1023) and its federal
2786 Internal Revenue Service Return of Organization Exempt from
2787 Income Tax form (Form 990).

2788 Section 44. Subsection (4) of section 1004.74, Florida
2789 Statutes, is amended to read:

2790 1004.74 Florida School of the Arts.—

2791 (4) The Council for the Florida School of the Arts shall be
2792 established to advise the Florida College System institution
2793 district board of trustees on matters pertaining to the
2794 operation of the school. The council shall consist of nine



294156

2795 members, appointed jointly by the Chancellor of the Florida
2796 College System and the Commissioner of Education for 4-year
2797 terms. A member may serve three terms and may serve until
2798 replaced.

2799 Section 45. Subsection (10) of section 1004.78, Florida
2800 Statutes, is amended to read:

2801 1004.78 Technology transfer centers at Florida College
2802 System institutions.—

2803 (10) The State Board of Colleges Education may award grants
2804 to Florida College System institutions, or consortia of public
2805 and private colleges and universities and other public and
2806 private entities, for the purpose of supporting the objectives
2807 of this section. Grants awarded pursuant to this subsection
2808 shall be in accordance with rules of the State Board of Colleges
2809 Education. Such rules shall include the following provisions:

2810 (a) The number of centers established with state funds
2811 provided expressly for the purpose of technology transfer shall
2812 be limited, but shall be geographically located to maximize
2813 public access to center resources and services.

2814 (b) Grants to centers funded with state revenues
2815 appropriated specifically for technology transfer activities
2816 shall be reviewed and approved by the State Board of Colleges
2817 Education using proposal solicitation, evaluation, and selection
2818 procedures established by the state board in consultation with
2819 Enterprise Florida, Inc. Such procedures may include designation
2820 of specific areas or applications of technology as priorities
2821 for the receipt of funding.

2822 (c) Priority for the receipt of state funds appropriated
2823 specifically for the purpose of technology transfer shall be



294156

2824 given to grant proposals developed jointly by Florida College
2825 System institutions and public and private colleges and
2826 universities.

2827 Section 46. Subsection (4) of section 1004.80, Florida
2828 Statutes, is amended to read:

2829 1004.80 Economic development centers.—

2830 (4) The State Board of Colleges Education may award grants
2831 to economic development centers for the purposes of this
2832 section. Grants awarded pursuant to this subsection shall be in
2833 accordance with rules established by the State Board of Colleges
2834 Education.

2835 Section 47. Section 1004.91, Florida Statutes, is amended
2836 to read:

2837 1004.91 Requirements for career education program basic
2838 skills.—

2839 (1) The State Board of Education, for career centers
2840 operated by district school boards, and the State Board of
2841 Colleges, for charter technical career centers operated by
2842 Florida College System institutions, shall collaborate to adopt,
2843 by rule, standards of basic skill mastery for completion of
2844 certificate career education programs. Each school district and
2845 Florida College System institution that conducts programs that
2846 confer career and technical certificates shall provide applied
2847 academics instruction through which students receive the basic
2848 skills instruction required pursuant to this section.

2849 (2) Students who enroll in a program offered for career
2850 credit of 450 hours or more shall complete an entry-level
2851 examination within the first 6 weeks after admission into the
2852 program. The State Board of Education and the State Board of



294156

2853 Colleges shall collaborate to designate examinations that are
2854 currently in existence, the results of which are comparable
2855 across institutions, to assess student mastery of basic skills.
2856 Any student found to lack the required level of basic skills for
2857 such program shall be referred to applied academics instruction
2858 or another adult general education program for a structured
2859 program of basic skills instruction. Such instruction may
2860 include English for speakers of other languages. A student may
2861 not receive a career or technical certificate of completion
2862 without first demonstrating the basic skills required in the
2863 state curriculum frameworks for the career education program.

2864 (3) (a) An adult student with a disability may be exempted
2865 from this section.

2866 (b) The following students are exempt from this section:

2867 1. A student who possesses a college degree at the
2868 associate in applied science level or higher.

2869 2. A student who demonstrates readiness for public
2870 postsecondary education pursuant to s. 1008.30 and applicable
2871 rules adopted by the State Board of Education and State Board of
2872 Colleges.

2873 3. A student who passes a state or national industry
2874 certification or licensure examination that is identified in
2875 State Board of Education or State Board of Colleges rules and
2876 aligned to the career education program in which the student is
2877 enrolled.

2878 4. An adult student who is enrolled in an apprenticeship
2879 program that is registered with the Department of Education in
2880 accordance with chapter 446.

2881 Section 48. Paragraph (b) of subsection (2) of section



294156

2882 1004.92, Florida Statutes, is amended, and subsection (4) is
2883 added to that section, to read:

2884 1004.92 Purpose and responsibilities for career education.—

2885 (2)

2886 (b) The Department of Education, for school districts, and
2887 the State Board of Colleges, for Florida College System
2888 institutions, have the following responsibilities related to
2889 accountability for career education ~~includes, but is not limited~~
2890 to:

2891 1. The provision of timely, accurate technical assistance
2892 to school districts and Florida College System institutions.

2893 2. The provision of timely, accurate information to the
2894 State Board of Education, the Legislature, and the public.

2895 3. The development of policies, rules, and procedures that
2896 facilitate institutional attainment of the accountability
2897 standards and coordinate the efforts of all divisions within the
2898 department.

2899 4. The development of program standards and industry-driven
2900 benchmarks for career, adult, and community education programs,
2901 which must be updated every 3 years. The standards must include
2902 career, academic, and workplace skills; viability of distance
2903 learning for instruction; ~~and~~ work/learn cycles that are
2904 responsive to business and industry; and provisions that reflect
2905 the quality components of career and technical education
2906 programs. The Department of Education and the State Board of
2907 Colleges shall collaborate to develop a common set of standards
2908 and benchmarks as specified under this subparagraph for the
2909 programs that are offered by both the school districts and
2910 Florida College System institutions.



294156

2911 5. Overseeing school district and Florida College System
2912 institution compliance with ~~the provisions of~~ this chapter.

2913 6. Ensuring that the educational outcomes for the technical
2914 component of career programs are uniform and designed to provide
2915 a graduate who is capable of entering the workforce on an
2916 equally competitive basis regardless of the institution of
2917 choice.

2918 (4) The State Board of Education, for career education
2919 provided by school districts, and the State Board of Colleges,
2920 for career education provided by Florida College System
2921 institutions, shall collaborate to adopt rules to administer
2922 this section.

2923 Section 49. Subsection (1) of section 1004.925, Florida
2924 Statutes, is amended to read:

2925 1004.925 Automotive service technology education programs;
2926 certification.—

2927 (1) All automotive service technology education programs
2928 shall be industry certified in accordance with rules adopted by
2929 the State Board of Education and the State Board of Colleges.

2930 Section 50. Paragraphs (c) and (d) of subsection (4) and
2931 subsections (6) and (9) of section 1004.93, Florida Statutes,
2932 are amended to read:

2933 1004.93 Adult general education.—

2934 (4)

2935 (c) The State Board of Colleges Education shall define, by
2936 rule, the levels and courses of instruction to be funded through
2937 the developmental education program. The State Board of Colleges
2938 shall coordinate the establishment of costs for developmental
2939 education courses, the establishment of statewide standards that



294156

2940 define required levels of competence, acceptable rates of
2941 student progress, and the maximum amount of time to be allowed
2942 for completion of developmental education. Developmental
2943 education is part of an associate in arts degree program and may
2944 not be funded as an adult career education program.

2945 (d) Expenditures for developmental education and lifelong
2946 learning students shall be reported separately. Allocations for
2947 developmental education shall be based on proportional full-time
2948 equivalent enrollment. Program review results shall be included
2949 in the determination of subsequent allocations. A student shall
2950 be funded to enroll in the same developmental education class
2951 within a skill area only twice, after which time the student
2952 shall pay 100 percent of the full cost of instruction to support
2953 the continuous enrollment of that student in the same class;
2954 however, students who withdraw or fail a class due to
2955 extenuating circumstances may be granted an exception only once
2956 for each class, provided approval is granted according to policy
2957 established by the board of trustees. Each Florida College
2958 System institution shall have the authority to review and reduce
2959 payment for increased fees due to continued enrollment in a
2960 developmental education class on an individual basis contingent
2961 upon the student's financial hardship, pursuant to definitions
2962 and fee levels established by the State Board of Colleges
2963 Education. Developmental education and lifelong learning courses
2964 do not generate credit toward an associate or baccalaureate
2965 degree.

2966 (6) The commissioner, for school districts, and the
2967 Chancellor of the Florida College System, for Florida College
2968 System institutions, shall recommend the level of funding for



294156

2969 public school and Florida College System institution adult
2970 education within the legislative budget request and make other
2971 recommendations and reports considered necessary or required by
2972 rules of the State Board of Education.

2973 (9) The State Board of Education and the State Board of
2974 Colleges may adopt rules necessary for the implementation of
2975 this section.

2976 Section 51. Subsection (3) of section 1006.60, Florida
2977 Statutes, is amended to read:

2978 1006.60 Codes of conduct; disciplinary measures; authority
2979 to adopt rules or regulations.—

2980 (3) Sanctions authorized by such codes of conduct may be
2981 imposed only for acts or omissions in violation of rules or
2982 regulations adopted by the institution, including rules or
2983 regulations adopted under this section, rules of the State Board
2984 of Colleges regarding the Florida College System Education,
2985 rules or regulations of the Board of Governors regarding the
2986 State University System, county and municipal ordinances, and
2987 the laws of this state, the United States, or any other state.

2988 Section 52. Subsection (1) of section 1006.61, Florida
2989 Statutes, is amended to read:

2990 1006.61 Participation by students in disruptive activities
2991 at public postsecondary educational institution; penalties.—

2992 (1) Any person who accepts the privilege extended by the
2993 laws of this state of attendance at any public postsecondary
2994 educational institution shall, by attending such institution, be
2995 deemed to have given his or her consent to the policies of that
2996 institution, the State Board of Colleges regarding the Florida
2997 College System Education, and the Board of Governors regarding



294156

2998 the State University System, and the laws of this state. Such
2999 policies shall include prohibition against disruptive activities
3000 at public postsecondary educational institutions.

3001 Section 53. Section 1006.62, Florida Statutes, is amended
3002 to read:

3003 1006.62 Expulsion and discipline of students of Florida
3004 College System institutions and state universities.—

3005 (1) Each student in a Florida College System institution or
3006 state university is subject to federal and state law, respective
3007 county and municipal ordinances, and all rules and regulations
3008 of the State Board of Colleges regarding the Florida College
3009 System Education, the Board of Governors regarding the State
3010 University System, or the board of trustees of the institution.

3011 (2) Violation of these published laws, ordinances, or rules
3012 and regulations may subject the violator to appropriate action
3013 by the institution's authorities.

3014 (3) Each president of a Florida College System institution
3015 or state university may, after notice to the student of the
3016 charges and after a hearing thereon, expel, suspend, or
3017 otherwise discipline any student who is found to have violated
3018 any law, ordinance, or rule or regulation of the State Board of
3019 Colleges regarding the Florida College System Education, the
3020 Board of Governors regarding the State University System, or the
3021 board of trustees of the institution. A student may be entitled
3022 to waiver of expulsion:

3023 (a) If the student provides substantial assistance in the
3024 identification, arrest, or conviction of any of his or her
3025 accomplices, accessories, coconspirators, or principals or of
3026 any other person engaged in violations of chapter 893 within a



294156

3027 state university or Florida College System institution;
3028 (b) If the student voluntarily discloses his or her
3029 violations of chapter 893 prior to his or her arrest; or
3030 (c) If the student commits himself or herself, or is
3031 referred by the court in lieu of sentence, to a state-licensed
3032 drug abuse program and successfully completes the program.
3033 Section 54. Paragraphs (c) and (g) of subsection (1),
3034 paragraph (b) of subsection (2), and subsection (3) of section
3035 1006.71, Florida Statutes, are amended to read:
3036 1006.71 Gender equity in intercollegiate athletics.—
3037 (1) GENDER EQUITY PLAN.—
3038 (c) The Chancellor of the Florida College System
3039 ~~Commissioner of Education~~ shall annually assess the progress of
3040 each Florida College System institution's plan and advise the
3041 State Board of Colleges ~~Education~~ and the Legislature regarding
3042 compliance.
3043 (g)1. If a Florida College System institution is not in
3044 compliance with Title IX of the Education Amendments of 1972 and
3045 the Florida Educational Equity Act, the State Board of Colleges
3046 ~~Education~~ shall:
3047 a. Declare the Florida College System institution
3048 ineligible for competitive state grants.
3049 b. Withhold funds sufficient to obtain compliance.
3050
3051 The Florida College System institution shall remain ineligible
3052 and the funds may ~~shall~~ not be paid until the Florida College
3053 System institution comes into compliance or the Chancellor of
3054 the Florida College System ~~Commissioner of Education~~ approves a
3055 plan for compliance.



294156

3056 2. If a state university is not in compliance with Title IX
3057 of the Education Amendments of 1972 and the Florida Educational
3058 Equity Act, the Board of Governors shall:

3059 a. Declare the state university ineligible for competitive
3060 state grants.

3061 b. Withhold funds sufficient to obtain compliance.

3062

3063 The state university shall remain ineligible and the funds may
3064 ~~shall~~ not be paid until the state university comes into
3065 compliance or the Board of Governors approves a plan for
3066 compliance.

3067 (2) FUNDING.—

3068 (b) The level of funding and percentage share of support
3069 for women's intercollegiate athletics for Florida College System
3070 institutions shall be determined by the State Board of Colleges
3071 ~~Education~~. The level of funding and percentage share of support
3072 for women's intercollegiate athletics for state universities
3073 shall be determined by the Board of Governors. The level of
3074 funding and percentage share attained in the 1980-1981 fiscal
3075 year shall be the minimum level and percentage maintained by
3076 each institution, except as the State Board of Colleges
3077 ~~Education~~ or the Board of Governors otherwise directs its
3078 respective institutions for the purpose of assuring equity.
3079 Consideration shall be given by the State Board of Colleges
3080 ~~Education~~ or the Board of Governors to emerging athletic
3081 programs at institutions which may not have the resources to
3082 secure external funds to provide athletic opportunities for
3083 women. It is the intent that the effect of any redistribution of
3084 funds among institutions may ~~shall~~ not negate the requirements



294156

3085 as set forth in this section.

3086 (3) STATE BOARD OF COLLEGES EDUCATION.—The State Board of
3087 Colleges Education shall assure equal opportunity for female
3088 athletes at Florida College System institutions and establish:

3089 (a) In conjunction with the State Board of Education,
3090 guidelines for reporting of intercollegiate athletics data
3091 concerning financial, program, and facilities information for
3092 review by the State Board of Colleges Education annually.

3093 (b) Systematic audits for the evaluation of such data.

3094 (c) Criteria for determining and assuring equity.

3095 Section 55. Section 1007.01, Florida Statutes, is amended
3096 to read:

3097 1007.01 Articulation; legislative intent; purpose; role of
3098 the State Board of Education, the State Board of Colleges, and
3099 the Board of Governors; Articulation Coordinating Committee.—

3100 (1) It is the intent of the Legislature to facilitate
3101 articulation and seamless integration of the K-20 education
3102 system by building, sustaining, and strengthening relationships
3103 among K-20 public organizations, between public and private
3104 organizations, and between the education system as a whole and
3105 Florida's communities. The purpose of building, sustaining, and
3106 strengthening these relationships is to provide for the
3107 efficient and effective progression and transfer of students
3108 within the education system and to allow students to proceed
3109 toward their educational objectives as rapidly as their
3110 circumstances permit. The Legislature further intends that
3111 articulation policies and budget actions be implemented
3112 consistently in the practices of the Department of Education and
3113 postsecondary educational institutions and expressed in the



294156

3114 collaborative policy efforts of the State Board of Education,
3115 ~~and~~ the Board of Governors, and the State Board of Colleges.

3116 (2) To preserve Florida's "2+2" system of articulation and
3117 improve and facilitate articulation systemwide, the State Board
3118 of Education, ~~and~~ the Board of Governors, and the State Board of
3119 Colleges shall collaboratively establish and adopt policies with
3120 input from statewide K-20 advisory groups established by the
3121 Commissioner of Education, the Chancellor of the Florida College
3122 System, and the Chancellor of the State University System and
3123 shall recommend the policies to the Legislature. The policies
3124 shall relate to:

3125 (a) The alignment between the exit requirements of one
3126 education system and the admissions requirements of another
3127 education system into which students typically transfer.

3128 (b) The identification of common courses, the level of
3129 courses, institutional participation in a statewide course
3130 numbering system, and the transferability of credits among such
3131 institutions.

3132 (c) Identification of courses that meet general education
3133 or common degree program prerequisite requirements at public
3134 postsecondary educational institutions.

3135 (d) Dual enrollment course equivalencies.

3136 (e) Articulation agreements.

3137 (3) The Commissioner of Education, in consultation with the
3138 Chancellor of the Florida College System and the Chancellor of
3139 the State University System, shall establish the Articulation
3140 Coordinating Committee, which shall make recommendations related
3141 to statewide articulation policies and issues regarding access,
3142 quality, and reporting of data maintained by the K-20 data



294156

3143 warehouse, established pursuant to ss. 1001.10 and 1008.31, to
3144 the Higher Education Coordination Council, the State Board of
3145 Education, ~~and~~ the Board of Governors, and the State Board of
3146 Colleges. The committee shall consist of two members each
3147 representing the State University System, the Florida College
3148 System, public career and technical education, K-12 education,
3149 and nonpublic postsecondary education and one member
3150 representing students. The chair shall be elected from the
3151 membership. The Office of K-20 Articulation shall provide
3152 administrative support for the committee. The committee shall:

3153 (a) Monitor the alignment between the exit requirements of
3154 one education system and the admissions requirements of another
3155 education system into which students typically transfer and make
3156 recommendations for improvement.

3157 (b) Propose guidelines for interinstitutional agreements
3158 between and among public schools, career and technical education
3159 centers, Florida College System institutions, state
3160 universities, and nonpublic postsecondary institutions.

3161 (c) Annually recommend dual enrollment course and high
3162 school subject area equivalencies for approval by the State
3163 Board of Education, ~~and~~ the Board of Governors, and the State
3164 Board of Colleges.

3165 (d) Annually review the statewide articulation agreement
3166 pursuant to s. 1007.23 and make recommendations for revisions.

3167 (e) Annually review the statewide course numbering system,
3168 the levels of courses, and the application of transfer credit
3169 requirements among public and nonpublic institutions
3170 participating in the statewide course numbering system and
3171 identify instances of student transfer and admissions



294156

3172 difficulties.

3173 (f) Annually publish a list of courses that meet common
3174 general education and common degree program prerequisite
3175 requirements at public postsecondary institutions identified
3176 pursuant to s. 1007.25.

3177 (g) Foster timely collection and reporting of statewide
3178 education data to improve the K-20 education performance
3179 accountability system pursuant to ss. 1001.10 and 1008.31,
3180 including, but not limited to, data quality, accessibility, and
3181 protection of student records.

3182 (h) Recommend roles and responsibilities of public
3183 education entities in interfacing with the single, statewide
3184 computer-assisted student advising system established pursuant
3185 to s. 1006.735.

3186 (i) Make recommendations regarding the cost and
3187 requirements to develop and implement an online system for
3188 collecting and analyzing data regarding requests for transfer of
3189 credit by postsecondary education students. The online system,
3190 at a minimum, must collect information regarding the total
3191 number of credit transfer requests denied and the reason for
3192 each denial. Recommendations shall be reported to the President
3193 of the Senate and the Speaker of the House of Representatives on
3194 or before January 31, 2015.

3195 Section 56. Subsections (1) and (6) of section 1007.23,
3196 Florida Statutes, are amended, and subsection (7) is added to
3197 that section, to read:

3198 1007.23 Statewide articulation agreement.—

3199 (1) The State Board of Education, and the Board of
3200 Governors, and the State Board of Colleges shall enter into a



294156

3201 statewide articulation agreement which the State Board of
3202 Education and the State Board of Colleges shall adopt by rule.
3203 The agreement must preserve Florida's "2+2" system of
3204 articulation, facilitate the seamless articulation of student
3205 credit across and among Florida's educational entities, and
3206 reinforce the provisions of this chapter by governing:
3207 (a) Articulation between secondary and postsecondary
3208 education;
3209 (b) Admission of associate in arts degree graduates from
3210 Florida College System institutions and state universities;
3211 (c) Admission of applied technology diploma program
3212 graduates from Florida College System institutions or career
3213 centers;
3214 (d) Admission of associate in science degree and associate
3215 in applied science degree graduates from Florida College System
3216 institutions;
3217 (e) The use of acceleration mechanisms, including
3218 nationally standardized examinations through which students may
3219 earn credit;
3220 (f) General education requirements and statewide course
3221 numbers as provided for in ss. 1007.24 and 1007.25; and
3222 (g) Articulation among programs in nursing.
3223 (6) The articulation agreement must guarantee the
3224 articulation of 9 credit hours toward a postsecondary degree in
3225 early childhood education for programs approved by the State
3226 Board of Colleges ~~Education~~ and the Board of Governors which:
3227 (a) Award a child development associate credential issued
3228 by the National Credentialing Program of the Council for
3229 Professional Recognition or award a credential approved under s.



294156

3230 1002.55(3)(c)1.b. or s. 402.305(3)(c) as being equivalent to the
3231 child development associate credential; and

3232 (b) Include training in emergent literacy which meets or
3233 exceeds the minimum standards for training courses for
3234 prekindergarten instructors of the Voluntary Prekindergarten
3235 Education Program in s. 1002.59.

3236 (7) To strengthen Florida's "2+2" system of articulation
3237 and improve student retention and on-time graduation, by the
3238 2018-2019 academic year, each Florida College System institution
3239 shall execute at least one "2+2" targeted pathway articulation
3240 agreement with one or more state universities and each state
3241 university shall execute at least one such agreement with one or
3242 more Florida College System institutions to establish "2+2"
3243 targeted pathway programs. The agreement must provide students
3244 who graduate with an associate in arts degree and who meet
3245 specified requirements guaranteed access to the state university
3246 and a degree program at that university, in accordance with the
3247 terms of the "2+2" targeted pathway articulation agreement.

3248 (a) To participate in a "2+2" targeted pathway program, a
3249 student must:

3250 1. Enroll in the program before completing 30 credit hours,
3251 including, but not limited to, college credits earned through
3252 articulated acceleration mechanisms pursuant to s. 1007.27;

3253 2. Complete an associate in arts degree; and

3254 3. Meet the university's transfer requirements.

3255 (b) A state university that executes a "2+2" targeted
3256 pathway articulation agreement must meet the following
3257 requirements in order to implement a "2+2" targeted pathway
3258 program in collaboration with its partner Florida College System



294156

3259 institution:

3260 1. Establish a 4-year on-time graduation plan for a
3261 baccalaureate degree program, including, but not limited to, a
3262 plan for students to complete associate in arts degree programs,
3263 general education courses, common prerequisite courses, and
3264 elective courses;

3265 2. Advise students enrolled in the program about the
3266 university's transfer and degree program requirements; and

3267 3. Provide students who meet the requirements under this
3268 paragraph with access to academic advisors and campus events and
3269 with guaranteed admittance to the state university and a degree
3270 program of the state university, in accordance with the terms of
3271 the agreement.

3272 (c) To assist the state universities and Florida College
3273 System institutions with implementing the "2+2" targeted pathway
3274 programs effectively, the State Board of Colleges and the Board
3275 of Governors shall collaborate to eliminate barriers in
3276 executing "2+2" targeted pathway articulation agreements.

3277 Section 57. Subsections (1), (2), and (3) of section
3278 1007.24, Florida Statutes, are amended to read:

3279 1007.24 Statewide course numbering system.—

3280 (1) The Department of Education, in conjunction with the
3281 Board of Governors and the State Board of Colleges, shall
3282 develop, coordinate, and maintain a statewide course numbering
3283 system for postsecondary and dual enrollment education in school
3284 districts, public postsecondary educational institutions, and
3285 participating nonpublic postsecondary educational institutions
3286 that will improve program planning, increase communication among
3287 all delivery systems, and facilitate student acceleration and



294156

3288 the transfer of students and credits between public school
3289 districts, public postsecondary educational institutions, and
3290 participating nonpublic educational institutions. The continuing
3291 maintenance of the system shall be accomplished with the
3292 assistance of appropriate faculty committees representing public
3293 and participating nonpublic educational institutions.

3294 (2) The Commissioner of Education, in conjunction with the
3295 Chancellor of the Florida College System and the Chancellor of
3296 the State University System, shall appoint faculty committees
3297 representing faculties of participating institutions to
3298 recommend a single level for each course, including
3299 postsecondary career education courses, included in the
3300 statewide course numbering system.

3301 (a) Any course designated as an upper-division-level course
3302 must be characterized by a need for advanced academic
3303 preparation and skills that a student would be unlikely to
3304 achieve without significant prior coursework.

3305 (b) A course that is offered as part of an associate in
3306 science degree program and as an upper-division course for a
3307 baccalaureate degree shall be designated for both the lower and
3308 upper division.

3309 (c) A course designated as lower-division may be offered by
3310 any Florida College System institution.

3311 (3) The Commissioner of Education shall recommend to the
3312 State Board of Education the levels for the courses. The State
3313 Board of Education, with input from the Board of Governors and
3314 the State Board of Colleges, shall approve the levels for the
3315 courses.

3316 Section 58. Subsections (3), (6), and (9) through (12) of



294156

3317 section 1007.25, Florida Statutes, are amended to read:
3318 1007.25 General education courses; common prerequisites;
3319 other degree requirements.—
3320 (3) The chair of the State Board of Colleges ~~Education~~ and
3321 the chair of the Board of Governors, or their designees, shall
3322 jointly appoint faculty committees to identify statewide general
3323 education core course options. General education core course
3324 options shall consist of a maximum of five courses within each
3325 of the subject areas of communication, mathematics, social
3326 sciences, humanities, and natural sciences. The core courses may
3327 be revised, or the five-course maximum within each subject area
3328 may be exceeded, if approved by the State Board of Colleges
3329 ~~Education~~ and the Board of Governors, as recommended by the
3330 subject area faculty committee and approved by the Articulation
3331 Coordinating Committee as necessary for a subject area. Each
3332 general education core course option must contain high-level
3333 academic and critical thinking skills and common competencies
3334 that students must demonstrate to successfully complete the
3335 course. Beginning with students initially entering a Florida
3336 College System institution or state university in 2015-2016 and
3337 thereafter, each student must complete at least one identified
3338 core course in each subject area as part of the general
3339 education course requirements. All public postsecondary
3340 educational institutions shall accept these courses as meeting
3341 general education core course requirements. The remaining
3342 general education course requirements shall be identified by
3343 each institution and reported to the department by their
3344 statewide course number. The general education core course
3345 options shall be adopted in rule by the State Board of Colleges



294156

3346 ~~Education~~ and in regulation by the Board of Governors.

3347 (6) The department shall identify common prerequisite
3348 courses and course substitutions for degree programs across all
3349 institutions. Common degree program prerequisites shall be
3350 offered and accepted by all state universities and Florida
3351 College System institutions, except in cases approved by the
3352 State Board of Colleges, Education for Florida College System
3353 institutions, and the Board of Governors, for state
3354 universities. The department shall develop a centralized
3355 database containing the list of courses and course substitutions
3356 that meet the prerequisite requirements for each baccalaureate
3357 degree program.

3358 (9) A baccalaureate degree program shall require no more
3359 than 120 semester hours of college credit and include 36
3360 semester hours of general education coursework, unless prior
3361 approval has been granted by the Board of Governors for
3362 baccalaureate degree programs offered by state universities and
3363 by the State Board of Colleges Education for baccalaureate
3364 degree programs offered by Florida College System institutions.

3365 (10) A student who received an associate in arts degree for
3366 successfully completing 60 semester credit hours may continue to
3367 earn ~~additional~~ credits at a Florida College System institution.
3368 The university must provide credit toward the student's
3369 baccalaureate degree for a ~~an additional~~ Florida College System
3370 institution course if, according to the statewide course
3371 numbering, the Florida College System institution course is a
3372 course listed in the university catalog as required for the
3373 degree or as prerequisite to a course required for the degree.
3374 Of the courses required for the degree, at least half of the



294156

3375 credit hours required for the degree shall be achievable through
3376 courses designated as lower division, except in degree programs
3377 approved by the State Board of Colleges Education for programs
3378 offered by Florida College System institutions and by the Board
3379 of Governors for programs offered by state universities.

3380 (11) Students at state universities may request associate
3381 in arts certificates if they have successfully completed the
3382 minimum requirements for the degree of associate in arts (A.A.).
3383 The university must grant the student an associate in arts
3384 degree if the student has successfully completed minimum
3385 requirements for college-level communication and computation
3386 skills adopted by the State Board of Colleges Education and 60
3387 academic semester hours or the equivalent within a degree
3388 program area, including 36 semester hours in general education
3389 courses in the subject areas of communication, mathematics,
3390 social sciences, humanities, and natural sciences, consistent
3391 with the general education requirements specified in the
3392 articulation agreement pursuant to s. 1007.23.

3393 (12) The Commissioner of Education and the Chancellor of
3394 the Florida College System shall jointly appoint faculty
3395 committees representing both Florida College System institution
3396 and public school faculties to recommend to the commissioner, or
3397 the Chancellor of the Florida College System, as applicable, for
3398 approval by the State Board of Education and the State Board of
3399 Colleges, as applicable, a standard program length and
3400 appropriate occupational completion points for each
3401 postsecondary career certificate program, diploma, and degree
3402 offered by a school district or a Florida College System
3403 institution.



294156

3404 Section 59. Section 1007.262, Florida Statutes, is amended
3405 to read:

3406 1007.262 Foreign language competence; equivalence
3407 determinations.—The Department of Education shall identify the
3408 competencies demonstrated by students upon the successful
3409 completion of 2 credits of sequential high school foreign
3410 language instruction. For the purpose of determining
3411 postsecondary equivalence, the State Board of Colleges
3412 ~~department~~ shall develop rules through which Florida College
3413 System institutions correlate such competencies to the
3414 competencies required of students in the colleges' respective
3415 courses. Based on this correlation, each Florida College System
3416 institution shall identify the minimum number of postsecondary
3417 credits that students must earn in order to demonstrate a level
3418 of competence in a foreign language at least equivalent to that
3419 of students who have completed 2 credits of such instruction in
3420 high school. The department may also specify alternative means
3421 by which students can demonstrate equivalent foreign language
3422 competence, including means by which a student whose native
3423 language is not English may demonstrate proficiency in the
3424 native language. A student who demonstrates proficiency in a
3425 native language other than English is exempt from a requirement
3426 of completing foreign language courses at the secondary or
3427 Florida College System level.

3428 Section 60. Section 1007.263, Florida Statutes, is amended
3429 to read:

3430 1007.263 Florida College System institutions; admissions of
3431 students.—Each Florida College System institution board of
3432 trustees is authorized to adopt rules governing admissions of



294156

3433 students subject to this section and rules of the State Board of
3434 Colleges Education. These rules shall include the following:

3435 (1) Admissions counseling shall be provided to all students
3436 entering college or career credit programs. For students who are
3437 not otherwise exempt from testing under s. 1008.30, counseling
3438 must use tests to measure achievement of college-level
3439 communication and computation competencies by students entering
3440 college credit programs or tests to measure achievement of basic
3441 skills for career education programs as prescribed in s.
3442 1004.91. Counseling includes providing developmental education
3443 options for students whose assessment results, determined under
3444 s. 1008.30, indicate that they need to improve communication or
3445 computation skills that are essential to perform college-level
3446 work.

3447 (2) Admission to associate degree programs is subject to
3448 minimum standards adopted by the State Board of Colleges
3449 ~~Education~~ and shall require:

3450 (a) A standard high school diploma, a high school
3451 equivalency diploma as prescribed in s. 1003.435, previously
3452 demonstrated competency in college credit postsecondary
3453 coursework, or, in the case of a student who is home educated, a
3454 signed affidavit submitted by the student's parent or legal
3455 guardian attesting that the student has completed a home
3456 education program pursuant to the requirements of s. 1002.41.
3457 Students who are enrolled in a dual enrollment or early
3458 admission program pursuant to s. 1007.271 are exempt from this
3459 requirement.

3460 (b) A demonstrated level of achievement of college-level
3461 communication and computation skills.



294156

3462 (c) Any other requirements established by the board of
3463 trustees.

3464 (3) Admission to other programs within the Florida College
3465 System institution shall include education requirements as
3466 established by the board of trustees.

3467 (4) A student who has been awarded a certificate of
3468 completion under s. 1003.4282 is eligible to enroll in
3469 certificate career education programs.

3470 (5) A student with a documented disability may be eligible
3471 for reasonable substitutions, as prescribed in ss. 1007.264 and
3472 1007.265.

3473
3474 Each board of trustees shall establish policies that notify
3475 students about developmental education options for improving
3476 their communication or computation skills that are essential to
3477 performing college-level work, including tutoring, extended time
3478 in gateway courses, free online courses, adult basic education,
3479 adult secondary education, or private provider instruction.

3480 Section 61. Subsection (2) of section 1007.264, Florida
3481 Statutes, is amended to read:

3482 1007.264 Persons with disabilities; admission to
3483 postsecondary educational institutions; substitute requirements;
3484 rules and regulations.—

3485 (2) The State Board of Colleges Education, in consultation
3486 with the Board of Governors, shall adopt rules to implement this
3487 section for Florida College System institutions and shall
3488 develop substitute admission requirements where appropriate.

3489 Section 62. Subsections (2) and (3) of section 1007.265,
3490 Florida Statutes, are amended to read:



294156

3491 1007.265 Persons with disabilities; graduation, study
3492 program admission, and upper-division entry; substitute
3493 requirements; rules and regulations.—

3494 (2) The State Board of Colleges ~~Education~~, in consultation
3495 with the Board of Governors, shall adopt rules to implement this
3496 section for Florida College System institutions and shall
3497 develop substitute requirements where appropriate.

3498 (3) The Board of Governors, in consultation with the State
3499 Board of Colleges ~~Education~~, shall adopt regulations to
3500 implement this section for state universities and shall develop
3501 substitute requirements where appropriate.

3502 Section 63. Effective July 1, 2018, subsections (2), (6),
3503 (7), and (8) of section 1007.27, Florida Statutes, are amended
3504 to read:

3505 1007.27 Articulated acceleration mechanisms.—

3506 (2) (a) The Department of Education shall annually identify
3507 and publish the minimum scores, maximum credit, and course or
3508 courses for which credit is to be awarded for each College Level
3509 Examination Program (CLEP) subject examination, College Board
3510 Advanced Placement Program examination, Advanced International
3511 Certificate of Education examination, International
3512 Baccalaureate examination, Excelsior College subject
3513 examination, Defense Activity for Non-Traditional Education
3514 Support (DANTES) subject standardized test, and Defense Language
3515 Proficiency Test (DLPT). The department shall use student
3516 performance data in subsequent postsecondary courses to
3517 determine the appropriate examination scores and courses for
3518 which credit is to be granted. Minimum scores may vary by
3519 subject area based on available performance data. In addition,



294156

3520 the department shall identify such courses in the general
3521 education core curriculum of each state university and Florida
3522 College System institution.

3523 (b) Each district school board shall notify students who
3524 enroll in articulated acceleration mechanism courses or take
3525 examinations pursuant to this section of the credit-by-
3526 examination equivalency list adopted by rule by the State Board
3527 of Education and the dual enrollment course and high school
3528 subject area equivalencies approved by the state board pursuant
3529 to s. 1007.271(9).

3530 (6) Credit by examination shall be the program through
3531 which secondary and postsecondary students generate
3532 postsecondary credit based on the receipt of a specified minimum
3533 score on nationally standardized general or subject-area
3534 examinations. For the purpose of statewide application, such
3535 examinations and the corresponding minimum scores required for
3536 an award of credit shall be delineated by the State Board of
3537 Education, ~~and~~ the Board of Governors, and the State Board of
3538 Colleges in the statewide articulation agreement required by s.
3539 1007.23(1). The maximum credit generated by a student pursuant
3540 to this subsection shall be mitigated by any related
3541 postsecondary credit earned by the student prior to the
3542 administration of the examination. This subsection shall not
3543 preclude Florida College System institutions and universities
3544 from awarding credit by examination based on student performance
3545 on examinations developed within and recognized by the
3546 individual postsecondary institutions.

3547 (7) The International Baccalaureate Program shall be the
3548 curriculum in which eligible secondary students are enrolled in



294156

3549 a program of studies offered through the International
3550 Baccalaureate Program administered by the International
3551 Baccalaureate Office. The State Board of Colleges Education and
3552 the Board of Governors shall specify in the statewide
3553 articulation agreement required by s. 1007.23(1) the cutoff
3554 scores and International Baccalaureate Examinations which will
3555 be used to grant postsecondary credit at Florida College System
3556 institutions and universities. Any changes to the articulation
3557 agreement, which have the effect of raising the required cutoff
3558 score or of changing the International Baccalaureate
3559 Examinations which will be used to grant postsecondary credit,
3560 shall only apply to students taking International Baccalaureate
3561 Examinations after such changes are adopted by the State Board
3562 of Colleges Education and the Board of Governors. Students shall
3563 be awarded a maximum of 30 semester credit hours pursuant to
3564 this subsection. The specific course for which a student may
3565 receive such credit shall be specified in the statewide
3566 articulation agreement required by s. 1007.23(1). Students
3567 enrolled pursuant to this subsection shall be exempt from the
3568 payment of any fees for administration of the examinations
3569 regardless of whether or not the student achieves a passing
3570 score on the examination.

3571 (8) The Advanced International Certificate of Education
3572 Program and the International General Certificate of Secondary
3573 Education (pre-AICE) Program shall be the curricula in which
3574 eligible secondary students are enrolled in programs of study
3575 offered through the Advanced International Certificate of
3576 Education Program or the International General Certificate of
3577 Secondary Education (pre-AICE) Program administered by the



294156

3578 University of Cambridge Local Examinations Syndicate. The State
3579 Board of Colleges Education and the Board of Governors shall
3580 specify in the statewide articulation agreement required by s.
3581 1007.23(1) the cutoff scores and Advanced International
3582 Certificate of Education examinations which will be used to
3583 grant postsecondary credit at Florida College System
3584 institutions and universities. Any changes to the cutoff scores,
3585 which changes have the effect of raising the required cutoff
3586 score or of changing the Advanced International Certification of
3587 Education examinations which will be used to grant postsecondary
3588 credit, shall apply to students taking Advanced International
3589 Certificate of Education examinations after such changes are
3590 adopted by the State Board of Colleges Education and the Board
3591 of Governors. Students shall be awarded a maximum of 30 semester
3592 credit hours pursuant to this subsection. The specific course
3593 for which a student may receive such credit shall be determined
3594 by the Florida College System institution or university that
3595 accepts the student for admission. Students enrolled in either
3596 program of study pursuant to this subsection shall be exempt
3597 from the payment of any fees for administration of the
3598 examinations regardless of whether the student achieves a
3599 passing score on the examination.

3600 Section 64. Subsection (22) of section 1007.271, Florida
3601 Statutes, is amended to read:

3602 1007.271 Dual enrollment programs.—

3603 (22) The Department of Education shall develop an
3604 electronic submission system for dual enrollment articulation
3605 agreements and shall review, for compliance, each dual
3606 enrollment articulation agreement submitted pursuant to



294156

3607 subsections (13), (21), and (24). The Commissioner of Education
3608 shall notify the district school superintendent and the Florida
3609 College System institution president if the dual enrollment
3610 articulation agreement does not comply with statutory
3611 requirements and shall submit any dual enrollment articulation
3612 agreement with unresolved issues of noncompliance to the State
3613 Board of Education. The State Board of Education shall
3614 collaborate with the State Board of Colleges to settle
3615 unresolved issues of noncompliance.

3616 Section 65. Subsection (6) of section 1007.273, Florida
3617 Statutes, is amended to read:

3618 1007.273 Collegiate high school program.—

3619 (6) The collegiate high school program shall be funded
3620 pursuant to ss. 1007.271 and 1011.62. The State Board of
3621 Education shall enforce compliance with this section by
3622 withholding the transfer of funds for the school districts ~~and~~
3623 ~~the Florida College System institutions~~ in accordance with s.
3624 1008.32. Annually, by December 31, the State Board of Colleges
3625 shall enforce compliance with this section by withholding the
3626 transfer of funds for the Florida College System institutions in
3627 accordance with s. 1001.602.

3628 Section 66. Section 1007.33, Florida Statutes, is amended
3629 to read:

3630 1007.33 Site-determined baccalaureate degree access.—

3631 (1) (a) The Legislature recognizes that public and private
3632 postsecondary educational institutions play an essential role in
3633 improving the quality of life and economic well-being of the
3634 state and its residents. The Legislature also recognizes that
3635 economic development needs and the educational needs of place-



294156

3636 bound, nontraditional students have increased the demand for
3637 local access to baccalaureate degree programs. It is therefore
3638 the intent of the Legislature to further expand access to
3639 baccalaureate degree programs through the use of Florida College
3640 System institutions.

3641 (b) For purposes of this section, the term "district"
3642 refers to the county or counties served by a Florida College
3643 System institution pursuant to s. 1000.21(3).

3644 (2) Any Florida College System institution that offers one
3645 or more baccalaureate degree programs must:

3646 (a) Maintain as its primary mission:

3647 1. Responsibility for responding to community needs for
3648 postsecondary academic education and career degree education as
3649 prescribed in s. 1004.65(5).

3650 2. The provision of associate degrees that provide access
3651 to a university.

3652 (b) Maintain an open-door admission policy for associate-
3653 level degree programs and workforce education programs.

3654 (c) Continue to provide outreach to underserved
3655 populations.

3656 (d) Continue to provide remedial education pursuant to s.
3657 1008.30.

3658 (e) Comply with all provisions of the statewide
3659 articulation agreement which relate to 2-year and 4-year public
3660 degree-granting institutions as adopted by the State Board of
3661 Education or the State Board of Colleges, as applicable,
3662 pursuant to s. 1007.23.

3663 (f) Not award graduate credit.

3664 (g) Not participate in intercollegiate athletics beyond the



294156

3665 2-year level.

3666 (3) A Florida College System institution may not terminate
3667 its associate in arts or associate in science degree programs as
3668 a result of being authorized to offer one or more baccalaureate
3669 degree programs. The Legislature intends that the primary
3670 responsibility of a Florida College System institution,
3671 including a Florida College System institution that offers
3672 baccalaureate degree programs, continues to be the provision of
3673 associate degrees that provide access to a university.

3674 (4) A Florida College System institution may:

3675 (a) Offer specified baccalaureate degree programs through
3676 formal agreements between the Florida College System institution
3677 and other regionally accredited postsecondary educational
3678 institutions pursuant to s. 1007.22.

3679 (b) Offer baccalaureate degree programs that are ~~were~~
3680 authorized by law ~~prior to July 1, 2009.~~

3681 ~~(c) Beginning July 1, 2009, establish a first or subsequent~~
3682 ~~baccalaureate degree program~~ for purposes of meeting district,
3683 regional, or statewide workforce needs if approved by the State
3684 Board of Colleges Education under this section. However, a
3685 Florida College System institution may not offer a bachelor of
3686 arts degree program.

3687
3688 ~~Beginning July 1, 2009, the Board of Trustees of St. Petersburg~~
3689 ~~College is authorized to establish one or more bachelor of~~
3690 ~~applied science degree programs based on an analysis of~~
3691 ~~workforce needs in Pinellas, Pasco, and Hernando Counties and~~
3692 ~~other counties approved by the Department of Education. For each~~
3693 ~~program selected, St. Petersburg College must offer a related~~



294156

3694 ~~associate in science or associate in applied science degree~~
3695 ~~program, and the baccalaureate degree level program must be~~
3696 ~~designed to articulate fully with at least one associate in~~
3697 ~~science degree program. The college is encouraged to develop~~
3698 ~~articulation agreements for enrollment of graduates of related~~
3699 ~~associate in applied science degree programs. The Board of~~
3700 ~~Trustees of St. Petersburg College is authorized to establish~~
3701 ~~additional baccalaureate degree programs if it determines a~~
3702 ~~program is warranted and feasible based on each of the factors~~
3703 ~~in paragraph (5) (d). However, the Board of Trustees of St.~~
3704 ~~Petersburg College may not establish any new baccalaureate~~
3705 ~~degree programs from March 31, 2014, through May 31, 2015. Prior~~
3706 ~~to developing or proposing a new baccalaureate degree program,~~
3707 ~~St. Petersburg College shall engage in need, demand, and impact~~
3708 ~~discussions with the state university in its service district~~
3709 ~~and other local and regional, accredited postsecondary providers~~
3710 ~~in its region. Documentation, data, and other information from~~
3711 ~~inter-institutional discussions regarding program need, demand,~~
3712 ~~and impact shall be provided to the college's board of trustees~~
3713 ~~to inform the program approval process. Employment at St.~~
3714 ~~Petersburg College is governed by the same laws that govern~~
3715 ~~Florida College System institutions, except that upper division~~
3716 ~~faculty are eligible for continuing contracts upon the~~
3717 ~~completion of the fifth year of teaching. Employee records for~~
3718 ~~all personnel shall be maintained as required by s. 1012.81.~~

3719 (5) The approval process for baccalaureate degree programs
3720 requires ~~shall require~~:

3721 (a) Each Florida College System institution to submit a
3722 notice of interest at least 180 days before submitting a notice



294156

3723 of its intent to propose a baccalaureate degree program ~~to the~~
3724 ~~Division of Florida Colleges at least 100 days before the~~
3725 ~~submission of its proposal under paragraph (d).~~ The notice of
3726 interest must be submitted into a shared postsecondary database
3727 that allows other postsecondary institutions to preview and
3728 provide feedback on the notice of interest. A written notice of
3729 intent must be submitted to the Chancellor of the Florida
3730 College System at least 100 days before the submission of a
3731 baccalaureate degree program proposal under paragraph (c). The
3732 notice of intent must include a brief description of the
3733 program, the workforce demand and unmet need for graduates of
3734 the program to include evidence from entities independent of the
3735 institution, the geographic region to be served, and an
3736 estimated timeframe for implementation. Notices of interest and
3737 intent may be submitted by a Florida College System institution
3738 at any time throughout the year. The notice of intent must also
3739 include evidence that the Florida College System institution
3740 engaged in need, demand, and impact discussions with the state
3741 university and other regionally accredited postsecondary
3742 education providers in its service district.

3743 (b) The Chancellor of the Florida College System ~~Division~~
3744 ~~of Florida Colleges~~ to forward the notice of intent submitted
3745 pursuant to paragraph (a) and the justification for the proposed
3746 baccalaureate degree program required under paragraph (c) within
3747 10 business days after receiving such notice and justification
3748 to the Chancellor of the State University System, the president
3749 of the Independent Colleges and Universities of Florida, and the
3750 Executive Director of the Commission for Independent Education.
3751 State universities ~~shall~~ have 60 days following receipt of the



294156

3752 notice of intent and justification by the Chancellor of the
3753 State University System to submit an objection and a reason for
3754 the objection to the proposed baccalaureate degree program which
3755 may include objections to the proposed new program or submit an
3756 alternative proposal to offer the baccalaureate degree program.
3757 The Chancellor of the State University System shall review the
3758 objection raised by a state university and inform the Board of
3759 Governors of the objection before a state university submits its
3760 objection to the Chancellor of the Florida College System. The
3761 Chancellor of the Florida College System must consult with the
3762 Chancellor of the State University System to consider the
3763 objection raised by the state university before the State Board
3764 of Colleges approves or denies a Florida College System
3765 institution's proposal submitted pursuant to paragraph (c). ~~If a~~
3766 ~~proposal from a state university is not received within the 60-~~
3767 ~~day period,~~ The Chancellor of the Florida College System State
3768 ~~Board of Education~~ shall also provide regionally accredited
3769 private colleges and universities 60 ~~30~~ days to submit an
3770 objection and a reason for the objection to the proposed
3771 baccalaureate degree program which may include an alternative
3772 proposal to offer a baccalaureate degree program ~~objections to~~
3773 ~~the proposed new program or submit an alternative proposal.~~
3774 Objections by a regionally accredited private college or
3775 university ~~or alternative proposals~~ shall be submitted to the
3776 Chancellor of the Florida College System, and the state board
3777 must consider such objections before ~~Division of Florida~~
3778 ~~Colleges and must be considered by the State Board of Education~~
3779 ~~in~~ making its decision to approve or deny a Florida College
3780 System institution's proposal submitted pursuant to paragraph



294156

3781 (c) .

3782 ~~(c) An alternative proposal submitted by a state university~~
3783 ~~or private college or university to adequately address:~~

3784 ~~1. The extent to which the workforce demand and unmet need~~
3785 ~~described in the notice of intent will be met.~~

3786 ~~2. The extent to which students will be able to complete~~
3787 ~~the degree in the geographic region proposed to be served by the~~
3788 ~~Florida College System institution.~~

3789 ~~3. The level of financial commitment of the college or~~
3790 ~~university to the development, implementation, and maintenance~~
3791 ~~of the specified degree program, including timelines.~~

3792 ~~4. The extent to which faculty at both the Florida College~~
3793 ~~System institution and the college or university will~~
3794 ~~collaborate in the development and offering of the curriculum.~~

3795 ~~5. The ability of the Florida College System institution~~
3796 ~~and the college or university to develop and approve the~~
3797 ~~curriculum for the specified degree program within 6 months~~
3798 ~~after an agreement between the Florida College System~~
3799 ~~institution and the college or university is signed.~~

3800 ~~6. The extent to which the student may incur additional~~
3801 ~~costs above what the student would expect to incur if the~~
3802 ~~program were offered by the Florida College System institution.~~

3803 (c)(d) Each Florida College System institution to submit a
3804 baccalaureate degree program proposal at least 100 days after
3805 submitting the notice of intent. Each proposal must submitted by
3806 a Florida College System institution to, at a minimum, include:

3807 ~~1. A description of the planning process and timeline for~~
3808 ~~implementation.~~

3809 ~~2. A justification for the proposed baccalaureate degree~~



294156

3810 program, including, at a minimum, a data-driven ~~An~~ analysis of
3811 workforce demand and unmet need for graduates of the program on
3812 a district, regional, or statewide basis, as appropriate, and
3813 the extent to which the proposed program will meet the workforce
3814 demand and unmet need. The analysis must include workforce and
3815 employment data for the most recent years and projections by the
3816 Department of Economic Opportunity for future years, and a
3817 summary of degree programs similar to the proposed degree
3818 program which are currently offered by state universities or by
3819 independent nonprofit colleges or universities that are eligible
3820 to participate in a grant program pursuant to s. 1009.89 and
3821 which are located in the Florida College System institution's
3822 regional service area. The analysis and evidence must be
3823 verified by the Chancellor of the Florida College System
3824 ~~including evidence from entities independent of the institution.~~

3825 3. Identification of the facilities, equipment, and library
3826 and academic resources that will be used to deliver the program.

3827 4. The program cost analysis of creating a new
3828 baccalaureate degree when compared to ~~alternative proposals~~ and
3829 other program delivery options.

3830 5. The program's admission requirements, academic content,
3831 curriculum, faculty credentials, student-to-teacher ratios, and
3832 accreditation plan.

3833 6. The program's student enrollment ~~projections~~ and funding
3834 requirements, including:

3835 a. The impact of the program's enrollment projections on
3836 compliance with the upper-level enrollment provisions under
3837 subsection (6); and

3838 b. The institution's efforts to sustain the program at the



294156

3839 cost of tuition and fees for students who are classified as
3840 residents for tuition purposes under s. 1009.21, not to exceed
3841 \$10,000 for the entire degree program, including flexible
3842 tuition and fee rates, and the use of waivers pursuant to s.
3843 1009.26(11).

3844 7. A plan of action if the program is terminated.

3845 (d)-(e) The State Board of Division of Florida Colleges to
3846 review the proposal, notify the Florida College System
3847 institution of any deficiencies in writing within 30 days
3848 following receipt of the proposal, and provide the Florida
3849 College System institution with an opportunity to correct the
3850 deficiencies. Within 45 days following receipt of a completed
3851 proposal by the State Board of Division of Florida Colleges, the
3852 Chancellor of the Florida College System Commissioner of
3853 Education shall recommend approval or disapproval of the
3854 proposal to the State Board of Colleges Education. The State
3855 Board of Colleges Education shall consider such recommendation,
3856 the proposal, input from the Chancellor of the State University
3857 System and the president of the Independent Colleges and
3858 Universities of Florida, and any objections or alternative
3859 proposals at its next meeting. If the State Board of Colleges
3860 Education disapproves the Florida College System institution's
3861 proposal, it shall provide the Florida College System
3862 institution with written reasons for that determination.

3863 (e)-(f) The Florida College System institution to obtain
3864 from the Commission on Colleges of the Southern Association of
3865 Colleges and Schools accreditation as a baccalaureate-degree-
3866 granting institution if approved by the State Board of Colleges
3867 Education to offer its first baccalaureate degree program.



294156

3868 ~~(f)-(g)~~ The Florida College System institution to notify the
3869 Commission on Colleges of the Southern Association of Colleges
3870 and Schools of subsequent degree programs that are approved by
3871 the State Board of Colleges Education and to comply with the
3872 association's required substantive change protocols for
3873 accreditation purposes.

3874 ~~(g)-(h)~~ The Florida College System institution to annually
3875 report to the State Board of Colleges, the Chancellor of the
3876 State University System, and upon request of the State Board of
3877 Education, the Commissioner of Education, the Chancellor of the
3878 Florida College System, or the Legislature, report its status
3879 using the following performance and compliance indicators:

- 3880 1. Obtaining and maintaining appropriate Southern
3881 Association of Colleges and Schools accreditation;
- 3882 2. Maintaining qualified faculty and institutional
3883 resources;
- 3884 3. Maintaining student enrollment in previously approved
3885 programs;
- 3886 4. Managing fiscal resources appropriately;
- 3887 5. Complying with the primary mission and responsibility
3888 requirements in subsections (2) and (3); ~~and~~
- 3889 6. Incorporating other indicators of success, including
3890 program completions, employment and earnings outcomes, student
3891 acceptance into and performance in graduate programs placements,
3892 and surveys of graduates and employers;
- 3893 7. Continuing to meet workforce demand, as provided in
3894 subparagraph (c)2., as demonstrated through a data-driven needs
3895 assessment by the Florida College System institution which is
3896 verified by more than one third-party professional entity that



294156

3897 is independent of the institution; and

3898 8. Complying with the upper-level enrollment provisions
3899 under subsection (6).

3900

3901 The State Board of Colleges Education, upon annual review of the
3902 baccalaureate degree program performance and compliance
3903 indicators and needs assessment, may require a Florida College
3904 System institution's board of trustees to modify or terminate a
3905 baccalaureate degree program authorized under this section. If
3906 the annual review indicates negative program performance and
3907 compliance results, and if the needs assessment fails to
3908 demonstrate a need for the program, the State Board of Colleges
3909 must require a Florida College System institution's board of
3910 trustees to terminate that baccalaureate degree program.

3911 (6) (a) The upper-level, undergraduate full-time equivalent
3912 enrollment at a Florida College System institution may not
3913 exceed 20 percent of the total full-time equivalent enrollment
3914 at that institution.

3915 (b) The upper-level, undergraduate full-time equivalent
3916 enrollment in the Florida College System may not exceed 10
3917 percent of the total full-time equivalent enrollment of the
3918 Florida College System.

3919 (c) For any planned and purposeful expansion of existing
3920 baccalaureate degree programs or creation of a new baccalaureate
3921 program, a Florida College System institution must demonstrate
3922 satisfactory performance in fulfilling its primary mission
3923 pursuant to s. 1004.65, executing at least one "2+2" targeted
3924 pathway articulation agreement pursuant to s. 1007.23, and
3925 meeting or exceeding the performance standards related to on-



294156

3926 time completion and graduation rates under s. 1001.66 for
3927 students earning associate in arts or baccalaureate degrees. The
3928 State Board of Colleges may not approve a new baccalaureate
3929 degree program proposal for a Florida College System institution
3930 that does not meet the conditions specified in this subsection
3931 in addition to the other requirements for approval under this
3932 section. Each Florida College System institution that offers a
3933 baccalaureate degree must annually review each baccalaureate
3934 degree program and annually report to the State Board of
3935 Colleges, in a format prescribed by the state board, current and
3936 projected student enrollment for such program, justification for
3937 continuation of each baccalaureate degree program, and a plan to
3938 comply with the upper-level enrollment provisions of this
3939 subsection. A Florida College System institution that does not
3940 comply with the requirements of this section is subject to s.
3941 1001.602(9) and may not report for funding the upper-level,
3942 undergraduate full-time equivalent enrollment that exceeds the
3943 upper-level enrollment percent provision of this subsection.

3944 (7)-(6) The State Board of Colleges Education shall adopt
3945 rules to prescribe format and content requirements and
3946 submission procedures for notices of interest and intent,
3947 baccalaureate degree program proposals, objections alternative
3948 proposals, and compliance reviews under subsection (5).

3949 Section 67. Effective July 1, 2018, subsections (1), (3),
3950 (4), and (5) of section 1008.30, Florida Statutes, are amended
3951 and subsection (7) is added to that section, to read:

3952 1008.30 Common placement testing for public postsecondary
3953 education.—

3954 (1) The State Board of Colleges Education, in conjunction



294156

3955 with the Board of Governors and the State Board of Education,
3956 shall develop and implement a common placement test for the
3957 purpose of assessing the basic computation and communication
3958 skills of students who intend to enter a degree program at any
3959 public postsecondary educational institution. Alternative
3960 assessments that may be accepted in lieu of the common placement
3961 test shall also be identified in rule. Public postsecondary
3962 educational institutions shall provide appropriate modifications
3963 of the test instruments or test procedures for students with
3964 disabilities.

3965 (3) ~~By October 31, 2013,~~ The State Board of Colleges, in
3966 conjunction with the Board of Governors and the State Board of
3967 Education, Education shall establish by rule the test scores a
3968 student must achieve to demonstrate readiness to perform
3969 college-level work, and the rules must specify the following:

3970 (a) A student who entered 9th grade in a Florida public
3971 school in the 2003-2004 school year, or any year thereafter, and
3972 earned a Florida standard high school diploma or a student who
3973 is serving as an active duty member of any branch of the United
3974 States Armed Services shall not be required to take the common
3975 placement test and shall not be required to enroll in
3976 developmental education instruction in a Florida College System
3977 institution. However, a student who is not required to take the
3978 common placement test and is not required to enroll in
3979 developmental education under this paragraph may opt to be
3980 assessed and to enroll in developmental education instruction,
3981 and the college shall provide such assessment and instruction
3982 upon the student's request.

3983 (b) A student who takes the common placement test and whose



294156

3984 score on the test indicates a need for developmental education
3985 must be advised of all the developmental education options
3986 offered at the institution and, after advisement, shall be
3987 allowed to enroll in the developmental education option of his
3988 or her choice.

3989 (c) A student who demonstrates readiness by achieving or
3990 exceeding the test scores established by the state board and
3991 enrolls in a Florida College System institution within 2 years
3992 after achieving such scores shall not be required to retest or
3993 complete developmental education when admitted to any Florida
3994 College System institution.

3995 (4) ~~By December 31, 2013,~~ The State Board of Colleges
3996 ~~Education~~, in consultation with the Board of Governors, shall
3997 approve a series of meta-majors and the academic pathways that
3998 identify the gateway courses associated with each meta-major.
3999 Florida College System institutions shall use placement test
4000 results to determine the extent to which each student
4001 demonstrates sufficient communication and computation skills to
4002 indicate readiness for his or her chosen meta-major. Florida
4003 College System institutions shall counsel students into college
4004 credit courses as quickly as possible, with developmental
4005 education limited to that content needed for success in the
4006 meta-major.

4007 (5) (a) Each Florida College System institution board of
4008 trustees shall develop a plan to implement the developmental
4009 education strategies defined in s. 1008.02 and rules established
4010 by the State Board of Colleges ~~Education~~. The plan must be
4011 submitted to the Chancellor of the Florida College System for
4012 approval no later than March 1, 2014, for implementation no



294156

4013 later than the fall semester 2014. Each plan must include, at a
4014 minimum, local policies that outline:

4015 1. Documented student achievements such as grade point
4016 averages, work history, military experience, participation in
4017 juried competitions, career interests, degree major declaration,
4018 or any combination of such achievements that the institution may
4019 consider, in addition to common placement test scores, for
4020 advising students regarding enrollment options.

4021 2. Developmental education strategies available to
4022 students.

4023 3. A description of student costs and financial aid
4024 opportunities associated with each option.

4025 4. Provisions for the collection of student success data.

4026 5. A comprehensive plan for advising students into
4027 appropriate developmental education strategies based on student
4028 success data.

4029 (b) Beginning October 31, 2015, each Florida College System
4030 institution shall annually prepare an accountability report that
4031 includes student success data relating to each developmental
4032 education strategy implemented by the institution. The report
4033 shall be submitted to the State Board of ~~Division of Florida~~
4034 ~~Colleges~~ by October 31 in a format determined by the Chancellor
4035 of the Florida College System. By December 31, the chancellor
4036 shall compile and submit the institutional reports to the
4037 Governor, the President of the Senate, the Speaker of the House
4038 of Representatives, and the State Board of Colleges ~~and the~~
4039 ~~State Board of Education~~.

4040 (c) A university board of trustees may contract with a
4041 Florida College System institution board of trustees for the



294156

4042 Florida College System institution to provide developmental
4043 education on the state university campus. Any state university
4044 in which the percentage of incoming students requiring
4045 developmental education equals or exceeds the average percentage
4046 of such students for the Florida College System may offer
4047 developmental education without contracting with a Florida
4048 College System institution; however, any state university
4049 offering college-preparatory instruction as of January 1, 1996,
4050 may continue to provide developmental education instruction
4051 pursuant to s. 1008.02(1) such services.

4052 (7) The Supporting Students for Academic Success Program is
4053 established to fund the efforts of Florida College System
4054 institutions in assisting students enrolled in an associate in
4055 arts degree program with successfully completing college credit
4056 courses, graduating with an associate in arts degree, and
4057 transferring to a baccalaureate degree program. It is the intent
4058 of the Legislature to boost student achievement through
4059 investments in effective and purposeful outcome-based strategies
4060 and efforts to increase student access to relevant supports and
4061 services. Such investments shall be used to boost the
4062 achievement of students, including, but not limited to,
4063 nontraditional students and underprepared students participating
4064 in developmental education.

4065 (a) A Florida College institution's efforts must include
4066 the implementation of the developmental education instructional
4067 strategies under s. 1008.02 and other effective approaches to
4068 improve student completion and graduation outcomes. Such
4069 approaches may relate to direct instruction, academic support,
4070 and student services.



294156

4071 (b) Funding for the Supporting Students for Academic
4072 Success Program shall be as provided in the General
4073 Appropriations Act. Each Florida College System institution
4074 shall use the funds only for the purpose and investments
4075 authorized under this subsection.

4076 (c) The Chancellor of the Florida College System must
4077 include in the accountability report required under subsection
4078 (5) a summary of information from each Florida College System
4079 institution which includes, but is not limited to, the number
4080 and percentage of students enrolled at Florida College System
4081 institutions who:

4082 1. Successfully complete a gateway course in mathematics
4083 within the first academic year after initial enrollment;

4084 2. Successfully complete at least 24 credit hours at a
4085 Florida College System institution within the first academic
4086 year after initial enrollment and who remain enrolled at that
4087 institution in the academic year immediately following the first
4088 academic year;

4089 3. Graduate with an associate in arts degree; and

4090 4. Transfer to a baccalaureate degree program offered by an
4091 institution of higher education in Florida within one year after
4092 earning an associate in arts degree.

4093 Section 68. Paragraphs (d) and (e) of subsection (1) and
4094 paragraphs (a) and (c) of subsection (3) of section 1008.31,
4095 Florida Statutes, are amended to read:

4096 1008.31 Florida's K-20 education performance accountability
4097 system; legislative intent; mission, goals, and systemwide
4098 measures; data quality improvements.—

4099 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature



294156

4100 that:

4101 (d) The State Board of Education, ~~and~~ the Board of
4102 Governors of the State University System, and the State Board of
4103 Colleges of the Florida College System recommend to the
4104 Legislature systemwide performance standards; the Legislature
4105 establish systemwide performance measures and standards; and the
4106 systemwide measures and standards provide Floridians with
4107 information on what the public is receiving in return for the
4108 funds it invests in education and how well the K-20 system
4109 educates its students.

4110 (e)1. The State Board of Education establish performance
4111 measures and set performance standards for individual public
4112 schools ~~and Florida College System institutions~~, with measures
4113 and standards based primarily on student achievement.

4114 2. The Board of Governors of the State University System
4115 establish performance measures and set performance standards for
4116 individual state universities, including actual completion
4117 rates.

4118 3. The State Board of Colleges establish performance
4119 measures and set performance standards for individual Florida
4120 College System institutions.

4121 (3) K-20 EDUCATION DATA QUALITY IMPROVEMENTS.—To provide
4122 data required to implement education performance accountability
4123 measures in state and federal law, the Commissioner of Education
4124 shall initiate and maintain strategies to improve data quality
4125 and timeliness. The Board of Governors shall make available to
4126 the department all data within the State University Database
4127 System to be integrated into the K-20 data warehouse. The
4128 commissioner shall have unlimited access to such data for the



294156

4129 purposes of conducting studies, reporting annual and
4130 longitudinal student outcomes, and improving college readiness
4131 and articulation. All public educational institutions shall
4132 annually provide data from the prior year to the K-20 data
4133 warehouse in a format based on data elements identified by the
4134 commissioner.

4135 (a) School districts and public postsecondary educational
4136 institutions shall maintain information systems that will
4137 provide the State Board of Education, the Board of Governors of
4138 the State University System, the State Board of Colleges of the
4139 Florida College System, and the Legislature with information and
4140 reports necessary to address the specifications of the
4141 accountability system. The level of comprehensiveness and
4142 quality must be no less than that which was available as of June
4143 30, 2001.

4144 (c) The Commissioner of Education shall determine the
4145 standards for the required data, monitor data quality, and
4146 measure improvements. The commissioner shall report annually to
4147 the State Board of Education, the Board of Governors of the
4148 State University System, the State Board of Colleges of the
4149 Florida College System, the President of the Senate, and the
4150 Speaker of the House of Representatives data quality indicators
4151 and ratings for all school districts and public postsecondary
4152 educational institutions.

4153 Section 69. Section 1008.32, Florida Statutes, is amended
4154 to read:

4155 1008.32 State Board of Education oversight enforcement
4156 authority.—The State Board of Education shall oversee the
4157 performance of district school boards ~~and Florida College System~~



294156

4158 ~~institution boards of trustees~~ in enforcement of all laws and
4159 rules. District school boards and ~~Florida College System~~
4160 ~~institution boards of trustees~~ shall be primarily responsible
4161 for compliance with law and state board rule.

4162 (1) In order to ensure compliance with law or state board
4163 rule, the State Board of Education shall have the authority to
4164 request and receive information, data, and reports from school
4165 districts and ~~Florida College System institutions~~. District
4166 school superintendents and ~~Florida College System institution~~
4167 ~~presidents~~ are responsible for the accuracy of the information
4168 and data reported to the state board.

4169 (2) The Commissioner of Education may investigate
4170 allegations of noncompliance with law or state board rule and
4171 determine probable cause. The commissioner shall report
4172 determinations of probable cause to the State Board of Education
4173 which shall require the district school board ~~or Florida College~~
4174 ~~System institution board of trustees~~ to document compliance with
4175 law or state board rule.

4176 (3) If the district school board ~~or Florida College System~~
4177 ~~institution board of trustees~~ cannot satisfactorily document
4178 compliance, the State Board of Education may order compliance
4179 within a specified timeframe.

4180 (4) If the State Board of Education determines that a
4181 district school board ~~or Florida College System institution~~
4182 ~~board of trustees~~ is unwilling or unable to comply with law or
4183 state board rule within the specified time, the state board
4184 shall have the authority to initiate any of the following
4185 actions:

4186 (a) Report to the Legislature that the school district ~~or~~



294156

4187 ~~Florida College System institution~~ is unwilling or unable to
4188 comply with law or state board rule and recommend action to be
4189 taken by the Legislature.

4190 (b) Withhold the transfer of state funds, discretionary
4191 grant funds, discretionary lottery funds, or any other funds
4192 specified as eligible for this purpose by the Legislature until
4193 the school district ~~or Florida College System institution~~
4194 complies with the law or state board rule.

4195 (c) Declare the school district ~~or Florida College System~~
4196 ~~institution~~ ineligible for competitive grants.

4197 (d) Require monthly or periodic reporting on the situation
4198 related to noncompliance until it is remedied.

4199 (5) Nothing in this section shall be construed to create a
4200 private cause of action or create any rights for individuals or
4201 entities in addition to those provided elsewhere in law or rule.

4202 Section 70. Paragraphs (e) and (f) of subsection (7) of
4203 section 1008.345, Florida Statutes, are amended to read:

4204 1008.345 Implementation of state system of school
4205 improvement and education accountability.-

4206 (7) As a part of the system of educational accountability,
4207 the Department of Education shall:

4208 (e) Maintain a listing of college-level communication and
4209 mathematics skills associated with successful student
4210 performance through the baccalaureate level and submit it to the
4211 State Board of Education, ~~and~~ the Board of Governors, and the
4212 State Board of Colleges for approval.

4213 (f) Perform any other functions that may be involved in
4214 educational planning, research, and evaluation or that may be
4215 required by the commissioner, the State Board of Education, the



294156

4216 State Board of Colleges, the Board of Governors, or law.
4217 Section 71. Subsections (1) and (2) of section 1008.37,
4218 Florida Statutes, are amended to read:
4219 1008.37 Postsecondary feedback of information to high
4220 schools.-
4221 (1) The Commissioner of Education shall report to the State
4222 Board of Education, the Board of Governors, the State Board of
4223 Colleges, the Legislature, and the district school boards on the
4224 performance of each first-time-in-postsecondary education
4225 student from each public high school in this state who is
4226 enrolled in a public postsecondary institution or public career
4227 center. Such reports must be based on information databases
4228 maintained by the Department of Education. In addition, the
4229 public postsecondary educational institutions and career centers
4230 shall provide district school boards access to information on
4231 student performance in regular and preparatory courses and shall
4232 indicate students referred for remediation pursuant to s.
4233 1004.91 or s. 1008.30.
4234 (2) The Commissioner of Education shall report, by high
4235 school, to the State Board of Education, the Board of Governors,
4236 the State Board of Colleges, and the Legislature, no later than
4237 November 30 of each year, on the number of prior year Florida
4238 high school graduates who enrolled for the first time in public
4239 postsecondary education in this state during the previous
4240 summer, fall, or spring term, indicating the number of students
4241 whose scores on the common placement test indicated the need for
4242 developmental education under s. 1008.30 or for applied
4243 academics for adult education under s. 1004.91.
4244 Section 72. Section 1008.38, Florida Statutes, is amended



294156

4245 to read:

4246 1008.38 Articulation accountability process.—The State
4247 Board of Education, in conjunction with the Board of Governors
4248 and the State Board of Colleges, shall develop articulation
4249 accountability measures which assess the status of systemwide
4250 articulation processes authorized under s. 1007.23 and establish
4251 an articulation accountability process which at a minimum shall
4252 address:

4253 (1) The impact of articulation processes on ensuring
4254 educational continuity and the orderly and unobstructed
4255 transition of students between public secondary and
4256 postsecondary education systems and facilitating the transition
4257 of students between the public and private sectors.

4258 (2) The adequacy of preparation of public secondary
4259 students to smoothly articulate to a public postsecondary
4260 institution.

4261 (3) The effectiveness of articulated acceleration
4262 mechanisms available to secondary students.

4263 (4) The smooth transfer of Florida College System associate
4264 degree graduates to a Florida College System institution or a
4265 state university.

4266 (5) An examination of degree requirements that exceed the
4267 parameters of 60 credit hours for an associate degree and 120
4268 hours for a baccalaureate degree in public postsecondary
4269 programs.

4270 (6) The relationship between student attainment of college-
4271 level academic skills and articulation to the upper division in
4272 public postsecondary institutions.

4273 Section 73. Section 1008.405, Florida Statutes, is amended



294156

4274 to read:

4275 1008.405 Adult student information.—Each school district
4276 and Florida College System institution shall maintain sufficient
4277 information for each student enrolled in workforce education to
4278 allow local and state administrators to locate such student upon
4279 the termination of instruction and to determine the
4280 appropriateness of student placement in specific instructional
4281 programs. The State Board of Education and the State Board of
4282 Colleges shall adopt, by rule, specific information that must be
4283 maintained and acceptable means of maintaining that information.

4284 Section 74. Subsection (2) of section 1008.44, Florida
4285 Statutes, is amended to read:

4286 1008.44 CAPE Industry Certification Funding List and CAPE
4287 Postsecondary Industry Certification Funding List.—

4288 (2) The State Board of Education, for school districts, and
4289 the State Board of Colleges, for Florida College System
4290 institutions, shall collaborate to approve, at least annually,
4291 the CAPE Postsecondary Industry Certification Funding List
4292 pursuant to this section. The Commissioner of Education and the
4293 Chancellor of the Florida College System shall recommend, at
4294 least annually, the CAPE Postsecondary Industry Certification
4295 Funding List to the State Board of Education and the State Board
4296 of Colleges, respectively, and may at any time recommend adding
4297 certifications. The Chancellor of the State University System,
4298 the Chancellor of the Florida College System, and the Chancellor
4299 of Career and Adult Education shall work with local workforce
4300 boards, other postsecondary institutions, businesses, and
4301 industry to identify, create, and recommend to the Commissioner
4302 of Education industry certifications to be placed on the funding



294156

4303 list. The list shall be used to determine annual performance
4304 funding distributions to school districts or Florida College
4305 System institutions as specified in ss. 1011.80 and 1011.81,
4306 respectively. The chancellors shall review results of the
4307 economic security report of employment and earning outcomes
4308 produced annually pursuant to s. 445.07 when determining
4309 recommended certifications for the list, as well as other
4310 reports and indicators available regarding certification needs.

4311 Section 75. Section 1008.45, Florida Statutes, is amended
4312 to read:

4313 1008.45 Florida College System institution accountability
4314 process.—

4315 (1) It is the intent of the Legislature that a management
4316 and accountability process be implemented which provides for the
4317 systematic, ongoing improvement and assessment of the
4318 improvement of the quality and efficiency of the Florida College
4319 System institutions. Accordingly, the State Board of Colleges
4320 ~~Education~~ and the Florida College System institution boards of
4321 trustees shall develop and implement an accountability plan to
4322 improve and evaluate the instructional and administrative
4323 efficiency and effectiveness of the Florida College System. This
4324 plan shall be designed in consultation with staff of the
4325 Governor and the Legislature and must address the following
4326 issues:

4327 (a) Graduation rates of A.A. and A.S. degree-seeking
4328 students compared to first-time-enrolled students seeking the
4329 associate degree.

4330 (b) Minority student enrollment and retention rates.

4331 (c) Student performance, including student performance in



294156

4332 college-level academic skills, mean grade point averages for
4333 Florida College System institution A.A. transfer students, and
4334 Florida College System institution student performance on state
4335 licensure examinations.

4336 (d) Job placement rates of Florida College System
4337 institution career students.

4338 (e) Student progression by admission status and program.

4339 (f) Career accountability standards identified in s.
4340 1008.42.

4341 (g) Institutional assessment efforts related to the
4342 requirements of s. III in the Criteria for Accreditation of the
4343 Commission on Colleges of the Southern Association of Colleges
4344 and Schools.

4345 (h) Other measures approved by the State Board of Colleges
4346 Education.

4347 (2) The State Board of Colleges ~~Education~~ shall submit an
4348 annual report, to coincide with the submission of the state
4349 board's ~~agency~~ strategic plan required by law, providing the
4350 results of initiatives taken during the prior year and the
4351 initiatives and related objective performance measures proposed
4352 for the next year.

4353 (3) The State Board of Colleges ~~Education~~ shall address
4354 within the annual evaluation of the performance of the
4355 chancellor ~~executive director~~, and the Florida College System
4356 institution boards of trustees shall address within the annual
4357 evaluation of the presidents, the achievement of the performance
4358 goals established by the accountability process.

4359 Section 76. Subsection (13) of section 1009.21, Florida
4360 Statutes, is amended to read:



294156

4361 1009.21 Determination of resident status for tuition
4362 purposes.—Students shall be classified as residents or
4363 nonresidents for the purpose of assessing tuition in
4364 postsecondary educational programs offered by charter technical
4365 career centers or career centers operated by school districts,
4366 in Florida College System institutions, and in state
4367 universities.

4368 (13) The State Board of Education, ~~and~~ the Board of
4369 Governors, and the State Board of Colleges shall adopt rules to
4370 implement this section.

4371 Section 77. Effective July 1, 2018, paragraph (e) of
4372 subsection (3) of section 1009.22, Florida Statutes, is amended
4373 to read:

4374 1009.22 Workforce education postsecondary student fees.—

4375 (3)

4376 (e) The State Board of Education and the State Board of
4377 Colleges may adopt, by rule, the definitions and procedures that
4378 district school boards and Florida College System institution
4379 boards of trustees shall use in the calculation of cost borne by
4380 students.

4381 Section 78. Subsection (7), paragraph (b) of subsection
4382 (12), subsection (13), paragraph (b) of subsection (16), and
4383 subsection (19) of section 1009.23, Florida Statutes, are
4384 amended to read:

4385 1009.23 Florida College System institution student fees.—

4386 (7) Each Florida College System institution board of
4387 trustees may establish a separate activity and service fee not
4388 to exceed 10 percent of the tuition fee, according to rules of
4389 the State Board of Colleges Education. The student activity and



294156

4390 service fee shall be collected as a component part of the
4391 tuition and fees. The student activity and service fees shall be
4392 paid into a student activity and service fund at the Florida
4393 College System institution and shall be expended for lawful
4394 purposes to benefit the student body in general. These purposes
4395 include, but are not limited to, student publications and grants
4396 to duly recognized student organizations, the membership of
4397 which is open to all students at the Florida College System
4398 institution without regard to race, sex, or religion. No Florida
4399 College System institution shall be required to lower any
4400 activity and service fee approved by the board of trustees of
4401 the Florida College System institution and in effect prior to
4402 October 26, 2007, in order to comply with the provisions of this
4403 subsection.

4404 (12)

4405 (b) The State Board of Colleges ~~Education~~ may adopt rules
4406 pursuant to ss. 120.536(1) and 120.54 to administer this
4407 subsection.

4408 (13) The State Board of Colleges ~~Education~~ shall specify,
4409 as necessary, by rule, approved methods of student fee payment.
4410 Such methods shall include, but not be limited to, student fee
4411 payment; payment through federal, state, or institutional
4412 financial aid; and employer fee payments.

4413 (16)

4414 (b) The amount of the distance learning course user fee may
4415 not exceed the additional costs of the services provided which
4416 are attributable to the development and delivery of the distance
4417 learning course. If a Florida College System institution
4418 assesses the distance learning course user fee, the institution



294156

4419 may not assess any other fees to cover the additional costs. By
4420 September 1 of each year, each board of trustees shall report to
4421 the State Board of Colleges ~~Division of Florida Colleges~~ the
4422 total amount of revenue generated by the distance learning
4423 course user fee for the prior fiscal year and how the revenue
4424 was expended.

4425 (19) The State Board of Colleges ~~Education~~ shall adopt a
4426 rule specifying the definitions and procedures to be used in the
4427 calculation of the percentage of cost paid by students. The rule
4428 must provide for the calculation of the full cost of educational
4429 programs based on the allocation of all funds provided through
4430 the general current fund to programs of instruction, and other
4431 activities as provided in the annual expenditure analysis. The
4432 rule shall be developed in consultation with the Legislature.

4433 Section 79. Subsection (2) of section 1009.25, Florida
4434 Statutes, is amended to read:

4435 1009.25 Fee exemptions.—

4436 (2) Each Florida College System institution is authorized
4437 to grant student fee exemptions from all fees adopted by the
4438 State Board of Colleges ~~Education~~ and the Florida College System
4439 institution board of trustees for up to 54 full-time equivalent
4440 students or 1 percent of the institution's total full-time
4441 equivalent enrollment, whichever is greater, at each
4442 institution.

4443 Section 80. Paragraph (b) of subsection (12), paragraphs
4444 (c) and (d) of subsection (13), and paragraph (d) of subsection
4445 (14) of section 1009.26, Florida Statutes, are amended to read:

4446 1009.26 Fee waivers.—

4447 (12)



294156

4448 (b) Tuition and fees charged to a student who qualifies for
4449 the out-of-state fee waiver under this subsection may not exceed
4450 the tuition and fees charged to a resident student. The waiver
4451 is applicable for 110 percent of the required credit hours of
4452 the degree or certificate program for which the student is
4453 enrolled. Each state university, Florida College System
4454 institution, career center operated by a school district under
4455 s. 1001.44, and charter technical career center shall report to
4456 the Board of Governors, the State Board of Colleges, and the
4457 State Board of Education, respectively, the number and value of
4458 all fee waivers granted annually under this subsection. By
4459 October 1 of each year, the Board of Governors, for the state
4460 universities; ~~and~~ the State Board of Colleges, ~~Education~~ for
4461 Florida College System institutions; ~~and~~ career centers operated by
4462 a school district under s. 1001.44; ~~and~~ and charter technical
4463 career centers shall annually report for the previous academic
4464 year the percentage of resident and nonresident students
4465 enrolled systemwide.

4466 (13)

4467 (c) Each state university, Florida College System
4468 institution, career center operated by a school district under
4469 s. 1001.44, and charter technical career center shall report to
4470 the Board of Governors, the State Board of Colleges, and the
4471 State Board of Education, respectively, the number and value of
4472 all fee waivers granted annually under this subsection.

4473 (d) The Board of Governors, the State Board of Colleges,
4474 and the State Board of Education shall respectively adopt
4475 regulations and rules to administer this subsection.

4476 (14)



294156

4477 (d) The Board of Governors, the State Board of Colleges,
4478 and the State Board of Education shall respectively adopt
4479 regulations and rules to administer this subsection.

4480 Section 81. Section 1009.28, Florida Statutes, is amended
4481 to read:

4482 1009.28 Fees for repeated enrollment in developmental
4483 education classes.—A student enrolled in the same developmental
4484 education class more than twice shall pay 100 percent of the
4485 full cost of instruction to support continuous enrollment of
4486 that student in the same class, and the student shall not be
4487 included in calculations of full-time equivalent enrollments for
4488 state funding purposes; however, students who withdraw or fail a
4489 class due to extenuating circumstances may be granted an
4490 exception only once for each class, provided approval is granted
4491 according to policy established by the board of trustees. Each
4492 Florida College System institution may review and reduce fees
4493 paid by students due to continued enrollment in a developmental
4494 education class on an individual basis contingent upon the
4495 student's financial hardship, pursuant to definitions and fee
4496 levels established by the State Board of Colleges Education.

4497 Section 82. Subsections (9) and (12) of section 1009.90,
4498 Florida Statutes, are amended to read:

4499 1009.90 Duties of the Department of Education.—The duties
4500 of the department shall include:

4501 (9) Development and submission of a report, annually, to
4502 the State Board of Education, the Board of Governors, the State
4503 Board of Colleges, the President of the Senate, and the Speaker
4504 of the House of Representatives, which shall include, but not be
4505 limited to, recommendations for the distribution of state



294156

4506 financial aid funds.

4507 (12) Calculation of the amount of need-based student
4508 financial aid required to offset fee increases recommended by
4509 the State Board of Education, ~~and~~ the Board of Governors, and
4510 the State Board of Colleges, and inclusion of such amount within
4511 the legislative budget request for student assistance grant
4512 programs.

4513 Section 83. Subsection (4) of section 1009.91, Florida
4514 Statutes, is amended to read:

4515 1009.91 Assistance programs and activities of the
4516 department.—

4517 (4) The department shall maintain records on the student
4518 loan default rate of each Florida postsecondary institution and
4519 report that information annually to both the institution and the
4520 State Board of Education. Information relating to state
4521 universities shall also be reported annually to the Board of
4522 Governors. Information relating to Florida College System
4523 institutions shall be reported annually to the State Board of
4524 Colleges.

4525 Section 84. Subsection (2) of section 1009.971, Florida
4526 Statutes, is amended to read:

4527 1009.971 Florida Prepaid College Board.—

4528 (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.—The board
4529 shall consist of seven members to be composed of the Attorney
4530 General, the Chief Financial Officer, the Chancellor of the
4531 State University System, the Chancellor of the Florida College
4532 System ~~Division of Florida Colleges~~, and three members appointed
4533 by the Governor and subject to confirmation by the Senate. Each
4534 member appointed by the Governor shall possess knowledge, skill,



294156

4535 and experience in the areas of accounting, actuary, risk
4536 management, or investment management. Each member of the board
4537 not appointed by the Governor may name a designee to serve on
4538 the board on behalf of the member; however, any designee so
4539 named shall meet the qualifications required of gubernatorial
4540 appointees to the board. Members appointed by the Governor shall
4541 serve terms of 3 years. Any person appointed to fill a vacancy
4542 on the board shall be appointed in a like manner and shall serve
4543 for only the unexpired term. Any member shall be eligible for
4544 reappointment and shall serve until a successor qualifies.
4545 Members of the board shall serve without compensation but shall
4546 be reimbursed for per diem and travel in accordance with s.
4547 112.061. Each member of the board who is not otherwise required
4548 to file a full and public disclosure of financial interests
4549 pursuant to s. 8, Art. II of the State Constitution or s.
4550 112.3144 shall file a statement of financial interests pursuant
4551 to s. 112.3145.

4552 Section 85. Section 1010.01, Florida Statutes, is amended
4553 to read:

4554 1010.01 Uniform records and accounts.—

4555 (1) (a) The financial records and accounts of each school
4556 district, ~~Florida College System institution,~~ and other
4557 institution or agency under the supervision of the State Board
4558 of Education shall be prepared and maintained as prescribed by
4559 law and rules of the State Board of Education.

4560 (b) The financial records and accounts of each state
4561 university under the supervision of the Board of Governors shall
4562 be prepared and maintained as prescribed by law and rules of the
4563 Board of Governors.



294156

4564 (c) The financial records and accounts of each Florida
4565 College System institution under the supervision of the State
4566 Board of Colleges shall be prepared and maintained as prescribed
4567 by law and by the rules of the State Board of Colleges.

4568 (2) Rules of the State Board of Education, ~~and rules of the~~
4569 Board of Governors, and the State Board of Colleges shall
4570 incorporate the requirements of law and accounting principles
4571 generally accepted in the United States. Such rules shall
4572 include a uniform classification of accounts.

4573 (3) Each state university shall annually file with the
4574 Board of Governors financial statements prepared in conformity
4575 with accounting principles generally accepted by the United
4576 States and the uniform classification of accounts prescribed by
4577 the Board of Governors. The Board of Governors' rules shall
4578 prescribe the filing deadline for the financial statements.

4579 (4) Required financial accounts and reports shall include
4580 provisions that are unique to each of the following: K-12 school
4581 districts, Florida College System institutions, and state
4582 universities, and shall provide for the data to be reported to
4583 the National Center of Educational Statistics and other
4584 governmental and professional educational data information
4585 services as appropriate.

4586 (5) Each Florida College System institution shall annually
4587 file with the State Board of Colleges financial statements
4588 prepared in conformity with accounting principles generally
4589 accepted by the United States and the uniform classification of
4590 accounts prescribed by the State Board of Colleges. The State
4591 Board of Colleges' rules shall prescribe the filing deadline for
4592 the financial statements.



294156

4593 Section 86. Subsection (1) of section 1010.02, Florida
4594 Statutes, is amended, and subsection (3) is added to that
4595 section, to read:

4596 1010.02 Financial accounting and expenditures.—

4597 (1) All funds accruing to a school district ~~or a Florida~~
4598 ~~College System institution~~ must be received, accounted for, and
4599 expended in accordance with law and rules of the State Board of
4600 Education.

4601 (3) All funds accruing to a Florida College System
4602 institution must be received, accounted for, and expended in
4603 accordance with law and rules of the State Board of Colleges.

4604 Section 87. Subsections (1) and (4) of section 1010.04,
4605 Florida Statutes, are amended to read:

4606 1010.04 Purchasing.—

4607 (1) (a) Purchases and leases by school districts must ~~and~~
4608 ~~Florida College System institutions~~ shall comply with the
4609 requirements of law and rules of the State Board of Education.

4610 (b) Before purchasing nonacademic commodities and
4611 contractual services, each district school board and Florida
4612 College System institution board of trustees shall review the
4613 purchasing agreements and state term contracts available under
4614 s. 287.056 to determine whether it is in the school board's or
4615 the board of trustees' economic advantage to use the agreements
4616 and contracts. Each bid specification for nonacademic
4617 commodities and contractual services must include a statement
4618 indicating that the purchasing agreements and state term
4619 contracts available under s. 287.056 have been reviewed. Each
4620 district school board may also use the cooperative state
4621 purchasing programs managed through the regional consortium



294156

4622 service organizations pursuant to their authority under s.
4623 1001.451(3). This paragraph does not apply to services that are
4624 eligible for reimbursement under the federal E-rate program
4625 administered by the Universal Service Administrative Company.

4626 (c) Purchases and leases by state universities must ~~shall~~
4627 comply with the requirements of law and regulations of the Board
4628 of Governors.

4629 (d) Purchases and leases by Florida College System
4630 institutions must comply with the requirements of law and rules
4631 of the State Board of Colleges.

4632 (4) (a) The State Board of Education may, by rule, provide
4633 for alternative procedures for school districts ~~and Florida~~
4634 ~~College System institutions~~ for bidding or purchasing in cases
4635 in which the character of the item requested renders competitive
4636 bidding impractical.

4637 (b) The Board of Governors may, by regulation, provide for
4638 alternative procedures for state universities for bidding or
4639 purchasing in cases in which the character of the item requested
4640 renders competitive bidding impractical.

4641 (c) The State Board of Colleges may provide by rule for
4642 alternative procedures for Florida College System institutions
4643 for bidding or purchasing in cases in which the character of the
4644 item requested renders competitive bidding impractical.

4645 Section 88. Subsection (2) of section 1010.07, Florida
4646 Statutes, is amended to read:

4647 1010.07 Bonds or insurance required.—

4648 (2) (a) Contractors paid from school district ~~or Florida~~
4649 ~~College System institution~~ funds shall give bond for the
4650 faithful performance of their contracts in such amount and for



294156

4651 such purposes as prescribed by s. 255.05 or by rules of the
4652 State Board of Education relating to the type of contract
4653 involved. It shall be the duty of the district school board ~~or~~
4654 ~~Florida College System institution board of trustees~~ to require
4655 from construction contractors a bond adequate to protect the
4656 board and the board's funds involved.

4657 (b) Contractors paid from university funds shall give bond
4658 for the faithful performance of their contracts in such amount
4659 and for such purposes as prescribed by s. 255.05 or by
4660 regulations of the Board of Governors relating to the type of
4661 contract involved. It shall be the duty of the university board
4662 of trustees to require from construction contractors a bond
4663 adequate to protect the board and the board's funds involved.

4664 (c) Contractors paid from Florida College System
4665 institution funds shall give bonds for the faithful performance
4666 of their contracts in such amount and for such purposes as
4667 prescribed by s. 255.05 or by rules of the State Board of
4668 Colleges relating to the type of contract involved. It is the
4669 duty of the Florida College System institution board of trustees
4670 to require construction contractors to provide a bond adequate
4671 to protect the board and the board's funds involved.

4672 Section 89. Section 1010.08, Florida Statutes, is amended
4673 to read:

4674 1010.08 Promotion and public relations; funding.—

4675 (1) Each district school board and Florida College System
4676 institution board of trustees may budget and use a portion of
4677 the funds accruing to it from auxiliary enterprises and
4678 undesignated gifts for promotion and public relations as
4679 prescribed by rules of the State Board of Education. Such funds



294156

4680 may be used to provide hospitality to business guests in the
4681 district or elsewhere. However, such hospitality expenses may
4682 not exceed the amount authorized for such contingency funds as
4683 prescribed by rules of the State Board of Education.

4684 (2) Each Florida College System institution board of
4685 trustees may budget and use a portion of the funds accruing to
4686 it from auxiliary enterprises and undesignated gifts for
4687 promotion and public relations as prescribed by rules of the
4688 State Board of Colleges. Such funds may be used to provide
4689 hospitality to business guests in the district or elsewhere.
4690 However, such hospitality expenses may not exceed the amount
4691 authorized for such contingency funds as prescribed by rules of
4692 the State Board of Colleges.

4693 Section 90. Subsection (1) of section 1010.09, Florida
4694 Statutes, is amended, and subsection (3) is added to that
4695 section, to read:

4696 1010.09 Direct-support organizations.—

4697 (1) ~~School district and Florida College System institution~~
4698 direct-support organizations shall be organized and conducted
4699 under the provisions of ss. 1001.453 and 1004.70 and rules of
4700 the State Board of Education, as applicable.

4701 (3) Florida College System institution direct-support
4702 organizations shall be organized and conducted under s. 1004.70
4703 and rules of the State Board of Colleges.

4704 Section 91. Section 1010.22, Florida Statutes, is amended
4705 to read:

4706 1010.22 Cost accounting and reporting for workforce
4707 education.—

4708 (1) (a) Each school district ~~and each Florida College System~~



294156

4709 ~~institution~~ shall account for expenditures of all state, local,
4710 federal, and other funds in the manner prescribed by the State
4711 Board of Education.

4712 (b) Each Florida College System institution shall account
4713 for expenditures of all state, local, federal, and other funds
4714 in the manner prescribed by the State Board of Colleges.

4715 (2) (a) Each school district ~~and each Florida College System~~
4716 ~~institution~~ shall report expenditures for workforce education in
4717 accordance with requirements prescribed by the State Board of
4718 Education.

4719 (b) Each Florida College System institution shall report
4720 expenditures for workforce education in accordance with
4721 requirements prescribed by the State Board of Colleges.

4722 (3) The Department of Education, in cooperation with school
4723 districts and Florida College System institutions, shall develop
4724 and maintain a database of valid comparable information on
4725 workforce education which will meet both state and local needs.

4726 Section 92. Subsection (1) of section 1010.30, Florida
4727 Statutes, is amended to read:

4728 1010.30 Audits required.—

4729 (1) School districts, ~~Florida College System institutions,~~
4730 and other institutions and agencies under the supervision of the
4731 State Board of Education, Florida College System institutions
4732 under the supervision of the State Board of Colleges, and state
4733 universities under the supervision of the Board of Governors are
4734 subject to the audit provisions of ss. 11.45 and 218.39.

4735 Section 93. Subsection (1) of section 1010.58, Florida
4736 Statutes, is amended to read:

4737 1010.58 Procedure for determining number of instruction



294156

4738 units for Florida College System institutions.—The number of
4739 instruction units for Florida College System institutions shall
4740 be determined from the full-time equivalent students in the
4741 Florida College System institution, provided that full-time
4742 equivalent students may not be counted more than once in
4743 determining instruction units. Instruction units for Florida
4744 College System institutions shall be computed as follows:

4745 (1) One unit for each 12 full-time equivalent students at a
4746 Florida College System institution for the first 420 students
4747 and one unit for each 15 full-time equivalent students for all
4748 over 420 students, in other than career education programs as
4749 defined by rules of the State Board of Colleges Education, and
4750 one unit for each 10 full-time equivalent students in career
4751 education programs and compensatory education programs as
4752 defined by rules of the State Board of Colleges Education. Full-
4753 time equivalent students enrolled in a Florida College System
4754 institution shall be defined by rules of the State Board of
4755 Colleges Education.

4756 Section 94. Subsections (2), (3), and (4) of section
4757 1011.01, Florida Statutes, are amended to read:

4758 1011.01 Budget system established.—

4759 (2) (a) There is ~~shall be~~ established in each school
4760 district ~~and Florida College System institution~~ a budget system
4761 as prescribed by law and rules of the State Board of Education.

4762 (b) There is ~~shall be~~ established in each state university
4763 a budget system as prescribed by law and rules of the Board of
4764 Governors.

4765 (c) There is established in each Florida College System
4766 institution a budget system as prescribed by law and rules of



294156

4767 the State Board of Colleges.

4768 (3) (a) Each district school board ~~and each Florida College~~
4769 ~~System institution board of trustees~~ shall prepare, adopt, and
4770 submit to the Commissioner of Education an annual operating
4771 budget. Operating budgets must ~~shall~~ be prepared and submitted
4772 in accordance with the provisions of law, rules of the State
4773 Board of Education, the General Appropriations Act, and for
4774 district school boards in accordance with the provisions of ss.
4775 200.065 and 1011.64.

4776 (b) Each state university board of trustees shall prepare,
4777 adopt, and submit to the Chancellor of the State University
4778 System for review an annual operating budget in accordance with
4779 provisions of law, rules of the Board of Governors, and the
4780 General Appropriations Act.

4781 (c) Each Florida College System institution board of
4782 trustees shall prepare, adopt, and submit to the State Board of
4783 Colleges an annual operating budget in accordance with
4784 provisions of law, rules of the State Board of Colleges, and the
4785 General Appropriations Act.

4786 (4) The State Board of Education shall coordinate with the
4787 Board of Governors and the State Board of Colleges to facilitate
4788 the budget system requirements of this section. The State Board
4789 of Colleges exclusively retains the review and approval powers
4790 of this section for Florida College System institutions. The
4791 Board of Governors exclusively retains the review and approval
4792 powers of this section for state universities.

4793 Section 95. Section 1011.011, Florida Statutes, is amended
4794 to read:

4795 1011.011 Legislative capital outlay budget request.—The



294156

4796 State Board of Education shall submit an integrated,
4797 comprehensive budget request for educational facilities
4798 construction and fixed capital outlay needs for school
4799 districts, and, in conjunction with the State Board of Colleges
4800 for Florida College System institutions, ~~and, in conjunction~~
4801 with the Board of Governors for state, universities, pursuant to
4802 this section and s. 1013.46 and applicable provisions of chapter
4803 216.

4804 Section 96. Section 1011.30, Florida Statutes, is amended
4805 to read:

4806 1011.30 Budgets for Florida College System institutions.—
4807 Each Florida College System institution president shall
4808 recommend to the Florida College System institution board of
4809 trustees a budget of income and expenditures at such time and in
4810 such form as the State Board of Colleges Education may
4811 prescribe. Upon approval of a budget by the Florida College
4812 System institution board of trustees, such budget must ~~shall~~ be
4813 transmitted to the State Board of Colleges Department of
4814 ~~Education~~ for review. Rules of the State Board of Colleges must
4815 ~~Education shall~~ prescribe procedures for effecting budget
4816 amendments subsequent to the final approval of a budget for a
4817 given year.

4818 Section 97. Subsections (8), (9), and (12) of section
4819 1011.32, Florida Statutes, are amended to read:

4820 1011.32 Florida College System Institution Facility
4821 Enhancement Challenge Grant Program.—

4822 (8) By October 15 of each year, the State Board of Colleges
4823 ~~Education~~ shall transmit to the Governor and the Legislature a
4824 list of projects that meet all eligibility requirements to



294156

4825 participate in the Florida College System Institution Facility
4826 Enhancement Challenge Grant Program and a budget request that
4827 includes the recommended schedule necessary to complete each
4828 project.

4829 (9) In order for a project to be eligible under this
4830 program, it must be survey recommended under the provisions of
4831 s. 1013.31 and included in the Florida College System
4832 institution's 5-year capital improvement plan, and it must
4833 receive approval from the State Board of Colleges Education or
4834 the Legislature.

4835 (12) The surveys, architectural plans, facility, and
4836 equipment shall be the property of the participating Florida
4837 College System institution. A facility constructed under this
4838 section may be named in honor of a donor at the option of the
4839 Florida College System institution district board of trustees. A
4840 facility may not be named after a living person without prior
4841 approval by the State Board of Colleges Education.

4842 Section 98. Subsection (2), paragraph (b) of subsection
4843 (5), and subsections (8), (9), and (11) of section 1011.80,
4844 Florida Statutes, are amended to read:

4845 1011.80 Funds for operation of workforce education
4846 programs.—

4847 (2) Any workforce education program may be conducted by a
4848 Florida College System institution or a school district, except
4849 that college credit in an associate in applied science or an
4850 associate in science degree may be awarded only by a Florida
4851 College System institution. However, if an associate in applied
4852 science or an associate in science degree program contains
4853 within it an occupational completion point that confers a



294156

4854 certificate or an applied technology diploma, that portion of
4855 the program may be conducted by a school district career center.
4856 Any instruction designed to articulate to a degree program is
4857 subject to guidelines and standards adopted by the State Board
4858 of Colleges Education pursuant to s. 1007.25.

4859 (5) State funding and student fees for workforce education
4860 instruction shall be established as follows:

4861 (b) For all other workforce education programs, state
4862 funding shall equal 75 percent of the average cost of
4863 instruction with the remaining 25 percent made up from student
4864 fees. Fees for courses within a program shall not vary according
4865 to the cost of the individual program, but instead shall be
4866 based on a uniform fee calculated and set at the state level, as
4867 adopted by the State Board of Education, for school districts,
4868 and the State Board of Colleges, for Florida College System
4869 institutions, unless otherwise specified in the General
4870 Appropriations Act.

4871 (8) The State Board of Education, the State Board of
4872 Colleges, and CareerSource Florida, Inc., shall provide the
4873 Legislature with recommended formulas, criteria, timeframes, and
4874 mechanisms for distributing performance funds. The commissioner
4875 shall consolidate the recommendations and develop a consensus
4876 proposal for funding. The Legislature shall adopt a formula and
4877 distribute the performance funds to the State Board of Colleges
4878 Education for Florida College System institutions and to the
4879 State Board of Education for school districts through the
4880 General Appropriations Act. These recommendations shall be based
4881 on formulas that would discourage low-performing or low-demand
4882 programs and encourage through performance-funding awards:



4883 (a) Programs that prepare people to enter high-wage
4884 occupations identified by the Workforce Estimating Conference
4885 created by s. 216.136 and other programs as approved by
4886 CareerSource Florida, Inc. At a minimum, performance incentives
4887 shall be calculated for adults who reach completion points or
4888 complete programs that lead to specified high-wage employment
4889 and to their placement in that employment.

4890 (b) Programs that successfully prepare adults who are
4891 eligible for public assistance, economically disadvantaged,
4892 disabled, not proficient in English, or dislocated workers for
4893 high-wage occupations. At a minimum, performance incentives
4894 shall be calculated at an enhanced value for the completion of
4895 adults identified in this paragraph and job placement of such
4896 adults upon completion. In addition, adjustments may be made in
4897 payments for job placements for areas of high unemployment.

4898 (c) Programs that are specifically designed to be
4899 consistent with the workforce needs of private enterprise and
4900 regional economic development strategies, as defined in
4901 guidelines set by CareerSource Florida, Inc. CareerSource
4902 Florida, Inc., shall develop guidelines to identify such needs
4903 and strategies based on localized research of private employers
4904 and economic development practitioners.

4905 (d) Programs identified by CareerSource Florida, Inc., as
4906 increasing the effectiveness and cost efficiency of education.

4907 (9) School districts shall report full-time equivalent
4908 students by discipline category for the programs specified in
4909 subsection (1). There shall be an annual cost analysis for the
4910 school district workforce education programs that reports cost
4911 by discipline category consistent with the reporting for full-



294156

4912 time equivalent students. The annual financial reports submitted
4913 by the school districts must accurately report on the student
4914 fee revenues by fee type according to the programs specified in
4915 subsection (1). The Department of Education and the State Board
4916 of Colleges shall develop a plan for comparable reporting of
4917 program, student, facility, personnel, and financial data
4918 between the Florida College System institutions and the school
4919 district workforce education programs.

4920 (11) The State Board of Education and the State Board of
4921 Colleges may adopt rules to administer this section.

4922 Section 99. Subsections (2) and (3) of section 1011.801,
4923 Florida Statutes, are amended to read:

4924 1011.801 Workforce Development Capitalization Incentive
4925 Grant Program.—The Legislature recognizes that the need for
4926 school districts and Florida College System institutions to be
4927 able to respond to emerging local or statewide economic
4928 development needs is critical to the workforce development
4929 system. The Workforce Development Capitalization Incentive Grant
4930 Program is created to provide grants to school districts and
4931 Florida College System institutions on a competitive basis to
4932 fund some or all of the costs associated with the creation or
4933 expansion of workforce development programs that serve specific
4934 employment workforce needs.

4935 (2) The State Board of Education shall accept applications
4936 from school districts, and the State Board of Colleges shall
4937 accept applications from ~~or~~ Florida College System institutions,
4938 for workforce development capitalization incentive grants.
4939 Applications from school districts or Florida College System
4940 institutions must ~~shall~~ contain projected enrollments and



294156

4941 projected costs for the new or expanded workforce development
4942 program. The State Board of Education or the State Board of
4943 Colleges, as appropriate, in consultation with CareerSource
4944 Florida, Inc., shall review and rank each application for a
4945 grant according to subsection (3) and shall submit to the
4946 Legislature a list in priority order of applications recommended
4947 for a grant award.

4948 (3) The State Board of Education or the State Board of
4949 Colleges, as appropriate, shall give highest priority to
4950 programs that train people to enter high-skill, high-wage
4951 occupations identified by the Workforce Estimating Conference
4952 and other programs approved by CareerSource Florida, Inc. ;
4953 programs that train people to enter occupations under the
4954 welfare transition program; or programs that train for the
4955 workforce adults who are eligible for public assistance,
4956 economically disadvantaged, disabled, not proficient in English,
4957 or dislocated workers. The State Board of Education or the State
4958 Board of Colleges, as appropriate, shall consider the statewide
4959 geographic dispersion of grant funds in ranking the applications
4960 and shall give priority to applications from education agencies
4961 that are making maximum use of their workforce development
4962 funding by offering high-performing, high-demand programs.

4963 Section 100. Subsection (2) of section 1011.81, Florida
4964 Statutes, is amended to read:

4965 1011.81 Florida College System Program Fund.—

4966 (2) Performance funding for industry certifications for
4967 Florida College System institutions is contingent upon specific
4968 appropriation in the General Appropriations Act and shall be
4969 determined as follows:



294156

4970 (a) Occupational areas for which industry certifications
4971 may be earned, as established in the General Appropriations Act,
4972 are eligible for performance funding. Priority shall be given to
4973 the occupational areas emphasized in state, national, or
4974 corporate grants provided to Florida educational institutions.

4975 (b) The Chancellor of the Florida College System, for the
4976 Florida College System institutions, shall identify the industry
4977 certifications eligible for funding on the CAPE Postsecondary
4978 Industry Certification Funding List approved by the State Board
4979 of Colleges Education pursuant to s. 1008.44, based on the
4980 occupational areas specified in the General Appropriations Act.

4981 (c) Each Florida College System institution shall be
4982 provided \$1,000 for each industry certification earned by a
4983 student. The maximum amount of funding appropriated for
4984 performance funding pursuant to this subsection shall be limited
4985 to \$15 million annually. If funds are insufficient to fully fund
4986 the calculated total award, such funds shall be prorated.

4987 Section 101. Subsection (1) of section 1011.82, Florida
4988 Statutes, is amended to read:

4989 1011.82 Requirements for participation in Florida College
4990 System Program Fund.—Each Florida College System institution
4991 district which participates in the state appropriations for the
4992 Florida College System Program Fund shall provide evidence of
4993 its effort to maintain an adequate Florida College System
4994 institution program which shall:

4995 (1) Meet the minimum standards prescribed by the State
4996 Board of Colleges Education in accordance with s. 1001.602(5) ~~s.~~
4997 ~~1001.02(6)~~.

4998 Section 102. Section 1011.83, Florida Statutes, is amended



294156

4999 to read:

5000 1011.83 Financial support of Florida College System
5001 institutions.—

5002 (1) Each Florida College System institution that ~~has been~~
5003 ~~approved by the Department of Education and~~ meets the
5004 requirements of law and rules of the State Board of Colleges
5005 ~~Education~~ shall participate in the Florida College System
5006 Program Fund. However, funds to support workforce education
5007 programs conducted by Florida College System institutions shall
5008 be provided pursuant to s. 1011.80.

5009 (2) A student in a baccalaureate degree program approved
5010 pursuant to s. 1007.33 who is not classified as a resident for
5011 tuition purposes pursuant to s. 1009.21 may not be included in
5012 calculations of full-time equivalent enrollments for state
5013 funding purposes.

5014 Section 103. Section 1011.84, Florida Statutes, is amended
5015 to read:

5016 1011.84 Procedure for determining state financial support
5017 and annual apportionment of state funds to each Florida College
5018 System institution district.—The procedure for determining state
5019 financial support and the annual apportionment to each Florida
5020 College System institution district authorized to operate a
5021 Florida College System institution under the provisions of s.
5022 1001.61 shall be as follows:

5023 (1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE FLORIDA
5024 COLLEGE SYSTEM PROGRAM FUND FOR THE CURRENT OPERATING PROGRAM.—

5025 (a) The State Board of Colleges ~~Department of Education~~
5026 shall determine annually, l from an analysis of operating costs,
5027 ~~prepared in the manner prescribed by rules of the State Board of~~



294156

5028 ~~Education,~~ the costs per full-time equivalent student served in
5029 courses and fields of study offered in Florida College System
5030 institutions. This information and current college operating
5031 budgets shall be submitted to the Executive Office of the
5032 Governor with the legislative budget request prior to each
5033 regular session of the Legislature.

5034 (b) The allocation of funds for Florida College System
5035 institutions must ~~shall~~ be based on advanced and professional
5036 disciplines, developmental education, and other programs for
5037 adults funded pursuant to s. 1011.80.

5038 (c) The category of lifelong learning is for students
5039 enrolled pursuant to s. 1004.93. A student shall also be
5040 reported as a lifelong learning student for his or her
5041 enrollment in any course that he or she has previously taken,
5042 unless it is a credit course in which the student earned a grade
5043 of D or F.

5044 (d) If an adult student has been determined to be a
5045 disabled student eligible for an approved educational program
5046 for disabled adults provided pursuant to s. 1004.93 and rules of
5047 the State Board of Colleges ~~Education~~ and is enrolled in a class
5048 with curriculum frameworks developed for the program, state
5049 funding for that student shall be provided at a level double
5050 that of a student enrolled in a special adult general education
5051 program provided by a Florida College System institution.

5052 (e) All state inmate education provided by Florida College
5053 System institutions shall be reported by program, FTE
5054 expenditure, and revenue source. These enrollments,
5055 expenditures, and revenues shall be reported and projected
5056 separately. Instruction of state inmates may ~~shall~~ not be



294156

5057 included in the full-time equivalent student enrollment for
5058 funding through the Florida College System Program Fund.

5059 (f) When a public educational institution has been fully
5060 funded by an external agency for direct instructional costs of
5061 any course or program, the FTE generated may ~~shall~~ not be
5062 reported for state funding.

5063 (g) The State Board of Education shall adopt rules to
5064 implement s. 9(d)(8)f., Art. XII of the State Constitution.
5065 These rules shall provide for the use of the funds available
5066 under s. 9(d)(8)f., Art. XII by an individual Florida College
5067 System institution for operating expense in any fiscal year
5068 during which the State Board of Education has determined that
5069 all major capital outlay needs have been met. Highest priority
5070 for the use of these funds for purposes other than financing
5071 approved capital outlay projects shall be for the proper
5072 maintenance and repair of existing facilities for projects
5073 approved by the State Board of Education. However, in any fiscal
5074 year in which funds from this source are authorized for
5075 operating expense other than approved maintenance and repair
5076 projects, the allocation of Florida College System institution
5077 program funds shall be reduced by an amount equal to the sum
5078 used for such operating expense for that Florida College System
5079 institution that year, and that amount shall not be released or
5080 allocated among the other Florida College System institutions
5081 that year.

5082 (2) DETERMINING THE AMOUNT TO BE INCLUDED FOR CAPITAL
5083 OUTLAY AND DEBT SERVICE.—The amount included for capital outlay
5084 and debt service shall be as determined and provided in s. 18,
5085 Art. XII of the State Constitution of 1885, as adopted by s.



294156

5086 9(d), Art. XII of the 1968 revised State Constitution and State
5087 Board of Education rules.

5088 (3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

5089 (a) By December 15 of each year, the State Board of
5090 Colleges ~~Department of Education~~ shall estimate the annual
5091 enrollment of each Florida College System institution for the
5092 current fiscal year and for the 3 subsequent fiscal years. These
5093 estimates shall be based upon prior years' enrollments, upon the
5094 initial fall term enrollments for the current fiscal year for
5095 each college, and upon each college's estimated current
5096 enrollment and demographic changes in the respective Florida
5097 College System institution districts. Upper-division enrollment
5098 shall be estimated separately from lower-division enrollment.

5099 (b) The apportionment to each Florida College System
5100 institution from the Florida College System Program Fund shall
5101 be determined annually in the General Appropriations Act. In
5102 determining each college's apportionment, the Legislature shall
5103 consider the following components:

5104 1. Base budget, which includes the state appropriation to
5105 the Florida College System Program Fund in the current year plus
5106 the related student tuition and out-of-state fees assigned in
5107 the current General Appropriations Act.

5108 2. The cost-to-continue allocation, which consists of
5109 incremental changes to the base budget, including salaries,
5110 price levels, and other related costs allocated through a
5111 funding model approved by the Legislature which may recognize
5112 differing economic factors arising from the individual
5113 educational approaches of the various Florida College System
5114 institutions, including, but not limited to:



294156

5115 a. Direct Instructional Funding, including class size,
5116 faculty productivity factors, average faculty salary, ratio of
5117 full-time to part-time faculty, costs of programs, and
5118 enrollment factors.

5119 b. Academic Support, including small colleges factor,
5120 multicampus factor, and enrollment factor.

5121 c. Student Services Support, including headcount of
5122 students as well as FTE count and enrollment factors.

5123 d. Library Support, including volume and other
5124 materials/audiovisual requirements.

5125 e. Special Projects.

5126 f. Operations and Maintenance of Plant, including square
5127 footage and utilization factors.

5128 g. District Cost Differential.

5129 3. Students enrolled in a recreation and leisure program
5130 and students enrolled in a lifelong learning program who may not
5131 be counted as full-time equivalent enrollments for purposes of
5132 enrollment workload adjustments.

5133 4. Operating costs of new facilities adjustments, which
5134 shall be provided, from funds available, for each new facility
5135 that is owned by the college and is recommended in accordance
5136 with s. 1013.31.

5137 5. New and improved program enhancements, which shall be
5138 determined by the Legislature.

5139

5140 Student fees in the base budget plus student fee revenues
5141 generated by increases in fee rates shall be deducted from the
5142 sum of the components determined in subparagraphs 1.-5. The
5143 amount remaining shall be the net annual state apportionment to



294156

5144 each college.

5145 (c) A ~~Ne~~ Florida College System institution may not ~~shall~~
5146 commit funds for the employment of personnel or resources in
5147 excess of those required to continue the same level of support
5148 for either the previously approved enrollment or the revised
5149 enrollment, whichever is lower.

5150 (d) The apportionment to each Florida College System
5151 institution district for capital outlay and debt service shall
5152 be the amount determined in accordance with subsection (2). This
5153 amount, less any amount determined as necessary for
5154 administrative expense by the State Board of Education and any
5155 amount necessary for debt service on bonds issued by the State
5156 Board of Education, shall be transmitted to the Florida College
5157 System institution board of trustees to be expended in a manner
5158 prescribed by rules of the State Board of Education.

5159 (e) If at any time the unencumbered balance in the general
5160 fund of the Florida College System institution board of trustees
5161 approved operating budget goes below 5 percent, the president
5162 shall provide written notification to the State Board of
5163 Education.

5164 (f) Expenditures for apprenticeship programs must ~~shall~~ be
5165 reported separately.

5166 (g) Expenditures for upper-division enrollment in a Florida
5167 College System institution that grants baccalaureate degrees
5168 must ~~shall~~ be reported separately from expenditures for lower-
5169 division enrollment, in accordance with law and State Board of
5170 Education rule.

5171 (4) EXPENDITURE OF ALLOCATED FUNDS.—Any funds allocated
5172 herein to any Florida College System institution must ~~shall~~ be



294156

5173 expended only for the purpose of supporting that Florida College
5174 System institution.

5175 (5) REPORT OF DEVELOPMENTAL EDUCATION.—Each Florida College
5176 System institution board of trustees shall report, as a separate
5177 item in its annual cost accounting system, the volume and cost
5178 of developmental education options provided to help students
5179 attain the communication and computation skills that are
5180 essential for college-level work pursuant to s. 1008.30.

5181 Section 104. Subsections (1), (3), (4), (6), (7), (8),
5182 (10), and (11) of section 1011.85, Florida Statutes, are amended
5183 to read:

5184 1011.85 Dr. Philip Benjamin Matching Grant Program for
5185 Florida College System Institutions.—

5186 (1) There is created the Dr. Philip Benjamin Matching Grant
5187 Program for Florida College System Institutions as a single
5188 matching gifts program that encompasses the goals originally set
5189 out in the Academic Improvement Program, the Scholarship
5190 Matching Program, and the Health Care Education Quality
5191 Enhancement Challenge Grant. The program shall be administered
5192 according to rules of the State Board of Colleges Education and
5193 used to encourage private support in enhancing Florida College
5194 System institutions by providing the Florida College System with
5195 the opportunity to receive and match challenge grants. Funds
5196 received prior to the effective date of this act for each of the
5197 three programs shall be retained in the separate account for
5198 which it was designated.

5199 (3) Upon approval by the Florida College System institution
5200 board of trustees and the State Board of Colleges Education, the
5201 ordering of donations for priority listing of unmatched gifts



294156

5202 should be determined by the submitting Florida College System
5203 institution.

5204 (4) Each year, eligible contributions received by a Florida
5205 College System institution's foundation or the State Board of
5206 Colleges Education ~~Education~~ by February 1 shall be eligible for state
5207 matching funds.

5208 (a) Each Florida College System institution board of
5209 trustees and, when applicable, the Florida College System
5210 Institution Foundation Board, receiving state appropriations
5211 under this program shall also certify in an annual report to the
5212 State Board of Colleges Education ~~Education~~ the receipt of eligible cash
5213 contributions that were previously unmatched by the state. The
5214 State Board of Education shall adopt rules providing all Florida
5215 College System institutions with an opportunity to apply for
5216 excess funds before the awarding of such funds.

5217 (b) Florida College System institutions must submit to the
5218 State Board of Colleges Education ~~Education~~ an annual expenditure report
5219 tracking the use of all matching funds.

5220 (c) The audit of each foundation receiving state funds from
5221 this program must include a certification of accuracy in the
5222 amount reported for matching funds.

5223 (6) Otherwise, funds must ~~shall~~ be proportionately
5224 allocated to the Florida College System institutions on the
5225 basis of matching each \$6 of local or private funds with \$4 of
5226 state funds. To be eligible, a minimum of \$4,500 must be raised
5227 from private sources.

5228 (7) The Florida College System institution board of
5229 trustees, in conjunction with the donor, shall determine ~~make~~
5230 ~~the determination of~~ whether scholarships established pursuant



294156

5231 to this program are endowed.

5232 (8) (a) Funds sufficient to provide the match shall be
5233 transferred from the state appropriations to the local Florida
5234 College System institution foundation or the statewide Florida
5235 College System institution foundation upon notification that a
5236 proportionate amount has been received and deposited by a
5237 Florida College System institution in its own trust fund.

5238 (b) If state funds appropriated for the program are
5239 insufficient to match contributions, the amount allocated must
5240 ~~shall~~ be reduced in proportion to its share of the total
5241 eligible contributions. However, in making proportional
5242 reductions, every Florida College System institution shall
5243 receive a minimum of \$75,000 in state matching funds if its
5244 eligible contributions would have generated an amount at least
5245 equal to \$75,000. All unmet contributions must ~~shall~~ be eligible
5246 for state matching funds in subsequent fiscal years.

5247 (10) The State Board of Colleges Education ~~Education~~ may receive
5248 submissions of requests for matching funds and documentation
5249 relating to those requests, may approve requests for matching
5250 funds, and may allocate such funds to the Florida College System
5251 institutions.

5252 (11) The board of trustees of the Florida College System
5253 institution and the State Board of Colleges Education ~~Education~~ are
5254 responsible for determining the uses for the proceeds of their
5255 respective trust funds. Such use of the proceeds shall include,
5256 but not be limited to, expenditure of the funds for:

5257 (a) Scientific and technical equipment.

5258 (b) Scholarships, loans, or need-based grants.

5259 (c) Other activities that will benefit future students as



294156

5260 well as students currently enrolled at the Florida College
5261 System institution, will improve the quality of education at the
5262 Florida College System institution, or will enhance economic
5263 development in the community.

5264 Section 105. Subsection (1) of section 1012.01, Florida
5265 Statutes, is amended to read:

5266 1012.01 Definitions.—As used in this chapter, the following
5267 terms have the following meanings:

5268 (1) SCHOOL OFFICERS.—The officers of the state system of
5269 public K-12 ~~and Florida College System institution~~ education
5270 shall be the Commissioner of Education and the members of the
5271 State Board of Education; for the Florida College System, the
5272 officers shall be the Chancellor of the Florida College System
5273 and the members of the State Board of Colleges; for each
5274 district school system, the officers shall be the district
5275 school superintendent and members of the district school board;
5276 and for each Florida College System institution, the officers
5277 shall be the Florida College System institution president and
5278 members of the Florida College System institution board of
5279 trustees.

5280 Section 106. Paragraph (a) of subsection (1) of section
5281 1012.80, Florida Statutes, is amended to read:

5282 1012.80 Participation by employees in disruptive activities
5283 at public postsecondary educational institutions; penalties.—

5284 (1) (a) Any person who accepts the privilege extended by the
5285 laws of this state of employment at any Florida College System
5286 institution shall, by working at such institution, be deemed to
5287 have given his or her consent to the policies of that
5288 institution, the policies of the State Board of Colleges



294156

5289 ~~Education~~, and the laws of this state. Such policies shall
5290 include prohibition against disruptive activities at Florida
5291 College System institutions.

5292 Section 107. Subsection (1) of section 1012.81, Florida
5293 Statutes, is amended to read:

5294 1012.81 Personnel records.—

5295 (1) The State Board of Colleges ~~Education~~ shall adopt rules
5296 prescribing the content and custody of limited-access records
5297 that a Florida College System institution may maintain on its
5298 employees. Limited-access employee records are confidential and
5299 exempt from ~~the provisions of~~ s. 119.07(1). Limited-access
5300 records include only the following:

5301 (a) Records containing information reflecting academic
5302 evaluations of employee performance; however, the employee and
5303 officials of the institution responsible for supervision of the
5304 employee shall have access to such records.

5305 (b) Records maintained for the purposes of any
5306 investigation of employee misconduct, including, but not limited
5307 to, a complaint against an employee and all information obtained
5308 pursuant to the investigation of such complaint; however, these
5309 records become public after the investigation ceases to be
5310 active or when the institution provides written notice to the
5311 employee who is the subject of the complaint that the
5312 institution has either:

5313 1. Concluded the investigation with a finding not to
5314 proceed with disciplinary action;

5315 2. Concluded the investigation with a finding to proceed
5316 with disciplinary action; or

5317 3. Issued a letter of discipline.



294156

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5319 For the purpose of this paragraph, an investigation shall be
5320 considered active as long as it is continuing with a reasonable,
5321 good faith anticipation that a finding will be made in the
5322 foreseeable future. An investigation shall be presumed to be
5323 inactive if no finding is made within 90 days after the
5324 complaint is filed.

5325 (c) Records maintained for the purposes of any disciplinary
5326 proceeding brought against an employee; however, these records
5327 shall be open to inspection by the employee and shall become
5328 public after a final decision is made in the proceeding.

5329 (d) Records maintained for the purposes of any grievance
5330 proceeding brought by an employee for enforcement of a
5331 collective bargaining agreement or contract; however, these
5332 records shall be open to inspection by the employee and by
5333 officials of the institution conducting the grievance proceeding
5334 and shall become public after a final decision is made in the
5335 proceeding.

5336 Section 108. Subsection (1) of section 1012.83, Florida
5337 Statutes, is amended to read:

5338 1012.83 Contracts with administrative and instructional
5339 staff.—

5340 (1) Each person employed in an administrative or
5341 instructional capacity in a Florida College System institution
5342 shall be entitled to a contract as provided by rules of the
5343 State Board of Colleges Education.

5344 Section 109. Paragraph (a) of subsection (1) of section
5345 1012.855, Florida Statutes, is amended to read:

5346 1012.855 Employment of Florida College System institution



294156

5347 personnel; discrimination in granting salary prohibited.-

5348 (1) (a) Employment of all personnel in each Florida College
5349 System institution shall be upon recommendation of the
5350 president, subject to rejection for cause by the Florida College
5351 System institution board of trustees; to the rules of the State
5352 Board of Colleges Education ~~Education~~ relative to certification, tenure,
5353 leaves of absence of all types, including sabbaticals,
5354 remuneration, and such other conditions of employment as the
5355 State Board of Colleges Education ~~Education~~ deems necessary and proper;
5356 and to policies of the Florida College System institution board
5357 of trustees not inconsistent with law.

5358 Section 110. Subsection (1), paragraph (a) of subsection
5359 (2), paragraph (b) of subsection (3), and subsections (4), (5),
5360 and (6) of section 1012.86, Florida Statutes, are amended to
5361 read:

5362 1012.86 Florida College System institution employment
5363 equity accountability program.-

5364 (1) Each Florida College System institution shall include
5365 in its annual equity update a plan for increasing the
5366 representation of women and minorities in senior-level
5367 administrative positions and in full-time faculty positions, and
5368 for increasing the representation of women and minorities who
5369 have attained continuing-contract status. Positions shall be
5370 defined in the personnel data element directory of the
5371 Department of Education. The plan must include specific
5372 measurable goals and objectives, specific strategies and
5373 timelines for accomplishing these goals and objectives, and
5374 comparable national standards as provided by the Department of
5375 Education. The goals and objectives shall be based on meeting or



294156

5376 exceeding comparable national standards and shall be reviewed
5377 and recommended by the State Board of Colleges Education as
5378 appropriate. Such plans shall be maintained until appropriate
5379 representation has been achieved and maintained for at least 3
5380 consecutive reporting years.

5381 (2) (a) On or before May 1 of each year, each Florida
5382 College System institution president shall submit an annual
5383 employment accountability plan to the Chancellor of the Florida
5384 College System and the State Board of Colleges Commissioner of
5385 Education and the State Board of Education. The accountability
5386 plan must show faculty and administrator employment data
5387 according to requirements specified on the federal Equal
5388 Employment Opportunity (EE0-6) report.

5389 (3) Florida College System institution presidents and the
5390 heads of each major administrative division shall be evaluated
5391 annually on the progress made toward meeting the goals and
5392 objectives of the Florida College System institution's
5393 employment accountability plan.

5394 (b) Florida College System institution boards of trustees
5395 shall annually evaluate the performance of the Florida College
5396 System institution presidents in achieving the annual and long-
5397 term goals and objectives. A summary of the results of such
5398 evaluations shall be reported to the State Board of Colleges
5399 Commissioner of Education and the State Board of Education as
5400 part of the Florida College System institution's annual
5401 employment accountability plan, and to the Legislature as part
5402 of the annual equity progress report submitted by the State
5403 Board of Colleges Education.

5404 (4) The State Board of Colleges Education shall submit an



294156

5405 annual equity progress report to the President of the Senate and
5406 the Speaker of the House of Representatives on or before January
5407 1 of each year.

5408 (5) Each Florida College System institution shall develop a
5409 budgetary incentive plan to support and ensure attainment of the
5410 goals developed pursuant to this section. The plan shall
5411 specify, at a minimum, how resources shall be allocated to
5412 support the achievement of goals and the implementation of
5413 strategies in a timely manner. After prior review and approval
5414 by the Florida College System institution president and the
5415 Florida College System institution board of trustees, the plan
5416 shall be submitted as part of the annual employment
5417 accountability plan submitted by each Florida College System
5418 institution to the State Board of Colleges Education.

5419 (6) Subject to available funding, the Legislature shall
5420 provide an annual appropriation to the State Board of Colleges
5421 ~~Education~~ to be allocated to Florida College System institution
5422 presidents, faculty, and administrative personnel to further
5423 enhance equity initiatives and related priorities that support
5424 the mission of colleges and departments in recognition of the
5425 attainment of the equity goals and objectives.

5426 Section 111. Subsection (3) of section 1013.01, Florida
5427 Statutes, is amended to read:

5428 1013.01 Definitions.—The following terms shall be defined
5429 as follows for the purpose of this chapter:

5430 (3) "Board," unless otherwise specified, means a district
5431 school board, a Florida College System institution board of
5432 trustees, a university board of trustees, and the Board of
5433 Trustees for the Florida School for the Deaf and the Blind. The



294156

5434 term "board" does not include the State Board of Education, ~~or~~
5435 the Board of Governors, or the State Board of Colleges.

5436 Section 112. Subsection (2) of section 1013.02, Florida
5437 Statutes, is amended to read:

5438 1013.02 Purpose; rules and regulations.—

5439 (2) (a) The State Board of Education shall adopt rules
5440 pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~
5441 ~~provisions of this chapter for school districts and Florida~~
5442 ~~College System institutions.~~

5443 (b) The Board of Governors shall adopt regulations pursuant
5444 to its regulation development procedure to implement ~~the~~
5445 ~~provisions of this chapter for state universities.~~

5446 (c) The State Board of Colleges shall adopt rules pursuant
5447 to ss. 120.536(1) and 120.54 to implement this chapter for
5448 Florida College System institutions.

5449 Section 113. Section 1013.03, Florida Statutes, is amended
5450 to read:

5451 1013.03 Functions of the department, the State Board of
5452 Colleges, and the Board of Governors.—The functions of the
5453 Department of Education as it pertains to educational facilities
5454 of school districts, of the State Board of Colleges as it
5455 pertains to educational facilities of ~~and~~ Florida College System
5456 institutions, and of the Board of Governors as it pertains to
5457 educational facilities of state universities shall include, but
5458 not be limited to, the following:

5459 (1) Establish recommended minimum and maximum square
5460 footage standards for different functions and areas and
5461 procedures for determining the gross square footage for each
5462 educational facility to be funded in whole or in part by the



294156

5463 state, including public broadcasting stations but excluding
5464 postsecondary special purpose laboratory space. The gross square
5465 footage determination standards may be exceeded when the core
5466 facility space of an educational facility is constructed or
5467 renovated to accommodate the future addition of classrooms to
5468 meet projected increases in student enrollment. The department,
5469 the State Board of Colleges, and the Board of Governors shall
5470 encourage multiple use of facilities and spaces in educational
5471 plants.

5472 (2) Establish, for the purpose of determining need,
5473 equitably uniform utilization standards for all types of like
5474 space, regardless of the level of education. These standards
5475 shall also establish, for postsecondary education classrooms, a
5476 minimum room utilization rate of 40 hours per week and a minimum
5477 station utilization rate of 60 percent. These rates shall be
5478 subject to increase based on national norms for utilization of
5479 postsecondary education classrooms.

5480 (3) Require boards to submit other educational plant
5481 inventories data and statistical data or information relevant to
5482 construction, capital improvements, and related costs.

5483 (4) Require each board and other appropriate agencies to
5484 submit complete and accurate financial data as to the amounts of
5485 funds from all sources that are available and spent for
5486 construction and capital improvements. The commissioner shall
5487 prescribe the format and the date for the submission of this
5488 data and any other educational facilities data. If any district
5489 does not submit the required educational facilities fiscal data
5490 by the prescribed date, the Commissioner of Education shall
5491 notify the district school board of this fact and, if



294156

5492 appropriate action is not taken to immediately submit the
5493 required report, the district school board shall be directed to
5494 proceed pursuant to s. 1001.42(13)(b). If any Florida College
5495 System institution or university does not submit the required
5496 educational facilities fiscal data by the prescribed date, the
5497 same policy prescribed in this subsection for school districts
5498 shall be implemented.

5499 (5) Administer, under the supervision of the Commissioner
5500 of Education, the Public Education Capital Outlay and Debt
5501 Service Trust Fund and the School District and Community College
5502 District Capital Outlay and Debt Service Trust Fund.

5503 (6) Develop, review, update, revise, and recommend a
5504 mandatory portion of the Florida Building Code for educational
5505 facilities construction and capital improvement by Florida
5506 College System institution boards and district school boards.

5507 (7) Provide training, technical assistance, and building
5508 code interpretation for requirements of the mandatory Florida
5509 Building Code for the educational facilities construction and
5510 capital improvement programs of ~~the Florida College System~~
5511 ~~institution boards and~~ district school boards and, upon request,
5512 approve phase III construction documents for remodeling,
5513 renovation, or new construction of educational plants or
5514 ancillary facilities, except that Florida College System
5515 institutions and university boards of trustees shall approve
5516 specifications and construction documents for their respective
5517 institutions pursuant to guidelines of the Board of Governors or
5518 State Board of Colleges, as applicable. The Department of
5519 Management Services may, upon request, provide similar services
5520 for the Florida School for the Deaf and the Blind and shall use



294156

5521 the Florida Building Code and the Florida Fire Prevention Code.

5522 (8) Provide minimum criteria, procedures, and training to
5523 boards to conduct educational plant surveys and document the
5524 determination of future needs.

5525 (9) Make available to boards technical assistance,
5526 awareness training, and research and technical publications
5527 relating to lifesafety, casualty, sanitation, environmental,
5528 maintenance, and custodial issues; and, as needed, technical
5529 assistance for survey, planning, design, construction,
5530 operation, and evaluation of educational and ancillary
5531 facilities and plants, facilities administrative procedures
5532 review, and training for new administrators.

5533 (10) (a) Review and validate surveys proposed or amended by
5534 the boards and recommend to the Commissioner of Education, the
5535 Chancellor of the Florida College System, or the Chancellor of
5536 the State University System, as appropriate, for approval,
5537 surveys that meet the requirements of this chapter.

5538 1. The term "validate" as applied to surveys by school
5539 districts means to review inventory data as submitted to the
5540 department by district school boards; provide for review and
5541 inspection, where required, of student stations and aggregate
5542 square feet of inventory changed from satisfactory to
5543 unsatisfactory or changed from unsatisfactory to satisfactory;
5544 compare new school inventory to allocation limits provided by
5545 this chapter; review cost projections for conformity with cost
5546 limits set by s. 1013.64(6); compare total capital outlay full-
5547 time equivalent enrollment projections in the survey with the
5548 department's projections; review facilities lists to verify that
5549 student station and auxiliary facility space allocations do not



294156

5550 exceed the limits provided by this chapter and related rules;
5551 review and confirm the application of uniform facility
5552 utilization factors, where provided by this chapter or related
5553 rules; use ~~utilize~~ the documentation of programs offered per
5554 site, as submitted by the board, to analyze facility needs;
5555 confirm that need projections for career and adult educational
5556 programs comply with needs documented by the Department of
5557 Education; and confirm the assignment of full-time student
5558 stations to all space except auxiliary facilities, which, for
5559 purposes of exemption from student station assignment, include
5560 the following:

- 5561 a. Cafeterias.
- 5562 b. Multipurpose dining areas.
- 5563 c. Media centers.
- 5564 d. Auditoriums.
- 5565 e. Administration.
- 5566 f. Elementary, middle, and high school resource rooms, up
5567 to the number of such rooms recommended for the applicable
5568 occupant and space design capacity of the educational plant in
5569 the State Requirements for Educational Facilities, beyond which
5570 student stations must be assigned.
- 5571 g. Elementary school skills labs, up to the number of such
5572 rooms recommended for the applicable occupant and space design
5573 capacity of the educational plant in the State Requirements for
5574 Educational Facilities, beyond which student stations must be
5575 assigned.

5576 h. Elementary school art and music rooms.

5577
5578 The Commissioner of Education may grant a waiver from the



294156

5579 requirements of this subparagraph if a district school board
5580 determines that such waiver will make possible a substantial
5581 savings of funds or will be advantageous to the welfare of the
5582 educational system. The district school board shall present a
5583 full statement to the commissioner which sets forth the facts
5584 that warrant the waiver. If the commissioner denies a request
5585 for a waiver, the district school board may appeal such decision
5586 to the State Board of Education.

5587 2. The term "validate" as applied to surveys by Florida
5588 College System institutions and universities means to review and
5589 document the approval of each new site and official designation,
5590 where applicable; review the inventory database as submitted by
5591 each board to the department, including noncareer, and total
5592 capital outlay full-time equivalent enrollment projections per
5593 site and per college; provide for the review and inspection,
5594 where required, of student stations and aggregate square feet of
5595 space changed from satisfactory to unsatisfactory; use ~~utilize~~
5596 and review the documentation of programs offered per site
5597 submitted by the boards as accurate for analysis of space
5598 requirements and needs; confirm that needs projected for career
5599 and adult educational programs comply with needs documented by
5600 the Department of Education; compare new facility inventory to
5601 allocations limits as provided in this chapter; review cost
5602 projections for conformity with state averages or limits
5603 designated by this chapter; compare student enrollment
5604 projections in the survey to the department's projections;
5605 review facilities lists to verify that area allocations and
5606 space factors for generating space needs do not exceed the
5607 limits as provided by this chapter and related rules; confirm



294156

5608 the application of facility utilization factors as provided by
5609 this chapter and related rules; and review, as submitted,
5610 documentation of how survey recommendations will implement the
5611 detail of current campus master plans and integrate with local
5612 comprehensive plans and development regulations.

5613 (b) Recommend priority of projects to be funded.

5614 (11) Prepare the commissioner's comprehensive fixed capital
5615 outlay legislative budget request and provide annually an
5616 estimate of the funds available for developing required 3-year
5617 priority lists. This amount shall be based upon the average
5618 percentage for the 5 prior years of funds appropriated by the
5619 Legislature for fixed capital outlay to each level of public
5620 education: public schools, Florida College System institutions,
5621 and universities.

5622 (12) Perform any other functions that may be involved in
5623 educational facilities construction and capital improvement
5624 which shall ensure that the intent of the Legislature is
5625 implemented.

5626 Section 114. Section 1013.28, Florida Statutes, is amended
5627 to read:

5628 1013.28 Disposal of property.—

5629 (1) REAL PROPERTY.—

5630 (a) Subject to rules of the State Board of Education, a
5631 district school board or, the Board of Trustees for the Florida
5632 School for the Deaf and the Blind, ~~or a Florida College System~~
5633 ~~institution board of trustees~~ may dispose of any land or real
5634 property to which the board holds title which is, by resolution
5635 of the board, determined to be unnecessary for educational
5636 purposes as recommended in an educational plant survey. A



294156

5637 district school board or, the Board of Trustees for the Florida
5638 School for the Deaf and the Blind, ~~or a Florida College System~~
5639 ~~institution board of trustees~~ shall take diligent measures to
5640 dispose of educational property only in the best interests of
5641 the public. However, appraisals may be obtained by the district
5642 school board or, the Board of Trustees for the Florida School
5643 for the Deaf and the Blind before, ~~or the Florida College System~~
5644 ~~institution board of trustees prior to~~ or simultaneously with
5645 the receipt of bids.

5646 (b) Subject to regulations of the Board of Governors, a
5647 state university board of trustees may dispose of any land or
5648 real property to which it holds valid title which is, by
5649 resolution of the state university board of trustees, determined
5650 to be unnecessary for educational purposes as recommended in an
5651 educational plant survey. A state university board of trustees
5652 shall take diligent measures to dispose of educational property
5653 only in the best interests of the public. However, appraisals
5654 may be obtained by the state university board of trustees prior
5655 to or simultaneously with the receipt of bids.

5656 (c) Subject to rules of the State Board of Colleges, a
5657 Florida College System institution board of trustees may dispose
5658 of any land or real property to which it holds valid title which
5659 is, by resolution of the Florida College System institution
5660 board of trustees, determined to be unnecessary for educational
5661 purposes as recommended in an educational plant survey. A
5662 Florida College System institution board of trustees shall take
5663 diligent measures to dispose of educational property only in the
5664 best interests of the public. However, appraisals may be
5665 obtained by the Florida College System institution board of



294156

5666 trustees prior to or simultaneously with the receipt of bids.

5667 (2) TANGIBLE PERSONAL PROPERTY.—

5668 (a) Tangible personal property that has been properly
5669 classified as surplus by a district school board ~~or Florida~~
5670 ~~College System institution board of trustees~~ shall be disposed
5671 of in accordance with the procedure established by chapter 274.
5672 However, the provisions of chapter 274 shall not be applicable
5673 to a motor vehicle used in driver education to which title is
5674 obtained for a token amount from an automobile dealer or
5675 manufacturer. In such cases, the disposal of the vehicle shall
5676 be as prescribed in the contractual agreement between the
5677 automotive agency or manufacturer and the board.

5678 (b) Tangible personal property that has been properly
5679 classified as surplus by a state university board of trustees
5680 shall be disposed of in accordance with the procedure
5681 established by chapter 273.

5682 (c) Tangible personal property that has been properly
5683 classified as surplus by a Florida College System institution
5684 board of trustees shall be disposed of in accordance with the
5685 procedure established by chapter 274.

5686 Section 115. Subsection (1) of section 1013.31, Florida
5687 Statutes, is amended to read:

5688 1013.31 Educational plant survey; localized need
5689 assessment; PECO project funding.—

5690 (1) At least every 5 years, each board shall arrange for an
5691 educational plant survey, to aid in formulating plans for
5692 housing the educational program and student population, faculty,
5693 administrators, staff, and auxiliary and ancillary services of
5694 the district or campus, including consideration of the local



294156

5695 comprehensive plan. The Department of Education, for school
5696 districts, and the State Board of Colleges, for the Florida
5697 College System, shall document the need for additional career
5698 and adult education programs and the continuation of existing
5699 programs before facility construction or renovation related to
5700 career or adult education may be included in the educational
5701 plant survey of a school district or Florida College System
5702 institution that delivers career or adult education programs.
5703 Information used by the Department of Education or State Board
5704 of Colleges to establish facility needs must include, but need
5705 not be limited to, labor market data, needs analysis, and
5706 information submitted by the school district or Florida College
5707 System institution.

5708 (a) *Survey preparation and required data.*—Each survey shall
5709 be conducted by the board or an agency employed by the board.
5710 Surveys shall be reviewed and approved by the board, and a file
5711 copy shall be submitted to the Department of Education, the
5712 Chancellor of the Florida College System, or the Chancellor of
5713 the State University System, as appropriate. The survey report
5714 shall include at least an inventory of existing educational and
5715 ancillary plants, including safe access facilities;
5716 recommendations for existing educational and ancillary plants;
5717 recommendations for new educational or ancillary plants,
5718 including the general location of each in coordination with the
5719 land use plan and safe access facilities; campus master plan
5720 update and detail for Florida College System institutions; the
5721 use utilization of school plants based on an extended school day
5722 or year-round operation; and such other information as may be
5723 required by the Department of Education. This report may be



294156

5724 amended, if conditions warrant, at the request of the department
5725 or commissioner.

5726 (b) *Required need assessment criteria for district, Florida*
5727 *College System institution, state university, and Florida School*
5728 *for the Deaf and the Blind plant surveys.*—Educational plant
5729 surveys must use uniform data sources and criteria specified in
5730 this paragraph. Each revised educational plant survey and each
5731 new educational plant survey supersedes previous surveys.

5732 1. The school district's survey must be submitted as a part
5733 of the district educational facilities plan defined in s.
5734 1013.35. To ensure that the data reported to the Department of
5735 Education as required by this section is correct, the department
5736 shall annually conduct an onsite review of 5 percent of the
5737 facilities reported for each school district completing a new
5738 survey that year. If the department's review finds the data
5739 reported by a district is less than 95 percent accurate, within
5740 1 year from the time of notification by the department the
5741 district must submit revised reports correcting its data. If a
5742 district fails to correct its reports, the commissioner may
5743 direct that future fixed capital outlay funds be withheld until
5744 such time as the district has corrected its reports so that they
5745 are not less than 95 percent accurate.

5746 2. Each survey of a special facility, joint-use facility,
5747 or cooperative career education facility must be based on
5748 capital outlay full-time equivalent student enrollment data
5749 prepared by the department for school districts and Florida
5750 College System institutions and by the Chancellor of the State
5751 University System for universities. A survey of space needs of a
5752 joint-use facility shall be based upon the respective space



294156

5753 needs of the school districts, Florida College System
5754 institutions, and universities, as appropriate. Projections of a
5755 school district's facility space needs may not exceed the norm
5756 space and occupant design criteria established by the State
5757 Requirements for Educational Facilities.

5758 3. Each Florida College System institution's survey must
5759 reflect the capacity of existing facilities as specified in the
5760 inventory maintained and validated by the Chancellor of the
5761 Florida College System ~~by the Department of Education.~~

5762 Projections of facility space needs must comply with standards
5763 for determining space needs as specified by rule of the State
5764 Board of Colleges ~~Education~~. The 5-year projection of capital
5765 outlay student enrollment must be consistent with the annual
5766 report of capital outlay full-time student enrollment prepared
5767 by the Department of Education.

5768 4. Each state university's survey must reflect the capacity
5769 of existing facilities as specified in the inventory maintained
5770 and validated by the Chancellor of the State University System.
5771 Projections of facility space needs must be consistent with
5772 standards for determining space needs as specified by regulation
5773 of the Board of Governors. The projected capital outlay full-
5774 time equivalent student enrollment must be consistent with the
5775 5-year planned enrollment cycle for the State University System
5776 approved by the Board of Governors.

5777 5. The district educational facilities plan of a school
5778 district and the educational plant survey of a Florida College
5779 System institution, state university, or the Florida School for
5780 the Deaf and the Blind may include space needs that deviate from
5781 approved standards for determining space needs if the deviation



294156

5782 is justified by the district or institution and approved by the
5783 department, the State Board of Colleges, or the Board of
5784 Governors, as appropriate, as necessary for the delivery of an
5785 approved educational program.

5786 (c) *Review and validation.*—The Department of Education
5787 shall review and validate the surveys of school districts, the
5788 Chancellor of the Florida College System shall review and
5789 validate the surveys of ~~and~~ Florida College System institutions,
5790 and the Chancellor of the State University System shall review
5791 and validate the surveys of universities, and any amendments
5792 thereto for compliance with the requirements of this chapter and
5793 shall recommend those in compliance for approval by the State
5794 Board of Education, the State Board of Colleges, or the Board of
5795 Governors, as appropriate. Annually, the department shall
5796 perform an in-depth analysis of a representative sample of each
5797 survey of recommended needs for five districts selected by the
5798 commissioner from among districts with the largest need-to-
5799 revenue ratio. For the purpose of this subsection, the need-to-
5800 revenue ratio is determined by dividing the total 5-year cost of
5801 projects listed on the district survey by the total 5-year fixed
5802 capital outlay revenue projections from state and local sources
5803 as determined by the department. The commissioner may direct
5804 fixed capital outlay funds to be withheld from districts until
5805 such time as the survey accurately projects facilities needs.

5806 (d) *Periodic update of Florida Inventory of School Houses.*—
5807 School districts shall periodically update their inventory of
5808 educational facilities as new capacity becomes available and as
5809 unsatisfactory space is eliminated. The State Board of Education
5810 shall adopt rules to determine the timeframe in which districts



294156

5811 must provide a periodic update.

5812 Section 116. Subsection (3) of section 1013.36, Florida
5813 Statutes, is amended to read:

5814 1013.36 Site planning and selection.—

5815 (3) Sites recommended for purchase or purchased must meet
5816 standards prescribed in law and such supplementary standards as
5817 the State Board of Education or State Board of Colleges, as
5818 appropriate, prescribes to promote the educational interests of
5819 the students. Each site must be well drained and suitable for
5820 outdoor educational purposes as appropriate for the educational
5821 program or collocated with facilities to serve this purpose. As
5822 provided in s. 333.03, the site must not be located within any
5823 path of flight approach of any airport. Insofar as is
5824 practicable, the site must not adjoin a right-of-way of any
5825 railroad or through highway and must not be adjacent to any
5826 factory or other property from which noise, odors, or other
5827 disturbances, or at which conditions, would be likely to
5828 interfere with the educational program. To the extent
5829 practicable, sites must be chosen which will provide safe access
5830 from neighborhoods to schools.

5831 Section 117. Subsections (3) and (4) of section 1013.37,
5832 Florida Statutes, are amended to read:

5833 1013.37 State uniform building code for public educational
5834 facilities construction.—

5835 (3) REVIEW PROCEDURE.—The Commissioner of Education and the
5836 Chancellor of the Florida College System, as appropriate, shall
5837 cooperate with the Florida Building Commission in addressing all
5838 questions, disputes, or interpretations involving the provisions
5839 of the Florida Building Code which govern the construction of



294156

5840 public educational and ancillary facilities, and any objections
5841 to decisions made by the inspectors or the department must be
5842 submitted in writing.

5843 (4) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.—The
5844 department, for school districts, and the State Board of
5845 Colleges, for Florida College System institutions, shall
5846 biennially review and recommend to the Florida Building
5847 Commission updates and revisions to the provisions of the
5848 Florida Building Code which govern the construction of public
5849 educational and ancillary facilities. The department, for school
5850 districts, and the State Board of Colleges, for Florida College
5851 System institutions, shall publish and make available to each
5852 board at no cost copies of the State Requirements for
5853 Educational Facilities and each amendment and revision thereto.
5854 The department and state board shall make additional copies
5855 available to all interested persons at a price sufficient to
5856 recover costs.

5857 Section 118. Subsections (1), (2), and (3) of section
5858 1013.40, Florida Statutes, are amended to read:

5859 1013.40 Planning and construction of Florida College System
5860 institution facilities; property acquisition.—

5861 (1) The need for Florida College System institution
5862 facilities shall be established by a survey conducted pursuant
5863 to this chapter. The facilities recommended by such survey must
5864 be approved by the State Board of Colleges Education, and the
5865 projects must be constructed according to the provisions of this
5866 chapter and State Board of Colleges Education rules.

5867 (2) A ~~NO~~ Florida College System institution may not expend
5868 public funds for the acquisition of additional property without



294156

5869 the specific approval of the Legislature.

5870 (3) A ~~No~~ facility may not be acquired or constructed by a
5871 Florida College System institution or its direct-support
5872 organization if such facility requires general revenue funds for
5873 operation or maintenance upon project completion or in
5874 subsequent years of operation, unless prior approval is received
5875 from the Legislature.

5876 Section 119. Section 1013.47, Florida Statutes, is amended
5877 to read:

5878 1013.47 Substance of contract; contractors to give bond;
5879 penalties.—Each board shall develop contracts consistent with
5880 this chapter and statutes governing public facilities. Such a
5881 contract must contain the drawings and specifications of the
5882 work to be done and the material to be furnished, the time limit
5883 in which the construction is to be completed, the time and
5884 method by which payments are to be made upon the contract, and
5885 the penalty to be paid by the contractor for a failure to comply
5886 with the terms of the contract. The board may require the
5887 contractor to pay a penalty for any failure to comply with the
5888 terms of the contract and may provide an incentive for early
5889 completion. Upon accepting a satisfactory bid, the board shall
5890 enter into a contract with the party or parties whose bid has
5891 been accepted. The contractor shall furnish the board with a
5892 performance and payment bond as set forth in s. 255.05. A board
5893 or other public entity may not require a contractor to secure a
5894 surety bond under s. 255.05 from a specific agent or bonding
5895 company. A person, firm, or corporation that constructs any part
5896 of any educational plant, or addition thereto, on the basis of
5897 any unapproved plans or in violation of any plans approved in



294156

5898 accordance with the provisions of this chapter and rules of the
5899 State Board of Education or State Board of Colleges or
5900 regulations of the Board of Governors relating to building
5901 standards or specifications is subject to forfeiture of the
5902 surety bond and unpaid compensation in an amount sufficient to
5903 reimburse the board for any costs that will need to be incurred
5904 in making any changes necessary to assure that all requirements
5905 are met and is also guilty of a misdemeanor of the second
5906 degree, punishable as provided in s. 775.082 or s. 775.083, for
5907 each separate violation.

5908 Section 120. Section 1013.52, Florida Statutes, is amended
5909 to read:

5910 1013.52 Cooperative development and joint use of facilities
5911 by two or more boards.—

5912 (1) Two or more boards, including district school boards,
5913 Florida College System institution boards of trustees, the Board
5914 of Trustees for the Florida School for the Deaf and the Blind,
5915 and university boards of trustees, desiring to cooperatively
5916 establish a common educational facility to accommodate students
5917 shall:

5918 (a) Jointly request a formal assessment by the Commissioner
5919 of Education, ~~or~~ the Chancellor of the State University System,
5920 or the Chancellor of the State Board of Colleges, as
5921 appropriate, of the academic program need and the need to build
5922 new joint-use facilities to house approved programs. Completion
5923 of the assessment and approval of the project by the State Board
5924 of Education, the State Board of Colleges, the Chancellor of the
5925 Florida College System, the Board of Governors, the Chancellor
5926 of the State University System, or the Commissioner of



294156

5927 Education, as appropriate, should be done prior to conducting an
5928 educational facilities survey.

5929 (b) Demonstrate the need for construction of new joint-use
5930 facilities involving postsecondary institutions by those
5931 institutions presenting evidence of the presence of sufficient
5932 actual full-time equivalent enrollments in the locale in leased,
5933 rented, or borrowed spaces to justify the requested facility for
5934 the programs identified in the formal assessment rather than
5935 using projected or anticipated future full-time equivalent
5936 enrollments as justification. If the decision is made to
5937 construct new facilities to meet this demonstrated need, then
5938 building plans should consider full-time equivalent enrollment
5939 growth facilitated by this new construction and subsequent new
5940 program offerings made possible by the existence of the new
5941 facilities.

5942 (c) Adopt and submit to the Commissioner of Education, the
5943 Chancellor of the Florida College System, or ~~and~~ the Chancellor
5944 of the State University System, as appropriate, if the joint
5945 request involves a state university, a joint resolution of the
5946 participating boards indicating their commitment to the
5947 utilization of the requested facility and designating the locale
5948 of the proposed facility. The joint resolution shall contain a
5949 statement of determination by the participating boards that
5950 alternate options, including the use of leased, rented, or
5951 borrowed space, were considered and found less appropriate than
5952 construction of the proposed facility. The joint resolution
5953 shall contain assurance that the development of the proposed
5954 facility has been examined in conjunction with the programs
5955 offered by neighboring public educational facilities offering



294156

5956 instruction at the same level. The joint resolution also shall
5957 contain assurance that each participating board shall provide
5958 for continuity of educational progression. All joint resolutions
5959 shall be submitted by August 1 for consideration of funding by
5960 the subsequent Legislature.

5961 (d) Submit requests for funding of joint-use facilities
5962 projects involving state universities and Florida College System
5963 institutions for approval by the Chancellor of the Florida
5964 College System Commissioner of Education and the Chancellor of
5965 the State University System. The Chancellor of the Florida
5966 College System Commissioner of Education and the Chancellor of
5967 the State University System shall jointly determine the priority
5968 for funding these projects in relation to the priority of all
5969 other capital outlay projects under their consideration. To be
5970 eligible for funding from the Public Education Capital Outlay
5971 and Debt Service Trust Fund under the provisions of this
5972 section, projects involving both state universities and Florida
5973 College System institutions shall appear on the 3-year capital
5974 outlay priority lists of Florida College System institutions and
5975 of universities required by s. 1013.64. Projects involving a
5976 state university, a Florida College System institution, and a
5977 public school, and in which the larger share of the proposed
5978 facility is for the use of the state university or the Florida
5979 College System institution, shall appear on the 3-year capital
5980 outlay priority lists of the Florida College System institutions
5981 or of the universities, as applicable.

5982 (e) Include in their joint resolution for the joint-use
5983 facilities, comprehensive plans for the operation and management
5984 of the facility upon completion. Institutional responsibilities



294156

5985 for specific functions shall be identified, including
5986 designation of one participating board as sole owner of the
5987 facility. Operational funding arrangements shall be clearly
5988 defined.

5989 (2) An educational plant survey must be conducted within 90
5990 days after submission of the joint resolution and substantiating
5991 data describing the benefits to be obtained, the programs to be
5992 offered, and the estimated cost of the proposed project. Upon
5993 completion of the educational plant survey, the participating
5994 boards may include the recommended projects in their plan as
5995 provided in s. 1013.31. Upon approval of the project by the
5996 commissioner, the Chancellor of the Florida College System, or
5997 the Chancellor of the State University System, as appropriate,
5998 25 percent of the total cost of the project, or the pro rata
5999 share based on space utilization of 25 percent of the cost, must
6000 be included in the department's legislative capital outlay
6001 budget request as provided in s. 1013.60 for educational plants.
6002 The participating boards must include in their joint resolution
6003 a commitment to finance the remaining funds necessary to
6004 complete the planning, construction, and equipping of the
6005 facility. Funds from the Public Education Capital Outlay and
6006 Debt Service Trust Fund may not be expended on any project
6007 unless specifically authorized by the Legislature.

6008 (3) Included in all proposals for joint-use facilities must
6009 be documentation that the proposed new campus or new joint-use
6010 facility has been reviewed by the State Board of Education, the
6011 State Board of Colleges, or the Board of Governors, as
6012 appropriate, and has been formally requested for authorization
6013 by the Legislature.



294156

6014 (4) A ~~No~~ district school board, Florida College System
6015 institution, or state university may not ~~shall~~ receive funding
6016 for more than one approved joint-use facility per campus in any
6017 3-year period.

6018 Section 121. Subsection (1) of section 1013.65, Florida
6019 Statutes, is amended to read:

6020 1013.65 Educational and ancillary plant construction funds;
6021 Public Education Capital Outlay and Debt Service Trust Fund;
6022 allocation of funds.—

6023 (1) The commissioner, through the department, shall
6024 administer the Public Education Capital Outlay and Debt Service
6025 Trust Fund. The commissioner shall allocate or reallocate funds
6026 as authorized by the Legislature. Copies of each allocation or
6027 reallocation shall be provided to members of the State Board of
6028 Education, the State Board of Colleges, and the Board of
6029 Governors and to the chairs of the House of Representatives and
6030 Senate appropriations committees. The commissioner shall provide
6031 for timely encumbrances of funds for duly authorized projects.
6032 Encumbrances may include proceeds to be received under a
6033 resolution approved by the State Board of Education authorizing
6034 the issuance of public education capital outlay bonds pursuant
6035 to s. 9(a)(2), Art. XII of the State Constitution, s. 215.61,
6036 and other applicable law. The commissioner shall provide for the
6037 timely disbursement of moneys necessary to meet the encumbrance
6038 authorizations of the boards. Records shall be maintained by the
6039 department to identify legislative appropriations, allocations,
6040 encumbrance authorizations, disbursements, transfers,
6041 investments, sinking funds, and revenue receipts by source. The
6042 Department of Education shall pay the administrative costs of



294156

6043 the Public Education Capital Outlay and Debt Service Trust Fund
6044 from the funds which comprise the trust fund.

6045 Section 122. Except as otherwise expressly provided in this
6046 act and except for this section, which shall take effect upon
6047 becoming a law, this act shall take effect October 1, 2018.

6048
6049 ===== T I T L E A M E N D M E N T =====

6050 And the title is amended as follows:

6051 Delete everything before the enacting clause
6052 and insert:

6053 A bill to be entitled
6054 An act relating to postsecondary education; providing
6055 a short title; creating s. 1001.6001, F.S.; creating
6056 the State Board of Colleges; requiring the Governor to
6057 appoint the membership of the state board; providing
6058 that the appointments are subject to confirmation by
6059 the Senate; requiring the Division of Florida Colleges
6060 to provide administrative support to the state board
6061 until a specified date; transferring the Florida
6062 College System and the Division of Florida Colleges to
6063 the state board on a specified date; requiring the
6064 state board to appoint a Chancellor of the Florida
6065 College System by a specified date; amending s. 20.15,
6066 F.S.; removing the Division of Florida Colleges from
6067 within the Department of Education; requiring the
6068 department to provide support to the State Board of
6069 Colleges; creating s. 20.156, F.S.; creating the State
6070 Board of Colleges; assigning the state board to, and
6071 administratively housing the state board within, the



294156

6072 department; providing the personnel for and powers and
6073 duties of the state board; requiring the state board
6074 to conduct an organizational meeting by a specified
6075 date; amending s. 112.313, F.S.; prohibiting citizen
6076 members of the State Board of Colleges or Florida
6077 College System institution boards of trustees from
6078 having an employment or contractual relationship as
6079 specified lobbyists; amending s. 112.3145, F.S.;

6080 revising the term "state officer" to include certain
6081 Florida College System personnel; amending s. 1000.03,
6082 F.S.; revising the function and mission of the Florida
6083 K-20 education system; requiring the State Board of
6084 Colleges to oversee enforcement of Florida College
6085 System laws and rules; amending s. 1000.05, F.S.;

6086 requiring the Chancellor of the Florida College
6087 System, instead of the Commissioner of Education, to
6088 make certain determinations regarding equal
6089 opportunities at Florida College System institutions;

6090 requiring the State Board of Colleges to adopt rules;

6091 amending s. 1001.02, F.S.; revising the general powers
6092 of the State Board of Education to exempt the Florida
6093 College System from certain provisions; deleting
6094 duties of the State Board of Education regarding the
6095 Florida College System; amending s. 1001.03, F.S.;

6096 revising certain articulation accountability and
6097 enforcement measures; requiring the State Board of
6098 Education to collect information in conjunction with
6099 the Board of Governors and the State Board of
6100 Colleges; deleting duties of the State Board of



6101 Education regarding the Florida College System;
6102 amending ss. 1001.10 and 1001.11, F.S.; revising the
6103 general powers and duties of the Commissioner of
6104 Education to exempt the Florida College System from
6105 certain powers and duties; amending s. 1001.20, F.S.;
6106 revising duties of the Office of Inspector General
6107 within the department regarding the Florida College
6108 System; amending s. 1001.28, F.S.; providing that the
6109 powers and duties of the State Board of Colleges are
6110 not abrogated, superseded, altered, or amended by
6111 certain provisions relating to the department's duties
6112 for distance learning; amending s. 1001.42, F.S.;
6113 prohibiting a technical center governing board from
6114 approving certain courses and programs; amending s.
6115 1001.44, F.S.; providing the primary mission of a
6116 career center operated by a district school board;
6117 prohibiting specified career centers from offering
6118 certain courses and programs; amending s. 1001.60,
6119 F.S.; conforming provisions to changes made by the
6120 act; creating s. 1001.601, F.S.; establishing the
6121 State Board of Colleges; providing the membership of
6122 the board; creating s. 1001.602, F.S.; providing the
6123 responsibilities and duties of the State Board of
6124 Colleges; requiring the state board to coordinate with
6125 the State Board of Education; requiring the state
6126 board, in collaboration with the State Board of
6127 Education, to adopt specified definitions by rule;
6128 amending ss. 1001.61, 1001.64, and 1001.65, F.S.;
6129 conforming provisions to changes made by the act;



294156

6130 amending s. 1001.66, F.S.; revising requirements for
6131 the performance-based metrics used to award Florida
6132 College System institutions with performance-based
6133 incentives; amending s. 1001.67, F.S.; revising the
6134 Distinguished Florida College System Institution
6135 Program excellence standards requirements; amending s.
6136 1001.706, F.S.; revising cooperation duties of the
6137 Board of Governors to include requirements for working
6138 with the State Board of Colleges; amending s. 1002.34,
6139 F.S.; providing the primary mission of a charter
6140 technical career center; prohibiting specified charter
6141 technical career centers from offering certain courses
6142 and programs; providing for rulemaking; amending s.
6143 1003.491, F.S.; revising the Florida Career and
6144 Professional Education Act to require the State Board
6145 of Colleges to recommend, jointly with the Board of
6146 Governors and the Commissioner of Education, certain
6147 deadlines for new core courses; amending s. 1003.493,
6148 F.S.; revising department duties regarding
6149 articulation and the transfer of credits to
6150 postsecondary institutions to include consultation
6151 with the State Board of Colleges; amending s.
6152 1004.015, F.S.; providing that the Higher Education
6153 Coordinating Council serves as an advisory board to,
6154 in addition to other bodies, the State Board of
6155 Colleges; revising council reporting requirements to
6156 include a report to the state board; requiring the
6157 state board to collaborate with the Office of K-20
6158 Articulation to provide administrative support for the



294156

6159 council; amending ss. 1004.02 and 1004.03, F.S.;

6160 conforming provisions to changes made by the act;

6161 amending s. 1004.04, F.S.; revising department

6162 reporting requirements regarding teacher preparation

6163 programs to require a report to the State Board of

6164 Colleges; amending s. 1004.07, F.S.; providing that

6165 the State Board of Colleges, instead of the State

6166 Board of Education, provide guidelines for Florida

6167 College System institution boards of trustees'

6168 policies; amending ss. 1004.084, 1004.085, 1004.096,

6169 1004.0961, 1004.35, and 1004.6495, F.S.; conforming

6170 provisions to changes made by the act; amending s.

6171 1004.65, F.S.; revising Florida College System

6172 institution governance, mission, and responsibilities,

6173 to provide authority and duties to the State Board of

6174 Colleges, instead of the State Board of Education;

6175 providing that offering upper-level instruction and

6176 awarding baccalaureate degrees are a secondary and not

6177 a primary role of a Florida College System

6178 institution; amending s. 1004.67, F.S.; conforming

6179 provisions to changes made by the act; amending s.

6180 1004.70, F.S.; revising requirements for appointments

6181 to the board of directors; prohibiting a Florida

6182 College System institution board of trustees from

6183 authorizing a Florida College System institution

6184 direct-support organization to use personal services

6185 and state funds for travel expenses after a specified

6186 date; deleting an exception to the prohibition on

6187 gifts to a political committee from a Florida College



294156

6188 System institution direct-support organization;
6189 conforming provisions to changes made by the act;
6190 amending s. 1004.71, F.S.; conforming provisions to
6191 changes made by the act; amending s. 1004.74, F.S.;
6192 requiring the Chancellor of the Florida College
6193 System, jointly with the Commissioner of Education, to
6194 appoint members of the Council for the Florida School
6195 for the Arts; amending ss. 1004.78 and 1004.80, F.S.;
6196 conforming provisions to changes made by the act;
6197 amending s. 1004.91, F.S.; requiring the State Board
6198 of Colleges to collaborate with the State Board of
6199 Education to provide certain rules for Florida College
6200 System institutions regarding requirements for career
6201 education program basic skills; amending s. 1004.92,
6202 F.S.; providing accountability for career education
6203 for the State Board of Colleges; revising the
6204 department's accountability for career education;
6205 requiring the department and the State Board of
6206 Colleges to collaborate to develop certain standards
6207 and benchmarks; requiring the State Board of Education
6208 and the State Board of Colleges to collaborate to
6209 adopt rules; amending s. 1004.925, F.S.; revising
6210 industry certification requirements for automotive
6211 service technology education programs to include rules
6212 adopted by the State Board of Colleges; amending s.
6213 1004.93, F.S.; conforming provisions to changes made
6214 by the act; amending s. 1006.60, F.S.; authorizing
6215 sanctions for violations of certain rules of the State
6216 Board of Colleges, instead of for violations of



294156

6217 certain rules of the State Board of Education;
6218 amending ss. 1006.61, 1006.62, and 1006.71, F.S.;
6219 conforming provisions to changes made by the act;
6220 amending s. 1007.01, F.S.; revising the role of the
6221 State Board of Education and the Board of Governors in
6222 the statewide articulation system to include the State
6223 Board of Colleges and the Chancellor of the Florida
6224 College System; amending s. 1007.23, F.S.; requiring
6225 each Florida College System institution and each state
6226 university to execute at least one "2+2" targeted
6227 pathway articulation agreement by a specified time;
6228 providing requirements and student eligibility for the
6229 agreements; requiring the State Board of Colleges and
6230 the Board of Governors to collaborate to eliminate
6231 barriers in executing the agreements; amending s.
6232 1007.24, F.S.; revising the statewide course numbering
6233 system to include participation by and input from the
6234 State Board of Colleges and the Chancellor of the
6235 Florida College System; amending ss. 1007.25,
6236 1007.262, 1007.263, 1007.264, and 1007.265, F.S.;
6237 conforming provisions to changes made by the act;
6238 amending s. 1007.27, F.S.; requiring school districts
6239 to notify students about certain lists and
6240 equivalencies; amending s. 1007.271, F.S.; requiring
6241 the State Board of Education to collaborate with the
6242 State Board of Colleges regarding certain articulation
6243 agreements; amending s. 1007.273, F.S.; requiring the
6244 State Board of Colleges to enforce compliance with
6245 certain provisions relating to the collegiate high



294156

6246 school program by a specified date each year; amending
6247 s. 1007.33, F.S.; prohibiting Florida College System
6248 institutions from offering bachelor of arts degree
6249 programs; deleting provisions relating to an
6250 authorization for the Board of Trustees of St.
6251 Petersburg College to establish certain baccalaureate
6252 degree programs; revising the approval process for
6253 baccalaureate degree programs proposed by Florida
6254 College System institutions; requiring a Florida
6255 College System institution to annually report certain
6256 information to the State Board of Colleges, the
6257 Chancellor of the State University System, and the
6258 Legislature; revising the circumstances under which a
6259 baccalaureate degree program may be required to be
6260 modified or terminated; requiring that a baccalaureate
6261 degree program be terminated under certain
6262 circumstances; restricting total upper-level,
6263 undergraduate full-time equivalent enrollment at
6264 Florida College System institutions and within the
6265 Florida College System; amending s. 1008.30, F.S.;
6266 requiring the State Board of Colleges, rather than the
6267 State Board of Education, to develop and implement a
6268 specified common placement test and approve a
6269 specified series of meta-majors and academic pathways
6270 with the Board of Governors; providing that certain
6271 state universities may continue to provide
6272 developmental education instruction; establishing the
6273 Supporting Students for Academic Success Program;
6274 providing the purpose, requirements, funding, and



294156

6275 reporting requirements of the program; amending s.
6276 1008.31, F.S.; revising the legislative intent of
6277 Florida's K-20 education performance and
6278 accountability system to include recommendations from
6279 and reports to the State Board of Colleges; amending
6280 s. 1008.32, F.S.; removing the oversight enforcement
6281 authority of the State Board of Education relating to
6282 the Florida College System; amending s. 1008.345,
6283 F.S.; revising department responsibilities associated
6284 with the system of educational accountability to
6285 include duties for the State Board of Colleges;
6286 amending s. 1008.37, F.S.; revising certain student
6287 reporting requirements of the Commissioner of
6288 Education to also require a report to the State Board
6289 of Colleges; amending s. 1008.38, F.S.; revising the
6290 articulation accountability process to include
6291 participation by the State Board of Colleges; amending
6292 s. 1008.405, F.S.; requiring the State Board of
6293 Colleges to adopt rules for the maintenance of
6294 specific information by Florida College System
6295 institutions; amending ss. 1008.44, 1008.45, 1009.21,
6296 1009.22, 1009.23, and 1009.25, F.S.; conforming
6297 provisions to changes made by the act; amending s.
6298 1009.26, F.S.; requiring that certain information
6299 regarding fee waivers be reported to the State Board
6300 of Colleges; requiring the State Board of Colleges to
6301 adopt rules; amending s. 1009.28, F.S.; conforming
6302 provisions to changes made by the act; amending ss.
6303 1009.90 and 1009.91, F.S.; revising the duties of the



294156

6304 department to include reports to the State Board of
6305 Colleges; amending s. 1009.971, F.S.; conforming
6306 provisions to changes made by the act; amending s.
6307 1010.01, F.S.; requiring the financial records and
6308 accounts of Florida College System institutions to
6309 follow rules of the State Board of Colleges, instead
6310 of the State Board of Education; requiring each
6311 Florida College System institution to annually file
6312 specified financial statements with the State Board of
6313 Colleges; amending ss. 1010.02 and 1010.04, F.S.;
6314 requiring the funds accruing to and purchases and
6315 leases by Florida College System institutions to
6316 follow rules of the State Board of Colleges, instead
6317 of the State Board of Education; amending s. 1010.07,
6318 F.S.; requiring certain contractors to give bonds in
6319 an amount set by the State Board of Colleges; amending
6320 s. 1010.08, F.S.; authorizing Florida College System
6321 boards of trustees to budget for promotion and public
6322 relations from certain funds; amending ss. 1010.09,
6323 1010.22, 1010.30, and 1010.58, F.S.; conforming
6324 provisions to changes made by the act; amending s.
6325 1011.01, F.S.; requiring each Florida College System
6326 institution board of trustees to submit an annual
6327 operating budget according to rules of the State Board
6328 of Colleges; amending s. 1011.011, F.S.; requiring the
6329 State Board of Education to collaborate with the State
6330 Board of Colleges on legislative budget requests
6331 relating to Florida College System institutions;
6332 amending ss. 1011.30 and 1011.32, F.S.; conforming



294156

6333 provisions to changes made by the act; amending s.
6334 1011.80, F.S.; conforming provisions to changes made
6335 by the act; authorizing the State Board of Colleges to
6336 adopt rules; amending s. 1011.801, F.S.; specifying
6337 duties of the State Board of Colleges regarding funds
6338 for the operation of workforce education programs and
6339 the Workforce Development Capitalization Incentive
6340 Grant Program; amending ss. 1011.81, 1011.82, 1011.83,
6341 1011.84, and 1011.85, F.S.; conforming provisions to
6342 changes made by the act; amending s. 1012.01, F.S.;
6343 redefining the term "school officers"; amending ss.
6344 1012.80, 1012.81, 1012.83, 1012.855, and 1012.86,
6345 F.S.; conforming provisions to changes made by the
6346 act; amending s. 1013.01, F.S.; providing that the
6347 term "board" does not include the State Board of
6348 Colleges when used in the context of certain
6349 educational facilities provisions; amending ss.
6350 1013.02 and 1013.03, F.S.; requiring the State Board
6351 of Colleges to adopt rules for and provide functions
6352 relating to educational facilities; amending s.
6353 1013.28, F.S.; authorizing Florida College System
6354 institution boards of trustees to dispose of land or
6355 real property subject to rules of the State Board of
6356 Colleges; amending s. 1013.31, F.S.; specifying the
6357 role of the State Board of Colleges in educational
6358 plant surveys for Florida College System institutions;
6359 amending ss. 1013.36, 1013.37, and 1013.40, F.S.;
6360 conforming provisions to changes made by the act;
6361 amending s. 1013.47, F.S.; providing that certain



294156

6362 contractors are subject to rules of the State Board of
6363 Colleges; amending s. 1013.52, F.S.; specifying duties
6364 of the State Board of Colleges with regard to the
6365 cooperative development and joint use of facilities;
6366 amending s. 1013.65, F.S.; requiring the State Board
6367 of Colleges to be provided with copies of authorized
6368 allocations or reallocations for the Public Education
6369 Capital Outlay and Debt Service Trust Fund; providing
6370 effective dates.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/25/2018	.	
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	.	
	.	

The Committee on Appropriations (Galvano) recommended the following:

1 **Senate Amendment to Amendment (294156) (with title**
2 **amendment)**

3
4 Between lines 6044 and 6045
5 insert:

6 Section 122. (1) Effective October 1, 2018, the sums of
7 \$2,565,530 in recurring funds from the General Revenue Fund,
8 \$200,159 from the Facility Construction Administrative Trust
9 Fund, and \$56,144 from the Federal Grants Trust Fund, from the
10 amounts appropriated to the State Board of Education in the



11 General Appropriations Act for the 2018-2019 fiscal year, are
12 transferred between the appropriation categories identified in
13 paragraphs (b)-(i) from the State Board of Education to the
14 State Board of Colleges, along with the positions identified in
15 paragraph (a), as follows:

16 (a) Thirty four full-time equivalent positions with an
17 associated salary rate of 2,173,369.

18 (b) The sums of \$2,017,597 in recurring funds from the
19 General Revenue Fund; \$168,045 in recurring funds from the
20 Facility Construction Administrative Trust Fund; and \$46,886 in
21 recurring funds from the Federal Grants Trust Fund in the
22 Salaries and Benefits appropriation category.

23 (c) The sum of \$21,179 in recurring funds from the General
24 Revenue Fund in the Other Personal Services appropriation
25 category.

26 (d) The sums of \$205,109 in recurring funds from the
27 General Revenue Fund, \$16,689 in recurring funds from the
28 Facility Construction Administrative Trust Fund, and \$4,390 in
29 recurring funds from the Federal Grants Trust Fund in the
30 Expenses appropriation category.

31 (e) The sums of \$11,414 in recurring funds from the General
32 Revenue Fund, \$2,843 in recurring funds from the Facility
33 Construction Administrative Trust Fund, and \$214 in recurring
34 funds from the Federal Grants Trust Fund in the Special
35 Categories - Contracted Services appropriation category.

36 (f) The sums of \$8,256 in recurring funds from the General
37 Revenue Fund, \$515 in recurring funds from the Facility
38 Construction Administrative Trust Fund, and \$191 in recurring
39 funds from the Federal Grants Trust Fund in the Special



40 Categories - Risk Management Insurance appropriation category.

41 (g) The sums of \$8,055 in recurring funds from the General
42 Revenue Fund, \$515 in recurring funds from the Facility
43 Construction Administrative Trust Fund, and \$191 in recurring
44 funds from the Federal Grants Trust Fund for Special Categories
45 - Transfer to the Department of Management Services - Human
46 Resources Services Purchased per Statewide Contract
47 appropriation category.

48 (h) The sums of \$182,286 in recurring funds from the
49 General Revenue Fund, \$11,550 in recurring funds from the
50 Facility Construction Administrative Trust Fund, and \$4,274 in
51 recurring funds from the Federal Grants Trust Fund in the
52 Special Categories - Data Processing Services, Education
53 Technology and Information Services appropriation category.

54 (i) The sum of \$111,635 in recurring funds from the General
55 Revenue Fund for Data Processing Services - Northwest Regional
56 Data Center appropriation category.

57
58 The amounts transferred pursuant to this subsection represent
59 the funding for only the final three quarters of the fiscal
60 year.

61 (2) Effective October 1, 2018, \$1,379,227 in recurring
62 funds from the General Revenue Fund and \$91,153 in recurring
63 funds from the Federal Grants Trust Fund are appropriated to the
64 State Board of Colleges as follows:

65 (a) An additional 17 full-time equivalent positions and an
66 additional associated salary rate of 1,068,460 are authorized
67 for the State Board of Colleges.

68 (b) The sums of \$1,014,534 in recurring funds from the



69 General Revenue Fund and \$75,857 in recurring funds from the
70 Federal Grants Trust Fund in the Salaries and Benefits
71 appropriation category.

72 (c) The sums of \$229,758 in recurring funds from the
73 General Revenue Fund and \$8,688 in recurring funds from the
74 Federal Grants Trust Fund in the Expenses appropriation
75 category.

76 (d) The sums of \$29,396 in recurring funds from the General
77 Revenue Fund and \$317 in recurring funds from the Federal Grants
78 Trust Fund in the Special Categories - Contracted Services
79 appropriation category.

80 (e) The sums of \$4,131 in recurring funds from the General
81 Revenue Fund and \$258 in recurring funds from the Federal Grants
82 Trust Fund in the Special Categories - Risk Management Insurance
83 appropriation category.

84 (f) The sums of \$4,123 in recurring funds from the General
85 Revenue Fund and \$258 in recurring funds from the Federal Grants
86 Trust Fund for the Special Categories - Transfer to the
87 Department of Management Services - Human Resources Services
88 Purchased per Statewide Contract appropriation category.

89 (g) The sums of \$92,402 in recurring funds from the General
90 Revenue Fund and \$5,775 in recurring funds from the Federal
91 Grants Trust Fund in the Special Categories - Data Processing
92 Services, Education Technology and Information Services
93 appropriation category.

94 (h) The sum of \$4,883 in recurring funds from the General
95 Revenue Fund in the Data Processing Services - Northwest
96 Regional Data Center appropriation category.
97



98 The amounts appropriated under this subsection represent funding
99 for only the final three quarters of the fiscal year.

100 (3) Effective October 1, 2018, the sum of \$10 million in
101 recurring funds from the General Revenue Fund is appropriated to
102 the State Board of Colleges for distribution to colleges for
103 students who earn industry certifications during the 2018-2019
104 academic year. Funding for each college must be calculated based
105 on the percentage of students who earn industry certifications
106 in the following occupations or occupational areas: public
107 safety; health sciences; automotive service technology; auto
108 collision repair and refinishing; cyber security; cloud
109 virtualization; network support services; computer programming;
110 advanced manufacturing; electrician; welding; Federal Aviation
111 Administration airframe mechanics; powerplant mechanics;
112 pharmacy technician; and heating, ventilation, and air
113 conditioning technician. By June 1, 2019, the State Board of
114 Colleges shall distribute the funds and establish procedures and
115 timelines for colleges to report the percentage of students who
116 earned certifications for funding. The State Board of Colleges
117 may allocate any funds not obligated by June 1, 2019, to schools
118 that have earned awards based on the percentage of earned
119 certifications. By October 31, 2018, the Chancellor of the
120 Florida College System shall identify the associated industry
121 certifications and shall prepare a report for each
122 certification, including costs for the certification, the
123 percentage of students who earned such certifications and who
124 are employed, and the average salary of students who earned such
125 certifications. Performance funds may not be awarded for
126 certifications earned through continuing workforce education



127 programs. Industry certifications that are earned by students
128 who were enrolled in the 2017-2018 academic year which were
129 eligible to be included in the funding allocation for the 2017-
130 2018 fiscal year but who were not included in the final
131 disbursement due to the early data reporting deadline may be
132 reported by colleges and included in the allocation of funds for
133 the 2018-2019 fiscal year. Colleges shall maintain documentation
134 for student attainment of industry certifications that are
135 eligible for performance funding. The Auditor General shall
136 verify compliance with this requirement during scheduled
137 operational audits of the colleges. If a college does not
138 comply, it must refund the performance funding to the state.

139 (4) Effective July 1, 2018, and notwithstanding s.
140 1001.66(2), Florida Statutes, which requires funding for the
141 Florida College Performance-Based Incentive to be determined in
142 the General Appropriations Act, \$60 million in recurring funds
143 from the General Revenue Fund is appropriated to the State Board
144 of Education for the Florida College Performance-Based Incentive
145 awarded pursuant to s. 1001.66, Florida Statutes, for the 2018-
146 2019 fiscal year. From these funds, \$30 million is included as
147 the state investment in performance funding and \$30 million is
148 redistributed from the base budget of Florida College System
149 institutions as the institutional investment in performance
150 funding.

151 (5) Effective July 1, 2018, and notwithstanding the
152 provisions of s. 1008.30(7)(b), Florida Statutes, which limit
153 funding for the Supporting Students for Academic Success Program
154 to amounts provided in the General Appropriations Act, \$30
155 million in recurring funds from the General Revenue Fund is



156 appropriated to the State Board of Education for the Supporting
157 Students for Academic Success Program established in that
158 section for the 2018-2019 fiscal year. The State Board of
159 Education shall allocate the funds to each Florida College
160 System institution through the Florida College System Program
161 Fund funding model developed pursuant to s. 1011.84, Florida
162 Statutes.

163 (6) Effective October 1, 2018, all rules, records,
164 property, and unexpended balances of appropriations,
165 allocations, or other funds relating to the Florida College
166 System which are currently assigned to and administered by the
167 State Board of Education are transferred by a type two transfer,
168 as defined in s. 20.06(2), Florida Statutes, to the State Board
169 of Colleges. Such rules shall remain effective until modified by
170 the State Board of Colleges.

171 (7) This section shall take effect July 1, 2018.

173 ===== T I T L E A M E N D M E N T =====

174 And the title is amended as follows:

175 Delete line 6369

176 and insert:

177 Capital Outlay and Debt Service Trust Fund; providing
178 appropriations effective on specified dates; requiring
179 the State Board of Colleges to distribute certain
180 funds and establish certain procedures and timelines
181 for colleges by a specified date; requiring the
182 Chancellor of the Florida College System to prepare
183 certain reports by a specified date; specifying that
184 certain industry certifications may be reported and



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185 included in the allocation of funds for the 2018-2019
186 fiscal year; requiring colleges to maintain certain
187 documentation for industry certifications; requiring
188 the Auditor General to verify compliance with
189 specified requirements; transferring certain funds
190 relating to the Florida College System currently
191 assigned to and administered by the State Board of
192 Education to the State Board of Colleges; providing

By the Committee on Education; and Senator Hukill

581-01304-18

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1 A bill to be entitled
 2 An act relating to postsecondary education; providing
 3 a short title; creating s. 1001.6001, F.S.; renaming
 4 the Florida College System as the Florida Community
 5 College System; creating the State Board of Community
 6 Colleges; requiring the Governor to appoint the
 7 membership of the state board; providing that the
 8 appointments are subject to confirmation by the
 9 Senate; requiring the Division of Florida Colleges to
 10 provide administrative support to the state board
 11 until a specified date; transferring the Florida
 12 College System and the Division of Florida Colleges to
 13 the state board on a specified date; requiring the
 14 state board to appoint a Chancellor of the Florida
 15 Community College System by a specified date; amending
 16 s. 20.15, F.S.; removing the Division of Florida
 17 Colleges from within the Department of Education;
 18 requiring the department to provide support to the
 19 State Board of Community Colleges; creating s. 20.156,
 20 F.S.; creating the State Board of Community Colleges;
 21 assigning the state board to, and administratively
 22 housing the state board within, the department;
 23 providing the personnel for and powers and duties of
 24 the state board; requiring the state board to conduct
 25 an organizational meeting by a specified date;
 26 amending s. 112.313, F.S.; prohibiting citizen members
 27 of the State Board of Community Colleges or Florida
 28 Community College System institution boards of
 29 trustees from having an employment or contractual

Page 1 of 247

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581-01304-18

2018540c1

30 relationship as specified lobbyists; amending s.
 31 112.3145, F.S.; revising the term "state officer" to
 32 include certain Florida Community College System
 33 personnel; amending s. 1000.03, F.S.; revising the
 34 function and mission of the Florida K-20 education
 35 system; requiring the State Board of Community
 36 Colleges to oversee enforcement of Florida Community
 37 College System laws and rules; amending s. 1000.05,
 38 F.S.; requiring the Chancellor of the Florida
 39 Community College System, instead of the Commissioner
 40 of Education, to make certain determinations regarding
 41 equal opportunities at Florida Community College
 42 System institutions; requiring the State Board of
 43 Community Colleges to adopt rules; amending s.
 44 1001.02, F.S.; revising the general powers of the
 45 State Board of Education to exempt the Florida
 46 Community College System from certain provisions;
 47 deleting duties of the State Board of Education
 48 regarding the Florida College System; amending s.
 49 1001.03, F.S.; revising certain articulation
 50 accountability and enforcement measures; requiring the
 51 State Board of Education to collect information in
 52 conjunction with the Board of Governors and the State
 53 Board of Community Colleges; deleting duties of the
 54 State Board of Education regarding the Florida College
 55 System; amending ss. 1001.10 and 1001.11, F.S.;
 56 revising the general powers and duties of the
 57 Commissioner of Education to exempt the Florida
 58 Community College System from certain powers and

Page 2 of 247

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581-01304-18

2018540c1

59 duties; amending s. 1001.20, F.S.; revising duties of
60 the Office of Inspector General within the department
61 regarding the Florida College System; amending s.
62 1001.28, F.S.; providing that the powers and duties of
63 the State Board of Community Colleges are not
64 abrogated, superseded, altered, or amended by certain
65 provisions relating to the department's duties for
66 distance learning; amending s. 1001.42, F.S.;

67 prohibiting a technical center governing board from
68 approving certain courses and programs; amending s.
69 1001.44, F.S.; providing the primary mission of a
70 career center operated by a district school board;
71 prohibiting specified career centers from offering
72 certain courses and programs; amending s. 1001.60,
73 F.S.; conforming provisions to changes made by the
74 act; creating s. 1001.601, F.S.; establishing the
75 State Board of Community Colleges; providing the
76 membership of the board; creating s. 1001.602, F.S.;

77 providing the responsibilities and duties of the State
78 Board of Community Colleges; requiring the state board
79 to coordinate with the State Board of Education;
80 requiring the state board, in collaboration with the
81 State Board of Education, to adopt specified
82 definitions by rule; amending ss. 1001.61, 1001.64,
83 and 1001.65, F.S.; conforming provisions to changes
84 made by the act; amending s. 1001.66, F.S.; revising
85 requirements for the performance-based metrics used to
86 award Florida Community College System institutions
87 with performance-based incentives; amending s.

Page 3 of 247

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581-01304-18

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88 1001.67, F.S.; revising the Distinguished Florida
89 Community College System Institution Program
90 excellence standards requirements; amending s.
91 1001.706, F.S.; revising cooperation duties of the
92 Board of Governors to include requirements for working
93 with the State Board of Community Colleges; amending
94 s. 1002.34, F.S.; providing the primary mission of a
95 charter technical career center; prohibiting specified
96 charter technical career centers from offering certain
97 courses and programs; providing for rulemaking;
98 amending s. 1003.491, F.S.; revising the Florida
99 Career and Professional Education Act to require the
100 State Board of Community Colleges to recommend,
101 jointly with the Board of Governors and the
102 Commissioner of Education, certain deadlines for new
103 core courses; amending s. 1003.493, F.S.; revising
104 department duties regarding articulation and the
105 transfer of credits to postsecondary institutions to
106 include consultation with the State Board of Community
107 Colleges; amending s. 1004.015, F.S.; providing that
108 the Higher Education Coordinating Council serves as an
109 advisory board to, in addition to other bodies, the
110 State Board of Community Colleges; revising council
111 reporting requirements to include a report to the
112 state board; requiring the state board to collaborate
113 with the Office of K-20 Articulation to provide
114 administrative support for the council; amending ss.
115 1004.02 and 1004.03, F.S.; conforming provisions to
116 changes made by the act; amending s. 1004.04, F.S.;

Page 4 of 247

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581-01304-18

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117 revising department reporting requirements regarding
 118 teacher preparation programs to require a report to
 119 the State Board of Community Colleges; amending s.
 120 1004.07, F.S.; providing that the State Board of
 121 Community Colleges, instead of the State Board of
 122 Education, provide guidelines for Florida Community
 123 College System institution boards of trustees'
 124 policies; amending ss. 1004.084, 1004.085, 1004.096,
 125 1004.0961, 1004.35, and 1004.6495, F.S.; conforming
 126 provisions to changes made by the act; amending s.
 127 1004.65, F.S.; revising Florida Community College
 128 System institution governance, mission, and
 129 responsibilities, to provide authority and duties to
 130 the State Board of Community Colleges, instead of the
 131 State Board of Education; providing that offering
 132 upper-level instruction and awarding baccalaureate
 133 degrees are a secondary and not a primary role of a
 134 Florida Community College System institution; amending
 135 s. 1004.67, F.S.; conforming provisions to changes
 136 made by the act; amending s. 1004.70, F.S.; revising
 137 requirements for appointments to the board of
 138 directors; prohibiting a community college board of
 139 trustees from authorizing a Florida Community College
 140 System institution direct-support organization to use
 141 personal services and state funds for travel expenses
 142 after a specified date; deleting an exception to the
 143 prohibition on gifts to a political committee from a
 144 Florida Community College System institution direct-
 145 support organization; conforming provisions to changes

Page 5 of 247

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581-01304-18

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146 made by the act; amending s. 1004.71, F.S.; conforming
 147 provisions to changes made by the act; amending s.
 148 1004.74, F.S.; requiring the Chancellor of the Florida
 149 Community College System, jointly with the
 150 Commissioner of Education, to appoint members of the
 151 Council for the Florida School for the Arts; amending
 152 ss. 1004.78 and 1004.80, F.S.; conforming provisions
 153 to changes made by the act; amending s. 1004.91, F.S.;
 154 requiring the State Board of Community Colleges to
 155 collaborate with the State Board of Education to
 156 provide certain rules for Florida Community College
 157 System institutions regarding requirements for career
 158 education program basic skills; amending s. 1004.92,
 159 F.S.; providing accountability for career education
 160 for the State Board of Community Colleges; revising
 161 the department's accountability for career education;
 162 requiring the department and the State Board of
 163 Community Colleges to collaborate to develop certain
 164 standards and benchmarks; requiring the State Board of
 165 Education and the State Board of Community Colleges to
 166 collaborate to adopt rules; amending s. 1004.925,
 167 F.S.; revising industry certification requirements for
 168 automotive service technology education programs to
 169 include rules adopted by the State Board of Community
 170 Colleges; amending s. 1004.93, F.S.; conforming
 171 provisions to changes made by the act; amending s.
 172 1006.60, F.S.; authorizing sanctions for violations of
 173 certain rules of the State Board of Community
 174 Colleges, instead of for violations of certain rules

Page 6 of 247

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581-01304-18

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175 of the State Board of Education; amending ss. 1006.61,
 176 1006.62, and 1006.71, F.S.; conforming provisions to
 177 changes made by the act; amending s. 1007.01, F.S.;
 178 revising the role of the State Board of Education and
 179 the Board of Governors in the statewide articulation
 180 system to include the State Board of Community
 181 Colleges and the Chancellor of the Florida Community
 182 College System; amending s. 1007.23, F.S.; requiring
 183 each Florida Community College System institution and
 184 each state university to execute at least one "2+2"
 185 targeted pathway articulation agreement by a specified
 186 time; providing requirements and student eligibility
 187 for the agreements; requiring the State Board of
 188 Community Colleges and the Board of Governors to
 189 collaborate to eliminate barriers in executing the
 190 agreements; amending s. 1007.24, F.S.; revising the
 191 statewide course numbering system to include
 192 participation by and input from the State Board of
 193 Community Colleges and the Chancellor of the Florida
 194 Community College System; amending ss. 1007.25,
 195 1007.262, 1007.263, 1007.264, and 1007.265, F.S.;
 196 conforming provisions to changes made by the act;
 197 amending s. 1007.27, F.S.; requiring school districts
 198 to notify students about certain lists and
 199 equivalencies; amending s. 1007.271, F.S.; requiring
 200 the State Board of Education to collaborate with the
 201 State Board of Community Colleges regarding certain
 202 articulation agreements; amending s. 1007.273, F.S.;
 203 requiring the State Board of Community Colleges to

Page 7 of 247

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581-01304-18

2018540c1

204 enforce compliance with certain provisions relating to
 205 the collegiate high school program by a specified date
 206 each year; amending s. 1007.33, F.S.; prohibiting
 207 Florida Community College System institutions from
 208 offering bachelor of arts degree programs; deleting
 209 provisions relating to an authorization for the Board
 210 of Trustees of St. Petersburg College to establish
 211 certain baccalaureate degree programs; revising the
 212 approval process for baccalaureate degree programs
 213 proposed by Florida Community College System
 214 institutions; requiring a Florida Community College
 215 System institution to annually report certain
 216 information to the State Board of Community Colleges,
 217 the Chancellor of the State University System, and the
 218 Legislature; revising the circumstances under which a
 219 baccalaureate degree program may be required to be
 220 modified or terminated; requiring that a baccalaureate
 221 degree program be terminated under certain
 222 circumstances; restricting total upper-level,
 223 undergraduate full-time equivalent enrollment at
 224 Florida Community College System institutions and
 225 within the Florida Community College System; amending
 226 s. 1008.30, F.S.; requiring the State Board of
 227 Community Colleges, rather than the State Board of
 228 Education, to develop and implement a specified common
 229 placement test and approve a specified series of meta-
 230 majors and academic pathways with the Board of
 231 Governors; providing that certain state universities
 232 may continue to provide developmental education

Page 8 of 247

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581-01304-18

2018540c1

233 instruction; establishing the Supporting Students for
 234 Academic Success Program; providing the purpose,
 235 requirements, funding, and reporting requirements of
 236 the program; amending s. 1008.31, F.S.; revising the
 237 legislative intent of Florida's K-20 education
 238 performance and accountability system to include
 239 recommendations from and reports to the State Board of
 240 Community Colleges; amending s. 1008.32, F.S.;

241 removing the oversight enforcement authority of the
 242 State Board of Education relating to the Florida
 243 Community College System; amending s. 1008.345, F.S.;

244 revising department responsibilities associated with
 245 the system of educational accountability to include
 246 duties for the State Board of Community Colleges;
 247 amending s. 1008.37, F.S.; revising certain student
 248 reporting requirements of the Commissioner of
 249 Education to also require a report to the State Board
 250 of Community Colleges; amending s. 1008.38, F.S.;

251 revising the articulation accountability process to
 252 include participation by the State Board of Community
 253 Colleges; amending s. 1008.405, F.S.; requiring the
 254 State Board of Community Colleges to adopt rules for
 255 the maintenance of specific information by Florida
 256 Community College System institutions; amending ss.
 257 1008.44, 1008.45, 1009.21, 1009.22, 1009.23, and
 258 1009.25, F.S.; conforming provisions to changes made
 259 by the act; amending s. 1009.26, F.S.; requiring that
 260 certain information regarding fee waivers be reported
 261 to the State Board of Community Colleges; requiring

Page 9 of 247

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581-01304-18

2018540c1

262 the State Board of Community Colleges to adopt rules;
 263 amending s. 1009.28, F.S.; conforming provisions to
 264 changes made by the act; amending ss. 1009.90 and
 265 1009.91, F.S.; revising the duties of the department
 266 to include reports to the State Board of Community
 267 Colleges; amending s. 1009.971, F.S.; conforming
 268 provisions to changes made by the act; amending s.
 269 1010.01, F.S.; requiring the financial records and
 270 accounts of Florida Community College System
 271 institutions to follow rules of the State Board of
 272 Community Colleges, instead of the State Board of
 273 Education; requiring each Florida Community College
 274 System institution to annually file specified
 275 financial statements with the State Board of Community
 276 Colleges; amending ss. 1010.02 and 1010.04, F.S.;

277 requiring the funds accruing to and purchases and
 278 leases by Florida Community College System
 279 institutions to follow rules of the State Board of
 280 Community Colleges, instead of the State Board of
 281 Education; amending s. 1010.07, F.S.; requiring
 282 certain contractors to give bonds in an amount set by
 283 the State Board of Community Colleges; amending s.
 284 1010.08, F.S.; authorizing Florida Community College
 285 System boards of trustees to budget for promotion and
 286 public relations from certain funds; amending ss.
 287 1010.09, 1010.22, 1010.30, and 1010.58, F.S.;

288 conforming provisions to changes made by the act;
 289 amending s. 1011.01, F.S.; requiring each Florida
 290 Community College System institution board of trustees

Page 10 of 247

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581-01304-18

2018540c1

291 to submit an annual operating budget according to
 292 rules of the State Board of Community Colleges;
 293 amending s. 1011.011, F.S.; requiring the State Board
 294 of Education to collaborate with the State Board of
 295 Community Colleges on legislative budget requests
 296 relating to Florida Community College System
 297 institutions; amending ss. 1011.30 and 1011.32, F.S.;
 298 conforming provisions to changes made by the act;
 299 amending s. 1011.80, F.S.; conforming provisions to
 300 changes made by the act; authorizing the State Board
 301 of Community Colleges to adopt rules; amending s.
 302 1011.801, F.S.; specifying duties of the State Board
 303 of Community Colleges regarding funds for the
 304 operation of workforce education programs and the
 305 Workforce Development Capitalization Incentive Grant
 306 Program; amending ss. 1011.81, 1011.82, 1011.83,
 307 1011.84, and 1011.85, F.S.; conforming provisions to
 308 changes made by the act; amending s. 1012.01, F.S.;
 309 redefining the term "school officers"; amending ss.
 310 1012.80, 1012.81, 1012.83, 1012.855, and 1012.86,
 311 F.S.; conforming provisions to changes made by the
 312 act; amending s. 1013.01, F.S.; providing that the
 313 term "board" does not include the State Board of
 314 Community Colleges when used in the context of certain
 315 educational facilities provisions; amending ss.
 316 1013.02 and 1013.03, F.S.; requiring the State Board
 317 of Community Colleges to adopt rules for and provide
 318 functions relating to educational facilities; amending
 319 s. 1013.28, F.S.; authorizing Florida Community

Page 11 of 247

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581-01304-18

2018540c1

320 College System institution boards of trustees to
 321 dispose of land or real property subject to rules of
 322 the State Board of Community Colleges; amending s.
 323 1013.31, F.S.; specifying the role of the State Board
 324 of Community Colleges in educational plant surveys for
 325 Florida Community College System institutions;
 326 amending ss. 1013.36, 1013.37, and 1013.40, F.S.;
 327 conforming provisions to changes made by the act;
 328 amending s. 1013.47, F.S.; providing that certain
 329 contractors are subject to rules of the State Board of
 330 Community Colleges; amending s. 1013.52, F.S.;
 331 specifying duties of the State Board of Community
 332 Colleges with regard to the cooperative development
 333 and joint use of facilities; amending s. 1013.65,
 334 F.S.; requiring the State Board of Community Colleges
 335 to be provided with copies of authorized allocations
 336 or reallocations for the Public Education Capital
 337 Outlay and Debt Service Trust Fund; providing a
 338 directive to the Division of Law Revision and
 339 Information; providing effective dates.

340
 341 Be It Enacted by the Legislature of the State of Florida:

342
 343 Section 1. This act shall be cited as the "Community
 344 College Competiveness Act of 2018."

345 Section 2. Effective July 1, 2018, section 1001.6001,
 346 Florida Statutes, is created to read:

347 1001.6001 Florida Community College System governance.—
 348 (1) The Florida College System, established in s. 1001.60,

Page 12 of 247

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581-01304-18

2018540c1

349 is renamed as the Florida Community College System.

350 (2) The State Board of Community Colleges is created
 351 pursuant to s. 20.156 to oversee and coordinate the Florida
 352 Community College System. The Governor shall appoint the
 353 membership of the State Board of Community Colleges, subject to
 354 confirmation by the Senate, in time for the members to convene
 355 for the board's organizational meeting pursuant to s. 20.156(5).

356 (3) The Division of Florida Colleges shall provide
 357 administrative support to the State Board of Community Colleges
 358 until September 30, 2018.

359 (4) On October 1, 2018, all powers, duties, functions,
 360 records, offices, personnel, property, pending issues and
 361 existing contracts, administrative authority, administrative
 362 rules, and unexpended balances of appropriations, allocations,
 363 and other funds related to the Florida College System and the
 364 Division of Florida Colleges are transferred by a type two
 365 transfer, as defined in s. 20.06(2), from the State Board of
 366 Education to the State Board of Community Colleges.

367 (5) The State Board of Community Colleges shall appoint a
 368 Chancellor of the Florida Community College System by November
 369 1, 2018, to aid the board in the implementation of its
 370 responsibilities.

371 (6) Any State Board of Education approval, policy,
 372 guidance, and appointment in effect on October 1, 2018, remains
 373 effective unless acted upon by the State Board of Community
 374 Colleges.

375 Section 3. Subsections (3) and (8) of section 20.15,
 376 Florida Statutes, are amended to read:

377 20.15 Department of Education.—There is created a

Page 13 of 247

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581-01304-18

2018540c1

378 Department of Education.

379 (3) DIVISIONS.—The following divisions of the Department of
 380 Education are established:

381 ~~(a) Division of Florida Colleges.~~

382 ~~(a) (b)~~ Division of Public Schools.

383 ~~(b) (e)~~ Division of Career and Adult Education.

384 ~~(c) (d)~~ Division of Vocational Rehabilitation.

385 ~~(d) (e)~~ Division of Blind Services.

386 ~~(e) (f)~~ Division of Accountability, Research, and
 387 Measurement.

388 ~~(f) (g)~~ Division of Finance and Operations.

389 ~~(g) (h)~~ Office of K-20 Articulation.

390 ~~(h) (i)~~ The Office of Independent Education and Parental
 391 Choice, which must include the following offices:

392 1. The Office of Early Learning, which shall be
 393 administered by an executive director who is fully accountable
 394 to the Commissioner of Education. The executive director shall,
 395 pursuant to s. 1001.213, administer the early learning programs,
 396 including the school readiness program and the Voluntary
 397 Prekindergarten Education Program at the state level.

398 2. The Office of K-12 School Choice, which shall be
 399 administered by an executive director who is fully accountable
 400 to the Commissioner of Education.

401 (8) SUPPORT SERVICES.—The Department of Education shall
 402 continue to provide support to the Board of Governors of the
 403 State University System and to the State Board of Community
 404 Colleges of the Florida Community College System. At a minimum,
 405 support services provided to the Board of Governors and the
 406 State Board of Community Colleges shall include accounting,

Page 14 of 247

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581-01304-18 2018540c1

407 printing, computer and Internet support, personnel and human
408 resources support, support for accountability initiatives, and
409 administrative support as needed for trust funds under the
410 jurisdiction of the Board of Governors and the State Board of
411 Community Colleges.

412 Section 4. Effective July 1, 2018, section 20.156, Florida
413 Statutes, is created to read:

414 20.156 State Board of Community Colleges.-

415 (1) GENERAL PROVISIONS.-The State Board of Community
416 Colleges is created. For the purposes of s. 6, Art. IV of the
417 State Constitution, the state board shall be assigned to and
418 administratively housed within the Department of Education.
419 However, the state board shall independently exercise the powers
420 and duties in s. 1001.602; is a separate budget program; and is
421 not subject to control, supervision, or direction by the
422 department. For purposes of this section, the State Board of
423 Community Colleges is referred to as the "state board."

424 (2) HEAD OF THE FLORIDA COMMUNITY COLLEGE SYSTEM.-The state
425 board is the head of the Florida Community College System. The
426 Governor shall appoint the board members, subject to
427 confirmation by the Senate.

428 (3) PERSONNEL.-The state board shall appoint a Chancellor
429 of the Florida Community College System by November 1, 2018, to
430 aid in carrying out the state board's duties. The chancellor is
431 the chief executive officer and secretary to the state board and
432 directs the activities of the staff of the state board. The
433 Chancellor of the Division of Florida Colleges shall serve as
434 the Chancellor of the Florida Community College System until the
435 state board selects a chancellor.

Page 15 of 247

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581-01304-18 2018540c1

436 (4) POWERS AND DUTIES.-Effective October 1, 2018, the state
437 board shall regulate, control, and be responsible for the
438 management of the Florida Community College System.

439 (5) ORGANIZATION.-The state board shall, by September 30,
440 2018, conduct an organizational meeting to adopt bylaws, elect a
441 chair and vice chair from the membership, and fix dates and
442 places for regular meetings.

443 Section 5. Subsection (18) is added to section 112.313,
444 Florida Statutes, to read:

445 112.313 Standards of conduct for public officers, employees
446 of agencies, and local government attorneys.-

447 (18) STATE BOARD OF COMMUNITY COLLEGES AND BOARDS OF
448 TRUSTEES.-A citizen member of the State Board of Community
449 Colleges or a citizen member of a Florida Community College
450 System institution board of trustees may not have or hold an
451 employment or contractual relationship as a legislative lobbyist
452 requiring annual registration and reporting pursuant to s.
453 11.045.

454 Section 6. Paragraph (c) of subsection (1) of section
455 112.3145, Florida Statutes, is amended to read:

456 112.3145 Disclosure of financial interests and clients
457 represented before agencies.-

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

460 (c) "State officer" means:

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

Page 16 of 247

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581-01304-18

2018540c1

465 office.

466 2. An appointed member of each board, commission,
467 authority, or council having statewide jurisdiction, excluding a
468 member of an advisory body.

469 3. A member of the Board of Governors of the State
470 University System or a state university board of trustees, the
471 Chancellor and Vice Chancellors of the State University System,
472 and the president of a state university; or a member of the
473 State Board of Community Colleges and the Chancellor of the
474 Florida Community College System.

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

477 Section 7. Subsections (2) and (4) of section 1000.03,
478 Florida Statutes, are amended to read:

479 1000.03 Function, mission, and goals of the Florida K-20
480 education system.—

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

484 (b) With the exception of matters relating to the State
485 University System and the Florida Community College System, the
486 State Board of Education shall oversee the enforcement of all
487 laws and rules, and the timely provision of direction,
488 resources, assistance, intervention when needed, and strong
489 incentives and disincentives to force accountability for
490 results.

491 (c) The Board of Governors shall oversee the enforcement of
492 all state university laws and rules and regulations and the
493 timely provision of direction, resources, assistance,

Page 17 of 247

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581-01304-18

2018540c1

494 intervention when needed, and strong incentives and
495 disincentives to force accountability for results.

496 (d) The State Board of Community Colleges shall oversee the
497 enforcement of all Florida Community College System laws and
498 rules and the timely provision of direction, resources,
499 assistance, intervention when needed, and strong incentives and
500 disincentives to force accountability for results.

501 (4) The mission of Florida's K-20 education system is to
502 allow its students to increase their proficiency by allowing
503 them the opportunity to expand their knowledge and skills
504 through rigorous and relevant learning opportunities, in
505 accordance with the mission of the applicable career center or
506 system statement and the accountability requirements of s.
507 1008.31, and to avoid wasteful duplication of programs offered
508 by state universities, Florida Community College System
509 institutions, and career centers and charter technical career
510 centers that are operated by a district school board or a
511 Florida Community College System institution board of trustees.

512 Section 8. Paragraph (d) of subsection (3) and subsections
513 (5) and (6) of section 1000.05, Florida Statutes, are amended to
514 read:

515 1000.05 Discrimination against students and employees in
516 the Florida K-20 public education system prohibited; equality of
517 access required.—

518 (3)

519 (d) A public K-20 educational institution which operates or
520 sponsors interscholastic, intercollegiate, club, or intramural
521 athletics shall provide equal athletic opportunity for members
522 of both genders.

Page 18 of 247

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581-01304-18

2018540c1

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

525 2. The Commissioner of Education, for school districts, and
 526 the Chancellor of the Florida Community College System, for
 527 Florida Community College System institutions, shall determine
 528 whether equal opportunities are available in school districts
 529 and Florida Community College System institutions, respectively.
 530 In determining whether equal opportunities are available in
 531 school districts and Florida Community College System
 532 institutions, the Commissioner of Education and the Chancellor
 533 of the Florida Community College System shall consider, among
 534 other factors:

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

538 b. The provision of equipment and supplies.

539 c. Scheduling of games and practice times.

540 d. Travel and per diem allowances.

541 e. Opportunities to receive coaching and academic tutoring.

542 f. Assignment and compensation of coaches and tutors.

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

545 h. Provision of medical and training facilities and
 546 services.

547 i. Provision of housing and dining facilities and services.

548 j. Publicity.

549

550 Unequal aggregate expenditures for members of each gender or
 551 unequal expenditures for male and female teams if a public

Page 19 of 247

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581-01304-18

2018540c1

552 school or Florida Community College System institution operates
 553 or sponsors separate teams do not constitute nonimplementation
 554 of this subsection, but the Commissioner of Education shall
 555 consider the failure to provide necessary funds for teams for
 556 one gender in assessing equality of opportunity for members of
 557 each gender.

558 (5) (a) The State Board of Education shall adopt rules to
 559 implement this section as it relates to school districts ~~and~~
 560 ~~Florida College System institutions~~.

561 (b) The Board of Governors shall adopt regulations to
 562 implement this section as it relates to state universities.

563 (c) The State Board of Community Colleges shall adopt rules
 564 to implement this section as it relates to Florida Community
 565 College System institutions.

566 (6) The functions of the State Board of Community Colleges
 567 for Florida Community College System institutions and the Office
 568 of Equal Educational Opportunity of the Department of Education
 569 shall include, but are not limited to:

570 (a) Requiring all district school boards and Florida
 571 Community College System institution boards of trustees to
 572 develop and submit plans for the implementation of this section
 573 to the Department of Education.

574 (b) Conducting periodic reviews of school districts and
 575 Florida Community College System institutions to determine
 576 compliance with this section and, after a finding that a school
 577 district or a Florida Community College System institution is
 578 not in compliance with this section, notifying the entity of the
 579 steps that it must take to attain compliance and performing
 580 followup monitoring.

Page 20 of 247

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581-01304-18

2018540c1

581 (c) Providing technical assistance, including assisting
 582 school districts or Florida Community College System
 583 institutions in identifying unlawful discrimination and
 584 instructing them in remedies for correction and prevention of
 585 such discrimination and performing followup monitoring.

586 (d) Conducting studies of the effectiveness of methods and
 587 strategies designed to increase the participation of students in
 588 programs and courses in which students of a particular race,
 589 ethnicity, national origin, gender, disability, or marital
 590 status have been traditionally underrepresented and monitoring
 591 the success of students in such programs or courses, including
 592 performing followup monitoring.

593 (e) Requiring all district school boards and Florida
 594 Community College System institution boards of trustees to
 595 submit data and information necessary to determine compliance
 596 with this section. The Commissioner of Education, for school
 597 districts, and the Chancellor of the Florida Community College
 598 System, for Florida Community College System institutions, shall
 599 prescribe the format and the date for submission of such data
 600 and any other educational equity data. If any board does not
 601 submit the required compliance data or other required
 602 educational equity data by the prescribed date, the commissioner
 603 or the chancellor, as applicable, shall notify the board of this
 604 fact and, if the board does not take appropriate action to
 605 immediately submit the required report, the State Board of
 606 Education or the State Board of Community Colleges, as
 607 applicable, shall impose monetary sanctions.

608 (f) Based upon rules of the State Board of Education, for
 609 school districts, and the State Board of Community Colleges, for

Page 21 of 247

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581-01304-18

2018540c1

610 Florida Community College System institutions, developing and
 611 implementing enforcement mechanisms with appropriate penalties
 612 to ensure that public K-12 schools and Florida Community College
 613 System institutions comply with Title IX of the Education
 614 Amendments of 1972 and subsection (3) of this section. However,
 615 the State Board of Education may not force a public school and
 616 the State Board of Community colleges may not force a ~~or~~ Florida
 617 Community College System institution to conduct, nor penalize
 618 such entity for not conducting, a program of athletic activity
 619 or athletic scholarship for female athletes unless it is an
 620 athletic activity approved for women by a recognized association
 621 whose purpose is to promote athletics and a conference or league
 622 exists to promote interscholastic or intercollegiate competition
 623 for women in that athletic activity.

624 (g) Reporting to the Commissioner of Education, for school
 625 districts, or to the Chancellor of the Florida Community College
 626 System, for Florida Community College System institutions, any
 627 district school board or Florida Community College System
 628 institution board of trustees found to be out of compliance with
 629 rules of the State Board of Education or the State Board of
 630 Community Colleges adopted as required by paragraph (f) or
 631 paragraph (3) (d). To penalize the respective board, the State
 632 Board of Education or the State Board of Community Colleges, as
 633 applicable, shall:

634 1. Declare the school district or Florida Community College
 635 System institution ineligible for competitive state grants.

636 2. Notwithstanding the provisions of s. 216.192, direct the
 637 Chief Financial Officer to withhold general revenue funds
 638 sufficient to obtain compliance from the school district or

Page 22 of 247

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581-01304-18

2018540c1

639 Florida Community College System institution.

640

641 The school district or Florida Community College System
642 institution shall remain ineligible and the funds ~~may shall~~ not
643 be paid until the institution comes into compliance or the State
644 Board of Education or the State Board of Community Colleges, as
645 applicable, approves a plan for compliance.

646 Section 9. Section 1001.02, Florida Statutes, is amended to
647 read:

648 1001.02 General powers of State Board of Education.-

649 (1) The State Board of Education is the chief implementing
650 and coordinating body of public education in Florida except for
651 the State University System and the Florida Community College
652 System, and it shall focus on high-level policy decisions. It
653 has authority to adopt rules pursuant to ss. 120.536(1) and
654 120.54 to implement the provisions of law conferring duties upon
655 it for the improvement of the state system of K-20 public
656 education except for the State University System and the Florida
657 Community College System. Except as otherwise provided herein,
658 it may, as it finds appropriate, delegate its general powers to
659 the Commissioner of Education or the directors of the divisions
660 of the department.

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

662 (a) To adopt comprehensive educational objectives for
663 public education except for the State University System and the
664 Florida Community College System.

665 (b) To adopt comprehensive long-range plans and short-range
666 programs for the development of the state system of public
667 education except for the State University System and the Florida

581-01304-18

2018540c1

668 Community College System.

669 (c) To exercise general supervision over the divisions of
670 the Department of Education as necessary to ensure coordination
671 of educational plans and programs and resolve controversies and
672 to minimize problems of articulation and student transfers, to
673 ensure that students moving from one level of education to the
674 next have acquired competencies necessary for satisfactory
675 performance at that level, and to ensure maximum utilization of
676 facilities.

677 (d) To adopt, in consultation with the Board of Governors
678 and the State Board of Community Colleges, and from time to time
679 modify, minimum and uniform standards of college-level
680 communication and computation skills generally associated with
681 successful performance and progression through the baccalaureate
682 level and to identify college-preparatory high school coursework
683 and postsecondary-level coursework that prepares students with
684 the academic skills necessary to succeed in postsecondary
685 education.

686 (e) To adopt and submit to the Governor and Legislature, as
687 provided in s. 216.023, a coordinated K-20 education budget that
688 estimates the expenditure requirements for the Board of
689 Governors, as provided in s. 1001.706, the State Board of
690 Education, including the Department of Education and the
691 Commissioner of Education, and all of the boards, institutions,
692 agencies, and services under the general supervision of the
693 Board of Governors, as provided in s. 1001.706, the State Board
694 of Community Colleges, as provided in s. 1001.602, or the State
695 Board of Education for the ensuing fiscal year. The State Board
696 of Education may not amend the budget request submitted by the

581-01304-18 2018540c1

697 Board of Governors or the State Board of Community Colleges. Any
698 program recommended by the Board of Governors, the State Board
699 of Community Colleges, or the State Board of Education which
700 will require increases in state funding for more than 1 year
701 must be presented in a multiyear budget plan.

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

706 (g) To approve plans for cooperating with the Federal
707 Government.

708 (h) To approve plans for cooperating with other public
709 agencies in the development of rules and in the enforcement of
710 laws for which the state board and such agencies are jointly
711 responsible.

712 (i) To review plans for cooperating with appropriate
713 nonpublic agencies for the improvement of conditions relating to
714 the welfare of schools.

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

718 (k) To constitute any education bodies or other structures
719 as required by federal law.

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

724 (m) To assist in the planning and economic development of
725 the state by establishing a clearinghouse for information on

581-01304-18 2018540c1

726 educational programs of value to economic development.

727 (n) To adopt cohesive rules pursuant to ss. 120.536(1) and
728 120.54, within statutory authority.

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

731 (p) To contract with independent institutions accredited by
732 an agency whose standards are comparable to the minimum
733 standards required to operate a postsecondary career center
734 ~~educational institution at that level in the state~~. The purpose
735 of the contract is to provide those educational programs and
736 facilities which will meet needs unfulfilled by the state system
737 of public postsecondary education.

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

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

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

746 (t) To establish accountability standards for existing
747 legislative performance goals, standards, and measures, and
748 order the development of mechanisms to implement new legislative
749 goals, standards, and measures.

750 (u) To adopt criteria and implementation plans for future
751 growth issues, ~~such as new Florida College System institutions~~
752 ~~and Florida College System institution campus mergers~~, and to
753 provide for cooperative agreements between and within public and
754 private education sectors.

581-01304-18

2018540c1

755 (v) To develop, in conjunction with the Board of Governors
 756 and the State Board of Community Colleges, and periodically
 757 review for adjustment, a coordinated 5-year plan for
 758 postsecondary enrollment, identifying enrollment and graduation
 759 expectations by baccalaureate degree program, and annually
 760 submit the plan to the Legislature as part of its legislative
 761 budget request.

762 ~~(w) Beginning in the 2014-2015 academic year and annually~~
 763 ~~thereafter, to require each Florida College System institution~~
 764 ~~prior to registration to provide each enrolled student~~
 765 ~~electronic access to the economic security report of employment~~
 766 ~~and earning outcomes prepared by the Department of Economic~~
 767 ~~Opportunity pursuant to s. 445.07.~~

768 (3) (a) The State Board of Education shall adopt a strategic
 769 plan that specifies goals and objectives for the state's public
 770 schools ~~and Florida College System institutions~~. The plan shall
 771 be formulated in conjunction with plans of the Board of
 772 Governors and the State Board of Community Colleges in order to
 773 provide for the roles of the universities and Florida Community
 774 College System institutions to be coordinated to best meet state
 775 needs and reflect cost-effective use of state resources. The
 776 strategic plan must clarify the mission statements of each
 777 Florida Community College System institution and the system as a
 778 whole and identify degree programs, including baccalaureate
 779 degree programs, to be offered at each Florida Community College
 780 System institution in accordance with the objectives provided in
 781 this subsection and the coordinated 5-year plan pursuant to
 782 paragraph (2) (v). The strategic plan must cover a period of 5
 783 years, with modification of the program lists after 2 years.

Page 27 of 247

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581-01304-18

2018540c1

784 Development of each 5-year plan must be coordinated with and
 785 initiated after completion of the master plan. The strategic
 786 plans must specifically include programs and procedures for
 787 responding to the educational needs of teachers and students in
 788 the public schools of this state and consider reports and
 789 recommendations of the Higher Education Coordinating Council
 790 pursuant to s. 1004.015 and the Articulation Coordinating
 791 Committee pursuant to s. 1007.01. The state board shall submit a
 792 report to the President of the Senate and the Speaker of the
 793 House of Representatives upon modification of the plan and as
 794 part of its legislative budget request.

795 (b) The State Board of Education, ~~and~~ the Board of
 796 Governors, and the State Board of Community Colleges shall
 797 jointly develop long-range plans and annual reports for
 798 financial aid in this state. The long-range plans shall
 799 establish goals and objectives for a comprehensive program of
 800 financial aid for Florida students and shall be updated every 5
 801 years. The annual report shall include programs administered by
 802 the department as well as awards made from financial aid fee
 803 revenues, any other funds appropriated by the Legislature for
 804 financial assistance, and the value of tuition and fees waived
 805 for students enrolled in a dual enrollment course at a public
 806 postsecondary educational institution. The annual report shall
 807 include an assessment of progress made in achieving goals and
 808 objectives established in the long-range plans and
 809 recommendations for repealing or modifying existing financial
 810 aid programs or establishing new programs. A long-range plan
 811 shall be submitted by January 1, 2004, and every 5 years
 812 thereafter. An annual report shall be submitted on January 1,

Page 28 of 247

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581-01304-18

2018540c1

813 2004, and in each successive year that a long-range plan is not
814 submitted, to the President of the Senate and the Speaker of the
815 House of Representatives.

816 (4) The State Board of Education shall+

817 ~~(a) Provide for each Florida College System institution to~~
818 ~~offer educational training and service programs designed to meet~~
819 ~~the needs of both students and the communities served.~~

820 ~~(b) Specify, by rule, procedures to be used by the Florida~~
821 ~~College System institution boards of trustees in the annual~~
822 ~~evaluations of presidents and review the evaluations of~~
823 ~~presidents by the boards of trustees, including the extent to~~
824 ~~which presidents serve both institutional and system goals.~~

825 ~~(c) Establish, in conjunction with the Board of Governors,~~
826 ~~an effective information system that will provide composite data~~
827 ~~concerning the Florida College System institutions and state~~
828 ~~universities and ensure that special analyses and studies~~
829 ~~concerning the institutions are conducted, as necessary, for~~
830 ~~provision of accurate and cost-effective information concerning~~
831 ~~the institutions.~~

832 ~~(d) Establish criteria for making recommendations for~~
833 ~~modifying district boundary lines for Florida College System~~
834 ~~institutions, including criteria for service delivery areas of~~
835 ~~Florida College System institutions authorized to grant~~
836 ~~baccalaureate degrees.~~

837 ~~(e) Establish criteria for making recommendations~~
838 ~~concerning all proposals for the establishment of additional~~
839 ~~centers or campuses for Florida College System institutions.~~

840 ~~(f) Examine the annual administrative review of each~~
841 ~~Florida College System institution.~~

Page 29 of 247

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581-01304-18

2018540c1

842 ~~(g)~~ adopt and submit to the Legislature a 3-year list of
843 priorities for fixed-capital-outlay projects. The State Board of
844 Education may not amend the 3-year list of priorities of the
845 Board of Governors or the State Board of Community Colleges.

846 ~~(5) The State Board of Education is responsible for~~
847 ~~reviewing and administering the state program of support for the~~
848 ~~Florida College System institutions and, subject to existing~~
849 ~~law, shall establish the tuition and out-of-state fees for~~
850 ~~developmental education and for credit instruction that may be~~
851 ~~counted toward an associate in arts degree, an associate in~~
852 ~~applied science degree, or an associate in science degree.~~

853 ~~(6) The State Board of Education shall prescribe minimum~~
854 ~~standards, definitions, and guidelines for Florida College~~
855 ~~System institutions that will ensure the quality of education,~~
856 ~~coordination among the Florida College System institutions and~~
857 ~~state universities, and efficient progress toward accomplishing~~
858 ~~the Florida College System institution mission. At a minimum,~~
859 ~~these rules must address:~~

860 ~~(a) Personnel.~~

861 ~~(b) Contracting.~~

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

869 ~~(d) Provisions for curriculum development, graduation~~
870 ~~requirements, college calendars, and program service areas.~~

Page 30 of 247

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581-01304-18

2018540c1

871 ~~These provisions must include rules that:~~

872 ~~1. Provide for the award of an associate in arts degree to~~
 873 ~~a student who successfully completes 60 semester credit hours at~~
 874 ~~the Florida College System institution.~~

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

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

882
 883 ~~The rules should encourage Florida College System institutions~~
 884 ~~to enter into agreements with state universities that allow~~
 885 ~~Florida College System institution students to complete upper-~~
 886 ~~division-level courses at a Florida College System institution.~~
 887 ~~An agreement may provide for concurrent enrollment at the~~
 888 ~~Florida College System institution and the state university and~~
 889 ~~may authorize the Florida College System institution to offer an~~
 890 ~~upper-division-level course or distance learning.~~

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

893 ~~(f) Budgeting.~~

894 ~~(g) Business and financial matters.~~

895 ~~(h) Student services.~~

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

898 Section 10. Subsections (7) through (17) of section
 899 1001.03, Florida Statutes, are amended to read:

Page 31 of 247

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581-01304-18

2018540c1

900 1001.03 Specific powers of State Board of Education.—

901 (7) ARTICULATION ACCOUNTABILITY.—The State Board of
 902 Education shall develop articulation accountability measures
 903 that assess the status of systemwide articulation processes, in
 904 conjunction with the Board of Governors regarding the State
 905 University System and the State Board of Community Colleges
 906 regarding the Florida Community College System, and shall
 907 establish an articulation accountability process in accordance
 908 with the provisions of chapter 1008, in conjunction with the
 909 Board of Governors regarding the State University System and the
 910 State Board of Community Colleges regarding the Florida
 911 Community College System.

912 (8) SYSTEMWIDE ENFORCEMENT.—The State Board of Education
 913 shall enforce compliance with law and state board rule by all
 914 school districts and public postsecondary educational
 915 institutions, except for institutions within the State
 916 University System and the Florida Community College System, in
 917 accordance with the provisions of s. 1008.32.

918 (9) MANAGEMENT INFORMATION DATABASES.—The State Board of
 919 Education, in conjunction with the Board of Governors regarding
 920 the State University System and the State Board of Community
 921 Colleges regarding the Florida Community College System, shall
 922 continue to collect and maintain, at a minimum, the management
 923 information databases for state universities, community
 924 colleges, and all other components of the public K-20 education
 925 system as such databases existed on June 30, 2002.

926 ~~(10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY~~
 927 ~~EDUCATION. The State Board of Education, in conjunction with the~~
 928 ~~Board of Governors, shall develop and implement a common~~

Page 32 of 247

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581-01304-18

2018540c1

929 placement test to assess the basic computation and communication
 930 skills of students who intend to enter a degree program at any
 931 Florida College System institution or state university.

932 (10)~~(11)~~ MINIMUM STANDARDS FOR NONPUBLIC POSTSECONDARY
 933 EDUCATION.—The State Board of Education shall adopt minimum
 934 standards relating to nonpublic postsecondary education and
 935 institutions, in accordance with the provisions of chapter 1005.

936 ~~(12) COMMON POSTSECONDARY DEFINITIONS.—The State Board of~~
 937 ~~Education shall adopt, by rule, common definitions for associate~~
 938 ~~in science degrees and for certificates.~~

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

948 (11)~~(14)~~ UNIFORM CLASSIFICATION SYSTEM FOR SCHOOL DISTRICT
 949 ADMINISTRATIVE AND MANAGEMENT PERSONNEL.—The State Board of
 950 Education shall maintain a uniform classification system for
 951 school district administrative and management personnel that
 952 will facilitate the uniform coding of administrative and
 953 management personnel to total district employees.

954 ~~(15) FLORIDA COLLEGE SYSTEM INSTITUTION BACCALAUREATE~~
 955 ~~DEGREE PROGRAMS.—The State Board of Education shall provide for~~
 956 ~~the review and approval of proposals by Florida College System~~
 957 ~~institutions to offer baccalaureate degree programs pursuant to~~

Page 33 of 247

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581-01304-18

2018540c1

958 s. 1007.33. A Florida College System institution, as defined in
 959 s. 1000.21, that is approved to offer baccalaureate degrees
 960 pursuant to s. 1007.33 remains under the authority of the State
 961 Board of Education and the Florida College System institution's
 962 board of trustees. The State Board of Education may not approve
 963 Florida College System institution baccalaureate degree program
 964 proposals from March 31, 2014, through May 31, 2015.

965 ~~(16) PLAN SPECIFYING GOALS AND OBJECTIVES.—By July 1, 2013,~~
 966 ~~the State Board of Education shall identify performance metrics~~
 967 ~~for the Florida College System and develop a plan that specifies~~
 968 ~~goals and objectives for each Florida College System~~
 969 ~~institution. The plan must include:~~

970 ~~(a) Performance metrics and standards common for all~~
 971 ~~institutions and metrics and standards unique to institutions~~
 972 ~~depending on institutional core missions, including, but not~~
 973 ~~limited to, remediation success, retention, graduation,~~
 974 ~~employment, transfer rates, licensure passage, excess hours,~~
 975 ~~student loan burden and default rates, job placement, faculty~~
 976 ~~awards, and highly respected rankings for institution and~~
 977 ~~program achievements.~~

978 ~~(b) Student enrollment and performance data delineated by~~
 979 ~~method of instruction, including, but not limited to,~~
 980 ~~traditional, online, and distance learning instruction.~~

981 (12)~~(17)~~ UNIFIED STATE PLAN FOR SCIENCE, TECHNOLOGY,
 982 ENGINEERING, AND MATHEMATICS (STEM).—The State Board of
 983 Education, in consultation with the Board of Governors, the
 984 State Board of Community Colleges, and the Department of
 985 Economic Opportunity, shall adopt a unified state plan to
 986 improve K-20 STEM education and prepare students for high-skill,

Page 34 of 247

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581-01304-18 2018540c1

987 high-wage, and high-demand employment in STEM and STEM-related
988 fields.

989 Section 11. Subsection (1), paragraphs (g) and (j) of
990 subsection (6), and subsection (7) of section 1001.10, Florida
991 Statutes, are amended to read:

992 1001.10 Commissioner of Education; general powers and
993 duties.—

994 (1) The Commissioner of Education is the chief educational
995 officer of the state and the sole custodian of the K-20 data
996 warehouse, and is responsible for giving full assistance to the
997 State Board of Education in enforcing compliance with the
998 mission and goals of the K-20 education system except for the
999 State University System and the Florida Community College
1000 System.

1001 (6) Additionally, the commissioner has the following
1002 general powers and duties:

1003 (g) To submit to the State Board of Education, on or before
1004 October 1 of each year, recommendations for a coordinated K-20
1005 education budget that estimates the expenditures for the Board
1006 of Governors, the State Board of Community Colleges, the State
1007 Board of Education, including the Department of Education and
1008 the Commissioner of Education, and all of the boards,
1009 institutions, agencies, and services under the general
1010 supervision of the Board of Governors, the State Board of
1011 Community Colleges, or the State Board of Education for the
1012 ensuing fiscal year. Any program recommended to the State Board
1013 of Education that will require increases in state funding for
1014 more than 1 year must be presented in a multiyear budget plan.

1015 (j) To implement a program of school improvement and

581-01304-18 2018540c1

1016 education accountability designed to provide all students the
1017 opportunity to make adequate learning gains in each year of
1018 school as provided by statute and State Board of Education rule
1019 based upon the achievement of the state education goals,
1020 recognizing the following:

1021 1. The district school board is responsible for school and
1022 student performance.

1023 2. The individual school is the unit for education
1024 accountability.

1025 ~~3. The Florida College System institution board of trustees~~
1026 ~~is responsible for Florida College System institution~~
1027 ~~performance and student performance.~~

1028 ~~(7) The commissioner, or the commissioner's designee, may~~
1029 ~~conduct a review or investigation of practices, procedures, or~~
1030 ~~actions at any Florida College System institution which appear~~
1031 ~~to be inconsistent with sound financial, management, or academic~~
1032 ~~practice.~~

1033 Section 12. Paragraphs (c) through (f) of subsection (1)
1034 and subsection (3) of section 1001.11, Florida Statutes, are
1035 amended to read:

1036 1001.11 Commissioner of Education; other duties.—

1037 (1) The Commissioner of Education must independently
1038 perform the following duties:

1039 (c) In cooperation with the Board of Governors and the
1040 State Board of Community Colleges, develop and implement a
1041 process for receiving and processing requests, in conjunction
1042 with the Legislature, for the allocation of PECO funds for
1043 qualified postsecondary education projects.

1044 ~~(d) Integrally work with the boards of trustees of the~~

581-01304-18

2018540c1

1045 ~~Florida College System institutions.~~

1046 ~~(d)~~(e) Monitor the activities of the State Board of
1047 Education and provide information related to current and pending
1048 policies to the members of the boards of trustees of the Florida
1049 Community College System institutions and state universities.

1050 ~~(e)~~(f) Ensure the timely provision of information requested
1051 by the Legislature from the State Board of Education, the
1052 commissioner's office, and the Department of Education.

1053 (3) Notwithstanding any other provision of law to the
1054 contrary, the Commissioner of Education, in conjunction with the
1055 Legislature, ~~and~~ the Board of Governors regarding the State
1056 University System, and the State Board of Community Colleges
1057 regarding the Florida Community College System, must recommend
1058 funding priorities for the distribution of capital outlay funds
1059 for public postsecondary educational institutions, based on
1060 priorities that include, but are not limited to, the following
1061 criteria:

1062 (a) Growth at the institutions.

1063 (b) Need for specific skills statewide.

1064 (c) Need for maintaining and repairing existing facilities.

1065 Section 13. Paragraph (e) of subsection (4) of section
1066 1001.20, Florida Statutes, is amended to read:

1067 1001.20 Department under direction of state board.—

1068 (4) The Department of Education shall establish the
1069 following offices within the Office of the Commissioner of
1070 Education which shall coordinate their activities with all other
1071 divisions and offices:

1072 (e) *Office of Inspector General.*—Organized using existing
1073 resources and funds and responsible for promoting

581-01304-18

2018540c1

1074 accountability, efficiency, and effectiveness and detecting
1075 fraud and abuse within school districts ~~and~~, the Florida School
1076 for the Deaf and the Blind, ~~and Florida College System~~
1077 ~~institutions in Florida.~~ If the Commissioner of Education
1078 determines that a district school board ~~or~~, the Board of
1079 Trustees for the Florida School for the Deaf and the Blind, ~~or a~~
1080 ~~Florida College System institution board of trustees~~ is
1081 unwilling or unable to address substantiated allegations made by
1082 any person relating to waste, fraud, or financial mismanagement
1083 within the school district ~~or~~, the Florida School for the Deaf
1084 and the Blind, ~~or the Florida College System institution,~~ the
1085 office shall conduct, coordinate, or request investigations into
1086 such substantiated allegations. The office shall have access to
1087 all information and personnel necessary to perform its duties
1088 and shall have all of its current powers, duties, and
1089 responsibilities authorized in s. 20.055.

1090 Section 14. Section 1001.28, Florida Statutes, is amended
1091 to read:

1092 1001.28 Distance learning duties.—The duties of the
1093 Department of Education concerning distance learning include,
1094 but are not limited to, the duty to:

1095 (1) Facilitate the implementation of a statewide
1096 coordinated system and resource system for cost-efficient
1097 advanced telecommunications services and distance education
1098 which will increase overall student access to education.

1099 (2) Coordinate the use of existing resources, including,
1100 but not limited to, the state's satellite transponders, the
1101 Florida Information Resource Network (FIRN), and distance
1102 learning initiatives.

581-01304-18

2018540c1

1103 (3) Assist in the coordination of the utilization of the
 1104 production and uplink capabilities available through Florida's
 1105 public television stations, eligible facilities, independent
 1106 colleges and universities, private firms, and others as needed.

1107 (4) Seek the assistance and cooperation of Florida's cable
 1108 television providers in the implementation of the statewide
 1109 advanced telecommunications services and distance learning
 1110 network.

1111 (5) Seek the assistance and cooperation of Florida's
 1112 telecommunications carriers to provide affordable student access
 1113 to advanced telecommunications services and to distance
 1114 learning.

1115 (6) Coordinate partnerships for development, acquisition,
 1116 use, and distribution of distance learning.

1117 (7) Secure and administer funding for programs and
 1118 activities for distance learning from federal, state, local, and
 1119 private sources and from fees derived from services and
 1120 materials.

1121 (8) Hire appropriate staff which may include a position
 1122 that shall be exempt from part II of chapter 110 and is included
 1123 in the Senior Management Service in accordance with s. 110.205.

1124

1125 Nothing in this section shall be construed to abrogate,
 1126 supersede, alter, or amend the powers and duties of any state
 1127 agency, district school board, Florida Community College System
 1128 institution board of trustees, university board of trustees, the
 1129 Board of Governors, the State Board of Community Colleges, or
 1130 the State Board of Education.

1131 Section 15. Effective July 1, 2018, subsection (26) of

Page 39 of 247

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581-01304-18

2018540c1

1132 section 1001.42, Florida Statutes, is amended to read:
 1133 1001.42 Powers and duties of district school board.—The
 1134 district school board, acting as a board, shall exercise all
 1135 powers and perform all duties listed below:

1136 (26) TECHNICAL CENTER GOVERNING BOARD.—May appoint a
 1137 governing board for a school district technical center or a
 1138 system of technical centers for the purpose of aligning the
 1139 educational programs of the technical center with the needs of
 1140 local businesses and responding quickly to the needs of local
 1141 businesses for employees holding industry certifications. A
 1142 technical center governing board shall be comprised of seven
 1143 members, three of whom must be members of the district school
 1144 board or their designees and four of whom must be local business
 1145 leaders. The district school board shall delegate to the
 1146 technical center governing board decisions regarding entrance
 1147 requirements for students, curriculum, program development,
 1148 budget and funding allocations, and the development with local
 1149 businesses of partnership agreements and appropriate industry
 1150 certifications in order to meet local and regional economic
 1151 needs. A technical center governing board may approve only
 1152 courses and programs that contain industry certifications. A
 1153 course may be continued if at least 25 percent of the students
 1154 enrolled in the course attain an industry certification. If
 1155 fewer than 25 percent of the students enrolled in a course
 1156 attain an industry certification, the course must be
 1157 discontinued the following year. However, notwithstanding the
 1158 authority to approve courses and programs under this subsection,
 1159 a technical center governing board may not approve a college
 1160 credit course or college credit certificate or an associate

Page 40 of 247

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581-01304-18

2018540c1

1161 degree or baccalaureate degree program.

1162 Section 16. Effective July 1, 2018, section 1001.44,
1163 Florida Statutes, is amended to read:

1164 1001.44 Career centers; governance, mission, and
1165 responsibilities.—

1166 (1) DISTRICT SCHOOL BOARD MAY ESTABLISH OR ACQUIRE CAREER
1167 CENTERS.—Any district school board, after first obtaining the
1168 approval of the Department of Education, may, as a part of the
1169 district school system, organize, establish and operate a career
1170 center, or acquire and operate a career center previously
1171 established.

1172 (a) The primary mission of a career center that is operated
1173 by a district school board is to promote advances and
1174 innovations in workforce preparation and economic development. A
1175 career center may provide a learning environment that serves the
1176 needs of a specific population group or group of occupations,
1177 thus promoting diversity and choices within the public technical
1178 education community in this state.

1179 (b) A career center that is operated by a district school
1180 board may not offer a college credit course or college credit
1181 certificate or an associate degree or baccalaureate degree
1182 program.

1183 (2) DISTRICT SCHOOL BOARDS OF CONTIGUOUS DISTRICTS MAY
1184 ESTABLISH OR ACQUIRE CAREER CENTERS.—The district school boards
1185 of any two or more contiguous districts may, upon first
1186 obtaining the approval of the department, enter into an
1187 agreement to organize, establish and operate, or acquire and
1188 operate, a career center under this section.

1189 (3) CAREER CENTER PART OF DISTRICT SCHOOL SYSTEM DIRECTED

Page 41 of 247

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581-01304-18

2018540c1

1190 BY A DIRECTOR.—

1191 (a) A career center established or acquired under
1192 provisions of law and minimum standards prescribed by the
1193 commissioner shall comprise a part of the district school system
1194 and shall mean an educational institution offering terminal
1195 courses of a technical nature which are not for college credit,
1196 and courses for out-of-school youth and adults; shall be subject
1197 to all applicable provisions of this code; shall be under the
1198 control of the district school board of the school district in
1199 which it is located; and shall be directed by a director
1200 responsible through the district school superintendent to the
1201 district school board of the school district in which the center
1202 is located.

1203 (b) Each career center shall maintain an academic
1204 transcript for each student enrolled in the center. Such
1205 transcript shall delineate each course completed by the student.
1206 Courses shall be delineated by the course prefix and title
1207 assigned pursuant to s. 1007.24. The center shall make a copy of
1208 a student's transcript available to any student who requests it.

1209 Section 17. Effective July 1, 2018, section 1001.60,
1210 Florida Statutes, is amended to read:

1211 1001.60 Florida Community College System.—

1212 (1) PURPOSES.—In order to maximize open access for
1213 students, respond to community needs for postsecondary academic
1214 education and career degree education, and provide associate and
1215 baccalaureate degrees that will best meet the state's employment
1216 needs, the Legislature establishes a system of governance for
1217 the Florida Community College System.

1218 (2) FLORIDA COMMUNITY COLLEGE SYSTEM.—There shall be a

Page 42 of 247

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581-01304-18 2018540c1

1219 single Florida Community College System comprised of the Florida
1220 Community College System institutions identified in s.
1221 1000.21(3). A Florida Community College System institution may
1222 not offer graduate degree programs.

1223 (a) The programs and services offered by Florida Community
1224 College System institutions in providing associate and
1225 baccalaureate degrees shall be delivered in a cost-effective
1226 manner that demonstrates substantial savings to the student and
1227 to the state over the cost of providing the degree at a state
1228 university.

1229 (b)1. With the approval of its district board of trustees,
1230 a Florida Community College System institution may change the
1231 institution's name set forth in s. 1000.21(3) and use the
1232 designation "college" or "state college" if it has been
1233 authorized to grant baccalaureate degrees pursuant to s. 1007.33
1234 and has been accredited as a baccalaureate-degree-granting
1235 institution by the Commission on Colleges of the Southern
1236 Association of Colleges and Schools.

1237 2. With the approval of its district board of trustees, a
1238 Florida Community College System institution that does not meet
1239 the criteria in subparagraph 1. may request approval from the
1240 State Board of Community Colleges Education to change the
1241 institution's name set forth in s. 1000.21(3) and use the
1242 designation "college." The State Board of Community Colleges
1243 Education may approve the request if the Florida Community
1244 College System institution enters into an agreement with the
1245 State Board of Community Colleges Education to do the following:

1246 a. Maintain as its primary mission responsibility for
1247 responding to community needs for postsecondary academic

Page 43 of 247

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581-01304-18 2018540c1

1248 education and career degree education as prescribed in s.
1249 1004.65(5).

1250 b. Maintain an open-door admissions policy for associate-
1251 level degree programs and workforce education programs.

1252 c. Continue to provide outreach to underserved populations.

1253 d. Continue to provide remedial education.

1254 e. Comply with all provisions of the statewide articulation
1255 agreement that relate to 2-year and 4-year public degree-
1256 granting institutions as adopted by the State Board of Community
1257 Colleges Education pursuant to s. 1007.23.

1258 (c) A district board of trustees that approves a change to
1259 the name of an institution under paragraph (b) must seek
1260 statutory codification of such name change in s. 1000.21(3)
1261 during the next regular legislative session.

1262 (d) A Florida Community College System institution may not
1263 use the designation "university."

1264 (3) LOCAL BOARDS OF TRUSTEES.—Each institution within the
1265 Florida Community College System shall be governed by a local
1266 board of trustees as provided in s. 1001.64. The membership of
1267 each local board of trustees shall be as provided in s. 1001.61.

1268 Section 18. Effective July 1, 2018, section 1001.601,
1269 Florida Statutes, is created to read:

1270 1001.601 State Board of Community Colleges of the Florida
1271 Community College System.—

1272 (1) The State Board of Community Colleges is established as
1273 a body corporate consisting of 13 members, which shall consist
1274 of the Commissioner of Education and 12 citizen members who are
1275 appointed by the Governor in a manner that provides equitable
1276 geographical representation.

Page 44 of 247

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581-01304-18

2018540c1

1277 (a) The 12 appointed citizen members must include a student
 1278 enrolled in a Florida Community College System institution and a
 1279 faculty member employed at a Florida Community College System
 1280 institution.

1281 (b) Each citizen member must reside and be registered to
 1282 vote in this state.

1283 (c) Except for the student member, who shall serve a 1-year
 1284 term, appointed citizen members shall serve staggered 4-year
 1285 terms. In order to achieve staggered terms, beginning September
 1286 1, 2018, of the initial appointments, 3 members shall serve 2-
 1287 year terms, 4 members shall serve 3-year terms, and 4 members
 1288 shall serve 4-year terms.

1289 (d) Except for the student member, each citizen member must
 1290 be confirmed by the Senate.

1291 (2) Members of the State Board of Community Colleges may
 1292 not receive compensation but may be reimbursed for per diem and
 1293 travel expenses as provided in s. 112.061.

1294 Section 19. Section 1001.602, Florida Statutes, is created
 1295 to read:

1296 1001.602 Powers and duties of the State Board of Community
 1297 Colleges.—

1298 (1) RESPONSIBILITIES.—The State Board of Community Colleges
 1299 is responsible for the efficient and effective operation and
 1300 maintenance of the Florida Community College System, as
 1301 established in s. 1001.60. The State Board of Community Colleges
 1302 may adopt rules pursuant to ss. 120.536(1) and 120.54 to
 1303 implement provisions of law for the Florida Community College
 1304 System. For the purposes of this section, the State Board of
 1305 Community Colleges is referred to as the "state board."

Page 45 of 247

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581-01304-18

2018540c1

1306 (2) DUTIES.—The state board has the following duties:

1307 (a) Ensure that Florida Community College System
 1308 institutions operate consistent with the mission of the system,
 1309 pursuant to s. 1004.65.

1310 (b) Oversee the Florida Community College System and
 1311 coordinate with the State Board of Education and the Board of
 1312 Governors to avoid wasteful duplication of facilities or
 1313 programs.

1314 (c) Provide for each Florida Community College System
 1315 institution to offer educational training and service programs
 1316 designed to meet the needs of both students and the communities
 1317 served.

1318 (d) Hold meetings, transact business, keep records, and,
 1319 except as otherwise provided by law, perform such other duties
 1320 as may be necessary for the enforcement of laws and rules
 1321 relating to the Florida Community College System.

1322 (e) Provide for the coordination of educational plans and
 1323 programs to resolve controversies, minimize problems of
 1324 articulation and student transfers, ensure that students moving
 1325 from one level of education to the next have acquired
 1326 competencies necessary for satisfactory performance at that
 1327 level, and ensure maximum utilization of facilities.

1328 (f) Establish and review, in consultation with the State
 1329 Board of Education and the Board of Governors, minimum and
 1330 uniform standards of college-level communication and computation
 1331 skills generally associated with successful performance and
 1332 progression through the baccalaureate level, to identify
 1333 college-preparatory high school coursework and postsecondary-
 1334 level coursework that prepares students with the academic skills

Page 46 of 247

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581-01304-18

2018540c1

1335 necessary to succeed in postsecondary education.
 1336 (g) Approve plans for cooperating with the Federal
 1337 Government.
 1338 (h) Approve plans for cooperating with other public
 1339 agencies in the development of rules and in the enforcement of
 1340 laws for which the state board and the agencies are jointly
 1341 responsible.
 1342 (i) Create subordinate advisory bodies if required by law
 1343 or as necessary for the improvement of the Florida Community
 1344 College System.
 1345 (j) Coordinate with the State Board of Education and the
 1346 Board of Governors to collect and maintain data for the Florida
 1347 Community College System.
 1348 (k) Establish, in conjunction with the State Board of
 1349 Education and the Board of Governors, an effective information
 1350 system that will provide composite data concerning the Florida
 1351 Community College System institutions and state universities and
 1352 that will ensure that special analyses and studies concerning
 1353 the institutions are conducted, as necessary, for provision of
 1354 accurate and cost-effective information concerning the
 1355 institutions.
 1356 (l) Establish accountability standards for existing
 1357 legislative performance goals, standards, and measures, and
 1358 order the development of mechanisms to implement new legislative
 1359 goals, standards, and measures.
 1360 (m) Require each Florida Community College System
 1361 institution, before registration, to provide each enrolled
 1362 student electronic access to the economic security report of
 1363 employment and earning outcomes prepared by the Department of

Page 47 of 247

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581-01304-18

2018540c1

1364 Economic Opportunity pursuant to s. 445.07.
 1365 (n) Specify, by rule, procedures to be used by Florida
 1366 Community College System institution boards of trustees in the
 1367 annual evaluation of presidents, and review the evaluations of
 1368 presidents by the boards of trustees, including the extent to
 1369 which presidents serve both institutional and system goals.
 1370 (o) Establish, subject to existing law, the tuition and
 1371 out-of-state fees for developmental education and for credit
 1372 instruction that may be counted toward an associate in arts
 1373 degree, an associate in applied science degree, or an associate
 1374 in science degree.
 1375 (p) Develop, in conjunction with the State Board of
 1376 Education and the Board of Governors, and implement a common
 1377 placement test to assess the basic communication and computation
 1378 skills of students who intend to enter a degree program at a
 1379 Florida Community College System institution or state
 1380 university.
 1381 (q) May direct the Chancellor of the Florida Community
 1382 College System to conduct investigations of practices,
 1383 procedures, or actions at a Florida Community College System
 1384 institution which appear to be inconsistent with sound
 1385 financial, management, or academic practice.
 1386 (r) Examine the annual administrative review of each
 1387 Florida Community College System institution.
 1388 (s) Through the Chancellor of the Florida Community College
 1389 System, integrally work with the Florida Community College
 1390 System institution boards of trustees.
 1391 (t) Establish criteria for making recommendations
 1392 concerning all proposals to establish additional centers or

Page 48 of 247

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581-01304-18

2018540c1

1393 campuses for a Florida Community College System institution.
 1394 (3) PLAN SPECIFYING GOALS AND OBJECTIVES.—To comply with
 1395 the requirements under subsection (4) and the performance
 1396 metrics and standards adopted under ss. 1001.66 and 1001.67, the
 1397 state board shall identify performance metrics for the Florida
 1398 Community College System and develop a plan that specifies goals
 1399 and objectives for each Florida Community College System
 1400 institution. The plan must include:
 1401 (a) Performance metrics and standards common for all
 1402 institutions and metrics and standards unique to institutions
 1403 depending on institutional core missions, including, but not
 1404 limited to, remediation success, retention, graduation,
 1405 employment, transfer rates, licensure passage, excess hours,
 1406 student loan burden and default rates, job placement, faculty
 1407 awards, and highly respected rankings for institution and
 1408 program achievements.
 1409 (b) Student enrollment and performance data delineated by
 1410 method of instruction, including, but not limited to,
 1411 traditional, online, and distance learning instruction.
 1412 (4) STRATEGIC PLAN, LONG-RANGE PLANS, AND OTHER PLANS.—
 1413 (a) The state board shall adopt a strategic plan that
 1414 specifies goals and objectives for the Florida Community College
 1415 System. The plan must be formulated in conjunction with plans of
 1416 the State Board of Education and the Board of Governors in order
 1417 to coordinate the roles of the school districts and state
 1418 universities to best meet state needs and reflect cost-effective
 1419 use of state resources. The strategic plan must clarify the
 1420 mission statements of the Florida Community College System and
 1421 each Florida Community College System institution and identify

Page 49 of 247

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581-01304-18

2018540c1

1422 degree programs, including baccalaureate degree programs, to be
 1423 offered at each Florida Community College System institution in
 1424 accordance with the objectives provided in this subsection and
 1425 the coordinated 5-year plan pursuant to s. 1001.02(2)(v). The
 1426 strategic plan must cover a period of 5 years, with modification
 1427 of the program lists after 2 years. Development of each 5-year
 1428 plan must be coordinated with and initiated after completion of
 1429 the master plan. The strategic plan must consider reports and
 1430 recommendations of the Higher Education Coordinating Council
 1431 pursuant to s. 1004.015 and the Articulation Coordinating
 1432 Committee pursuant to s. 1007.01. Upon modification of the plan,
 1433 the state board shall submit a report to the President of the
 1434 Senate and the Speaker of the House of Representatives as part
 1435 of its legislative budget request.
 1436 (b) The state board, the State Board of Education, and the
 1437 Board of Governors shall jointly develop long-range plans and
 1438 annual reports for financial aid in this state. The long-range
 1439 plans must establish goals and objectives for a comprehensive
 1440 program of financial aid for students and shall be updated every
 1441 5 years. The annual report must include programs administered by
 1442 the department as well as awards made from financial aid fee
 1443 revenues, other funds appropriated by the Legislature for
 1444 financial assistance, and the value of tuition and fees waived
 1445 for students enrolled in a dual enrollment course at a public
 1446 postsecondary educational institution. The annual report must
 1447 include an assessment of the progress made in achieving goals
 1448 and objectives established in the long-range plans and must
 1449 include recommendations for repealing or modifying existing
 1450 financial aid programs or establishing new programs. The state

Page 50 of 247

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581-01304-18

2018540c1

1451 board, the State Board of Education, and the Board of Governors
 1452 shall submit their long-range plans by July 1, 2018, and every 5
 1453 years thereafter and shall submit their annual reports on July
 1454 1, 2018, and in each successive year that a long-range plan is
 1455 not submitted, to the President of the Senate and the Speaker of
 1456 the House of Representatives.

1457 (c) The state board shall also:

1458 1. Adopt comprehensive long-range plans and short-range
 1459 programs for the development of the Florida Community College
 1460 System.

1461 2. Assist in the economic development of the state by
 1462 developing a state-level planning process to identify future
 1463 training needs for industry, especially high-technology
 1464 industry.

1465 3. Adopt criteria and implementation plans for future
 1466 growth issues, such as new Florida Community College System
 1467 institutions and Florida Community College System institution
 1468 campus mergers, and provide for cooperative agreements between
 1469 and within public and private education sectors.

1470 (5) MINIMUM STANDARDS AND GUIDELINES.—The state board shall
 1471 prescribe minimum standards, definitions, and guidelines for
 1472 Florida Community College System institutions which will ensure
 1473 the quality of education, coordination among the Florida
 1474 Community College System institutions and state universities,
 1475 and efficient progress toward accomplishing the Florida
 1476 Community College System institution's mission. At a minimum,
 1477 these rules must address all of the following:

1478 (a) Personnel.

1479 (b) Contracting.

Page 51 of 247

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581-01304-18

2018540c1

1480 (c) Program offerings and classification, including
 1481 college-level communication and computation skills associated
 1482 with successful performance in college and with tests and other
 1483 assessment procedures that measure student achievement of those
 1484 skills. The performance measures must provide that students
 1485 moving from one level of education to the next acquire the
 1486 necessary competencies for that level.

1487 (d) Provisions for curriculum development, graduation
 1488 requirements, college calendars, and program service areas.
 1489 These provisions must include rules that:

1490 1. Provide for the award of an associate in arts degree to
 1491 a student who successfully completes 60 semester credit hours at
 1492 the Florida Community College System institution.

1493 2. Require all of the credits accepted for the associate in
 1494 arts degree to be in the statewide course numbering system as
 1495 credits toward a baccalaureate degree offered by a state
 1496 university or a Florida Community College System institution.

1497 3. Require no more than 36 semester credit hours in general
 1498 education courses in the subject areas of communication,
 1499 mathematics, social sciences, humanities, and natural sciences.

1500 The rules under this paragraph should encourage Florida
 1501 Community College System institutions to enter into agreements
 1502 with state universities which allow a Florida Community College
 1503 System institution student to complete upper-division-level
 1504 courses at a Florida Community College System institution. An
 1505 agreement may provide for concurrent enrollment at the Florida
 1506 Community College System institution and the state university
 1507 and may authorize the Florida Community College System
 1508

Page 52 of 247

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581-01304-18

2018540c1

1509 institution to offer an upper-division-level course or distance
 1510 learning.

1511 (e) Student admissions, conduct, and discipline;
 1512 nonclassroom activities; and fees.

1513 (f) Budgeting.

1514 (g) Business and financial matters.

1515 (h) Student services.

1516 (i) Reports, surveys, and information systems, including
 1517 forms and dates of submission.

1518 (6) CYCLIC REVIEW OF ACADEMIC PROGRAMS.—The state board
 1519 shall provide for the cyclic review of all academic programs in
 1520 Florida Community College System institutions at least every 7
 1521 years. Program reviews must document how individual academic
 1522 programs are achieving stated student learning and program
 1523 objectives within the context of the institution's mission. The
 1524 results of the program reviews must inform strategic planning,
 1525 program development, and budgeting decisions at the
 1526 institutional level.

1527 (7) FLORIDA COMMUNITY COLLEGE SYSTEM INSTITUTION
 1528 BACCALAUREATE DEGREE PROGRAMS.—The state board shall provide for
 1529 the review and approval of proposals by Florida Community
 1530 College System institutions to offer baccalaureate degree
 1531 programs pursuant to s. 1007.33. A Florida Community College
 1532 System institution, as defined in s. 1000.21, which is approved
 1533 to offer baccalaureate degrees pursuant to s. 1007.33 remains
 1534 under the authority of the state board and the Florida Community
 1535 College System institution's board of trustees.

1536 (8) MODIFICATIONS TO SERVICE AREA.—The state board shall
 1537 establish criteria for making recommendations for modifying

Page 53 of 247

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581-01304-18

2018540c1

1538 district boundary lines for a Florida Community College System
 1539 institution, including criteria for service delivery areas of a
 1540 Florida Community College System institution authorized to grant
 1541 baccalaureate degrees.

1542 (9) PERFORMANCE OVERSIGHT.—The state board shall oversee
 1543 the performance of Florida Community College System institution
 1544 boards of trustees in enforcement of all laws and rules. Florida
 1545 Community College System institution boards of trustees are
 1546 primarily responsible for compliance with law and state board
 1547 rule.

1548 (a) In order to ensure compliance with law or state board
 1549 rule, the state board has the authority to request and receive
 1550 information, data, and reports from Florida Community College
 1551 System institutions. The Florida Community College System
 1552 institution president is responsible for the accuracy of the
 1553 information and data reported to the state board.

1554 (b) The Chancellor of the Florida Community College System
 1555 may investigate allegations of noncompliance with law or state
 1556 board rule and determine probable cause. The chancellor shall
 1557 report determinations of probable cause to the State Board of
 1558 Community Colleges, which shall require the Florida Community
 1559 College System institution board of trustees to document
 1560 compliance with law or state board rule.

1561 (c) If the Florida Community College System institution
 1562 board of trustees cannot satisfactorily document compliance, the
 1563 state board may order compliance within a specified timeframe.

1564 (d) If the state board determines that a Florida Community
 1565 College System institution board of trustees is unwilling or
 1566 unable to comply with law or state board rule within the

Page 54 of 247

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581-01304-18 2018540c1

1567 specified time, the state board has the authority to initiate
 1568 any of the following actions:
 1569 1. Report to the Legislature that the Florida Community
 1570 College System institution is unwilling or unable to comply with
 1571 law or state board rule and recommend that the Legislature take
 1572 action against the institution;
 1573 2. Withhold the transfer of state funds, discretionary
 1574 grant funds, discretionary lottery funds, or any other funds
 1575 specified as eligible for this purpose by the Legislature until
 1576 the Florida Community College System institution complies with
 1577 the law or state board rule;
 1578 3. Declare the Florida Community College System institution
 1579 ineligible for competitive grants; or
 1580 4. Require monthly or periodic reporting on the situation
 1581 related to noncompliance until it is remedied.
 1582 (e) This section may not be construed to create a private
 1583 cause of action or create any rights for individuals or entities
 1584 in addition to those provided elsewhere in law or rule.
 1585 (10) INSPECTOR GENERAL.—The inspector general is
 1586 responsible for promoting accountability, efficiency, and
 1587 effectiveness and detecting fraud and abuse within Florida
 1588 Community College System institutions. If the Chancellor of the
 1589 Florida Community College System determines that a Florida
 1590 Community College System institution board of trustees is
 1591 unwilling or unable to address substantiated allegations made by
 1592 any person relating to waste, fraud, or financial mismanagement
 1593 within the Florida Community College System institution, the
 1594 inspector general shall conduct, coordinate, or request
 1595 investigations into such substantiated allegations. The

Page 55 of 247

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581-01304-18 2018540c1

1596 inspector general shall have access to all information and
 1597 personnel necessary to perform its duties and shall have all of
 1598 his or her current powers, duties, and responsibilities
 1599 authorized in s. 20.055.
 1600 (11) COORDINATION WITH THE STATE BOARD OF EDUCATION.—The
 1601 state board shall coordinate with the State Board of Education:
 1602 (a) Pursuant to s. 1001.02(2)(e), in the adoption of a K-20
 1603 education budget.
 1604 (b) Pursuant to s. 1001.02(4)(g), to adopt and submit to
 1605 the Legislature a 3-year list of priorities for fixed capital
 1606 outlay projects.
 1607 (12) COMMON POSTSECONDARY DEFINITIONS.—The state board
 1608 shall, in collaboration with the State Board of Education, adopt
 1609 by rule definitions for associate in science degrees and for
 1610 certificates offered by Florida Community College System
 1611 institutions.
 1612 Section 20. Section 1001.61, Florida Statutes, is amended
 1613 to read:
 1614 1001.61 Florida Community College System institution boards
 1615 of trustees; membership.—
 1616 (1) Florida Community College System institution boards of
 1617 trustees shall be comprised of five members when a Florida
 1618 Community College System institution district is confined to one
 1619 school board district; seven members when a Florida Community
 1620 College System institution district is confined to one school
 1621 board district and the board of trustees so elects; and not more
 1622 than nine members when the district contains two or more school
 1623 board districts, as provided by rules of the State Board of
 1624 Community Colleges Education. However, Florida State College at

Page 56 of 247

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581-01304-18 2018540c1

1625 Jacksonville shall have an odd number of trustees, and St. Johns
1626 River State College shall have seven trustees from the three-
1627 county area that the college serves.

1628 (2) Trustees shall be appointed by the Governor to
1629 staggered 4-year terms, subject to confirmation by the Senate in
1630 regular session.

1631 (3) Members of the board of trustees shall receive no
1632 compensation but may receive reimbursement for expenses as
1633 provided in s. 112.061.

1634 (4) At its first regular meeting after July 1 of each year,
1635 each Florida Community College System institution board of
1636 trustees shall organize by electing a chair, whose duty as such
1637 is to preside at all meetings of the board, to call special
1638 meetings thereof, and to attest to actions of the board, and a
1639 vice chair, whose duty as such is to act as chair during the
1640 absence or disability of the elected chair. It is the further
1641 duty of the chair of each board of trustees to notify the
1642 Governor, in writing, whenever a board member fails to attend
1643 three consecutive regular board meetings in any one fiscal year,
1644 which absences may be grounds for removal.

1645 (5) A Florida Community College System institution
1646 president shall serve as the executive officer and corporate
1647 secretary of the board of trustees and shall be responsible to
1648 the board of trustees for setting the agenda for meetings of the
1649 board of trustees in consultation with the chair. The president
1650 also serves as the chief administrative officer of the Florida
1651 Community College System institution, and all the components of
1652 the institution and all aspects of its operation are responsible
1653 to the board of trustees through the president.

Page 57 of 247

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581-01304-18 2018540c1

1654 Section 21. Subsections (1) through (4), paragraphs (a) and
1655 (g) of subsection (8), and subsections (11), (12), (14), (18),
1656 (19), and (42) of section 1001.64, Florida Statutes, are amended
1657 to read:

1658 1001.64 Florida Community College System institution boards
1659 of trustees; powers and duties.—

1660 (1) The boards of trustees shall be responsible for cost-
1661 effective policy decisions appropriate to the Florida Community
1662 College System institution's mission, the implementation and
1663 maintenance of high-quality education programs within law and
1664 rules of the State Board of Community Colleges ~~Education~~, the
1665 measurement of performance, the reporting of information, and
1666 the provision of input regarding state policy, budgeting, and
1667 education standards.

1668 (2) Each board of trustees is vested with the
1669 responsibility to govern its respective Florida Community
1670 College System institution and with such necessary authority as
1671 is needed for the proper operation and improvement thereof in
1672 accordance with rules of the State Board of Community Colleges
1673 ~~Education~~.

1674 (3) A board of trustees shall have the power to take action
1675 without a recommendation from the president and shall have the
1676 power to require the president to deliver to the board of
1677 trustees all data and information required by the board of
1678 trustees in the performance of its duties. A board of trustees
1679 shall ask the Chancellor of the Florida Community College System
1680 ~~Commissioner of Education~~ to authorize an investigation of the
1681 president's actions by the State Board of Community Colleges'
1682 ~~department's~~ inspector general if the board considers such

Page 58 of 247

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581-01304-18

2018540c1

1683 investigation necessary. The inspector general shall provide a
 1684 report detailing each issue under investigation and shall
 1685 recommend corrective action. If the inspector general identifies
 1686 potential legal violations, he or she shall refer the potential
 1687 legal violations to the Commission on Ethics, the Department of
 1688 Law Enforcement, the Attorney General, or another appropriate
 1689 authority.

1690 (4) (a) The board of trustees, after considering
 1691 recommendations submitted by the Florida Community College
 1692 System institution president, may adopt rules pursuant to ss.
 1693 120.536(1) and 120.54 to implement the provisions of law
 1694 conferring duties upon it. These rules may supplement those
 1695 prescribed by the State Board of Community Colleges Education if
 1696 they will contribute to the more orderly and efficient operation
 1697 of Florida Community College System institutions.

1698 (b) Each board of trustees is specifically authorized to
 1699 adopt rules, procedures, and policies, consistent with law and
 1700 rules of the State Board of Community Colleges Education,
 1701 related to its mission and responsibilities as set forth in s.
 1702 1004.65, its governance, personnel, budget and finance,
 1703 administration, programs, curriculum and instruction, buildings
 1704 and grounds, travel and purchasing, technology, students,
 1705 contracts and grants, or college property.

1706 (8) Each board of trustees has authority for policies
 1707 related to students, enrollment of students, student records,
 1708 student activities, financial assistance, and other student
 1709 services.

1710 (a) Each board of trustees shall govern admission of
 1711 students pursuant to s. 1007.263 and rules of the State Board of

Page 59 of 247

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581-01304-18

2018540c1

1712 Community Colleges Education. A board of trustees may establish
 1713 additional admissions criteria, which shall be included in the
 1714 dual enrollment articulation agreement developed according to s.
 1715 1007.271(21), to ensure student readiness for postsecondary
 1716 instruction. Each board of trustees may consider the past
 1717 actions of any person applying for admission or enrollment and
 1718 may deny admission or enrollment to an applicant because of
 1719 misconduct if determined to be in the best interest of the
 1720 Florida Community College System institution.

1721 (g) Each board of trustees pursuant to s. 1006.53 shall
 1722 adopt a policy in accordance with rules of the State Board of
 1723 Community Colleges Education that reasonably accommodates the
 1724 religious observance, practice, and belief of individual
 1725 students in regard to admissions, class attendance, and the
 1726 scheduling of examinations and work assignments.

1727 (11) Each board of trustees shall submit an institutional
 1728 budget request, including a request for fixed capital outlay,
 1729 and an operating budget to the State Board of Community Colleges
 1730 Education for review in accordance with guidelines established
 1731 by the State Board of Community Colleges Education.

1732 (12) Each board of trustees shall account for expenditures
 1733 of all state, local, federal, and other funds in the manner
 1734 described by the State Board of Community Colleges Department of
 1735 Education.

1736 (14) Each board of trustees shall develop a strategic plan
 1737 specifying institutional goals and objectives for the Florida
 1738 Community College System institution for recommendation to the
 1739 State Board of Community Colleges Education.

1740 (18) Each board of trustees shall establish the personnel

Page 60 of 247

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581-01304-18

2018540c1

1741 program for all employees of the Florida Community College
 1742 System institution, including the president, pursuant to the
 1743 provisions of chapter 1012 and rules and guidelines of the State
 1744 Board of Community Colleges Education, including: compensation
 1745 and other conditions of employment; recruitment and selection;
 1746 nonreappointment; standards for performance and conduct;
 1747 evaluation; benefits and hours of work; leave policies;
 1748 recognition; inventions and work products; travel; learning
 1749 opportunities; exchange programs; academic freedom and
 1750 responsibility; promotion; assignment; demotion; transfer;
 1751 ethical obligations and conflict of interest; restrictive
 1752 covenants; disciplinary actions; complaints; appeals and
 1753 grievance procedures; and separation and termination from
 1754 employment.

1755 (19) Each board of trustees shall appoint, suspend, or
 1756 remove the president of the Florida Community College System
 1757 institution. The board of trustees may appoint a search
 1758 committee. The board of trustees shall conduct annual
 1759 evaluations of the president in accordance with rules of the
 1760 State Board of Community Colleges Education and submit such
 1761 evaluations to the State Board of Community Colleges Education
 1762 for review. The evaluation must address the achievement of the
 1763 performance goals established by the accountability process
 1764 implemented pursuant to s. 1008.45 and the performance of the
 1765 president in achieving the annual and long-term goals and
 1766 objectives established in the Florida Community College System
 1767 institution's employment accountability program implemented
 1768 pursuant to s. 1012.86.

1769 (42) Each board of trustees shall implement a plan, in

Page 61 of 247

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581-01304-18

2018540c1

1770 accordance with guidelines of the State Board of Community
 1771 Colleges Education, for working on a regular basis with the
 1772 other Florida Community College System institution boards of
 1773 trustees, representatives of the university boards of trustees,
 1774 and representatives of the district school boards to achieve the
 1775 goals of the seamless education system.

1776 Section 22. Section 1001.65, Florida Statutes, is amended
 1777 to read:

1778 1001.65 Florida Community College System institution
 1779 presidents; powers and duties.—The president is the chief
 1780 executive officer of the Florida Community College System
 1781 institution, shall be corporate secretary of the Florida
 1782 Community College System institution board of trustees, and is
 1783 responsible for the operation and administration of the Florida
 1784 Community College System institution. Each Florida Community
 1785 College System institution president shall:

1786 (1) Recommend the adoption of rules, as appropriate, to the
 1787 Florida Community College System institution board of trustees
 1788 to implement provisions of law governing the operation and
 1789 administration of the Florida Community College System
 1790 institution, which shall include the specific powers and duties
 1791 enumerated in this section. Such rules shall be consistent with
 1792 law, the mission of the Florida Community College System
 1793 institution, and the rules and policies of the State Board of
 1794 Community Colleges Education.

1795 (2) Prepare a budget request and an operating budget
 1796 pursuant to s. 1011.30 for approval by the Florida Community
 1797 College System institution board of trustees at such time and in
 1798 such format as the State Board of Community Colleges Education

Page 62 of 247

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581-01304-18 2018540c1

1799 may prescribe.

1800 (3) Establish and implement policies and procedures to
 1801 recruit, appoint, transfer, promote, compensate, evaluate,
 1802 reward, demote, discipline, and remove personnel, within law and
 1803 rules of the State Board of Community Colleges Education and in
 1804 accordance with rules or policies approved by the Florida
 1805 Community College System institution board of trustees.

1806 (4) Govern admissions, subject to law and rules or policies
 1807 of the Florida Community College System institution board of
 1808 trustees and the State Board of Community Colleges Education.

1809 (5) Approve, execute, and administer contracts for and on
 1810 behalf of the Florida Community College System institution board
 1811 of trustees for licenses; the acquisition or provision of
 1812 commodities, goods, equipment, and services; leases of real and
 1813 personal property; and planning and construction to be rendered
 1814 to or by the Florida Community College System institution,
 1815 provided such contracts are within law and guidelines of the
 1816 State Board of Community Colleges Education and in conformance
 1817 with policies of the Florida Community College System
 1818 institution board of trustees, and are for the implementation of
 1819 approved programs of the Florida Community College System
 1820 institution.

1821 (6) Act for the Florida Community College System
 1822 institution board of trustees as custodian of all Florida
 1823 Community College System institution property and financial
 1824 resources. The authority vested in the Florida Community College
 1825 System institution president under this subsection includes the
 1826 authority to prioritize the use of Florida Community College
 1827 System institution space, property, equipment, and resources and

Page 63 of 247

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581-01304-18 2018540c1

1828 the authority to impose charges for the use of those items.

1829 (7) Establish the internal academic calendar of the Florida
 1830 Community College System institution within general guidelines
 1831 of the State Board of Community Colleges Education.

1832 (8) Administer the Florida Community College System
 1833 institution's program of intercollegiate athletics.

1834 (9) Recommend to the board of trustees the establishment
 1835 and termination of programs within the approved role and scope
 1836 of the Florida Community College System institution.

1837 (10) Award degrees.

1838 (11) Recommend to the board of trustees a schedule of
 1839 tuition and fees to be charged by the Florida Community College
 1840 System institution, within law and rules of the State Board of
 1841 Community Colleges Education.

1842 (12) Organize the Florida Community College System
 1843 institution to efficiently and effectively achieve the goals of
 1844 the Florida Community College System institution.

1845 (13) Review periodically the operations of the Florida
 1846 Community College System institution in order to determine how
 1847 effectively and efficiently the Florida Community College System
 1848 institution is being administered and whether it is meeting the
 1849 goals of its strategic plan adopted by the State Board of
 1850 Community Colleges Education.

1851 (14) Enter into agreements for student exchange programs
 1852 that involve students at the Florida Community College System
 1853 institution and students in other institutions of higher
 1854 learning.

1855 (15) Approve the internal procedures of student government
 1856 organizations and provide purchasing, contracting, and budgetary

Page 64 of 247

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581-01304-18 2018540c1

1857 review processes for these organizations.

1858 (16) Ensure compliance with federal and state laws, rules,
1859 regulations, and other requirements that are applicable to the
1860 Florida Community College System institution.

1861 (17) Maintain all data and information pertaining to the
1862 operation of the Florida Community College System institution,
1863 and report on the attainment by the Florida Community College
1864 System institution of institutional and statewide performance
1865 accountability goals.

1866 (18) Certify to the department a project's compliance with
1867 the requirements for expenditure of PECO funds prior to release
1868 of funds pursuant to ~~the provisions of~~ chapter 1013.

1869 (19) Provide to the law enforcement agency and fire
1870 department that has jurisdiction over the Florida Community
1871 College System institution a copy of the floor plans and other
1872 relevant documents for each educational facility as defined in
1873 s. 1013.01(6). After the initial submission of the floor plans
1874 and other relevant documents, the Florida Community College
1875 System institution president shall submit, by October 1 of each
1876 year, revised floor plans and other relevant documents for each
1877 educational facility that was modified during the preceding
1878 year.

1879 (20) Develop and implement jointly with school
1880 superintendents a comprehensive dual enrollment articulation
1881 agreement for the students enrolled in their respective school
1882 districts and service areas pursuant to s. 1007.271(21).

1883 (21) Have authority, after notice to the student of the
1884 charges and after a hearing thereon, to expel, suspend, or
1885 otherwise discipline any student who is found to have violated

Page 65 of 247

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581-01304-18 2018540c1

1886 any law, ordinance, or rule or regulation of the State Board of
1887 Community Colleges Education or of the board of trustees of the
1888 Florida Community College System institution pursuant to the
1889 provisions of s. 1006.62.

1890 (22) Submit an annual employment accountability plan to the
1891 State Board of Community Colleges Department of Education
1892 pursuant to the provisions of s. 1012.86.

1893 (23) Annually evaluate, or have a designee annually
1894 evaluate, each department chairperson, dean, provost, and vice
1895 president in achieving the annual and long-term goals and
1896 objectives of the Florida Community College System institution's
1897 employment accountability plan.

1898 (24) Have vested with the president or the president's
1899 designee the authority that is vested with the Florida Community
1900 College System institution.

1901 Section 23. Effective July 1, 2018, section 1001.66,
1902 Florida Statutes, is amended to read:

1903 1001.66 Florida Community College System Performance-Based
1904 Incentive.-

1905 (1) The State Board of Community Colleges shall adopt the
1906 following performance-based metrics for use in awarding a
1907 Florida Community College System Performance-Based Incentive
1908 shall be awarded to a Florida Community College System
1909 institution; institutions using performance-based metrics

1910 (a) A student retention rate, as calculated by the State
1911 Board of Community Colleges;

1912 (b) A 100 percent-of-normal-time program completion and
1913 graduation rate for full-time, first-time-in-college students,
1914 as calculated by the State Board of Community Colleges using a

Page 66 of 247

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581-01304-18

2018540c1

1915 cohort definition of "full-time" based on a student's majority
 1916 enrollment in full-time terms. This paragraph does not apply to
 1917 nondegree-seeking students;

1918 (c) A continuing education or postgraduation job placement
 1919 rate for workforce education programs, including workforce
 1920 baccalaureate degree programs, as reported by the Florida
 1921 Education and Training Placement Information Program, with wage
 1922 thresholds that reflect the added value of the applicable
 1923 certificate or degree. This paragraph does not apply to
 1924 associate in arts degrees;

1925 (d) A graduation rate for full-time, first-time-in-college
 1926 students enrolled in an associate of arts degree program who
 1927 graduate with a baccalaureate degree in 4 years after initially
 1928 enrolling in an associates of arts degree program; and

1929 (e) One performance-based metric on college affordability
 1930 adopted by the State Board of Education. The performance-based
 1931 metrics must include retention rates, program completion and
 1932 graduation rates, postgraduation employment, salaries, and
 1933 continuing education for workforce education and baccalaureate
 1934 programs, with wage thresholds that reflect the added value of
 1935 the certificate or degree, and outcome measures appropriate for
 1936 associate of arts degree recipients.

1937
 1938 The state board shall adopt benchmarks to evaluate each
 1939 institution's performance on the metrics to measure the
 1940 institution's achievement of institutional excellence or need
 1941 for improvement and ~~the~~ minimum requirements for eligibility to
 1942 receive performance funding.

1943 (2) Each fiscal year, the amount of funds available for

Page 67 of 247

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581-01304-18

2018540c1

1944 allocation to the Florida Community College System institutions
 1945 based on the performance-based funding model shall consist of
 1946 the state's investment in performance funding plus institutional
 1947 investments consisting of funds to be redistributed from the
 1948 base funding of the Florida Community College System Program
 1949 Fund as determined in the General Appropriations Act. The State
 1950 Board of Community Colleges ~~Education~~ shall establish minimum
 1951 performance funding eligibility thresholds for the state's
 1952 investment and the institutional investments. An institution
 1953 that meets the minimum institutional investment eligibility
 1954 threshold, but fails to meet the minimum state investment
 1955 eligibility threshold, shall have its institutional investment
 1956 restored but is ineligible for a share of the state's investment
 1957 in performance funding. The institutional investment shall be
 1958 restored for all institutions eligible for the state's
 1959 investment under the performance-based funding model.

1960 (3) (a) Each Florida Community College System institution's
 1961 share of the performance funding shall be calculated based on
 1962 its relative performance on the established metrics in
 1963 conjunction with the institutional size and scope.

1964 (b) A Florida Community College System institution that
 1965 fails to meet the State Board of Community Colleges' ~~Education's~~
 1966 minimum institutional investment performance funding eligibility
 1967 threshold shall have a portion of its institutional investment
 1968 withheld by the state board and must submit an improvement plan
 1969 to the state board which specifies the activities and strategies
 1970 for improving the institution's performance. The state board
 1971 must review and approve the improvement plan and, if the plan is
 1972 approved, must monitor the institution's progress in

Page 68 of 247

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581-01304-18 2018540c1

1973 implementing the activities and strategies specified in the
 1974 improvement plan. The institution shall submit monitoring
 1975 reports to the state board by December 31 and May 31 of each
 1976 year in which an improvement plan is in place. Beginning in the
 1977 2017-2018 fiscal year, the ability of an institution to submit
 1978 an improvement plan to the state board is limited to 1 fiscal
 1979 year.

1980 (c) The Chancellor of the Florida Community College System
 1981 ~~Commissioner of Education~~ shall withhold disbursement of the
 1982 institutional investment until the monitoring report is approved
 1983 by the State Board of Community Colleges Education. A Florida
 1984 Community College System institution determined by the state
 1985 board to be making satisfactory progress on implementing the
 1986 improvement plan shall receive no more than one-half of the
 1987 withheld institutional investment in January and the balance of
 1988 the withheld institutional investment in June. An institution
 1989 that fails to make satisfactory progress may not have its full
 1990 institutional investment restored. Any institutional investment
 1991 funds that are not restored shall be redistributed in accordance
 1992 with the state board's performance-based metrics.

1993 (4) Distributions of performance funding, as provided in
 1994 this section, shall be made to each of the Florida Community
 1995 College System institutions listed in the Florida Community
 1996 Colleges category in the General Appropriations Act.

1997 (5) By October 1 of each year, the State Board of Community
 1998 Colleges Education shall submit to the Governor, the President
 1999 of the Senate, and the Speaker of the House of Representatives a
 2000 report on the previous fiscal year's performance funding
 2001 allocation, which must reflect the rankings and award

Page 69 of 247

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581-01304-18 2018540c1

2002 distributions.

2003 (6) The State Board of Community Colleges Education shall
 2004 adopt rules to administer this section.

2005 Section 24. Effective July 1, 2018, section 1001.67,
 2006 Florida Statutes, is amended to read:

2007 1001.67 Distinguished Florida Community College System
 2008 Institution Program.—A collaborative partnership is established
 2009 between the State Board of Community Colleges Education and the
 2010 Legislature to recognize the excellence of Florida's highest-
 2011 performing Florida Community College System institutions.

2012 (1) EXCELLENCE STANDARDS.—The following excellence
 2013 standards are established for the program:

2014 (a) A 100 ~~150~~ percent-of-normal-time completion rate for
 2015 full-time, first-time-in-college students of 50 percent or
 2016 higher, as calculated by the State Board of Community Division
 2017 of Florida Colleges.

2018 (b) A 100 ~~150~~ percent-of-normal-time completion rate for
 2019 full-time, first-time-in-college Pell Grant recipients of 40
 2020 percent or higher, as calculated by the State Board of Community
 2021 Division of Florida Colleges.

2022 (c) A retention rate of 70 percent or higher, as calculated
 2023 by the State Board of Community Division of Florida Colleges.

2024 (d) A continuing education, or transfer, rate of 72 percent
 2025 or higher for students graduating with an associate of arts
 2026 degree, as reported by the Florida Education and Training
 2027 Placement Information Program (FETPIP).

2028 (e) A licensure passage rate on the National Council
 2029 Licensure Examination for Registered Nurses (NCLEX-RN) of 90
 2030 percent or higher for first-time exam takers, as reported by the

Page 70 of 247

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581-01304-18

2018540c1

2031 Board of Nursing.

2032 (f) A ~~job placement or~~ continuing education or job
 2033 placement rate of 88 percent or higher for workforce programs,
 2034 as reported by FETPIP, with wage thresholds that reflect the
 2035 added value of the applicable certificate or degree. This
 2036 paragraph does not apply to associate of arts degrees.

2037 (g) ~~An excess hours rate of 40 percent or lower for A time-~~
 2038 ~~to-degree for students graduating with an~~ associate of arts
 2039 degree recipients who graduate with 72 or more credit hours, as
 2040 calculated by the State Board of Community Colleges of 2.25
 2041 years or less for first-time-in-college students with
 2042 accelerated college credits, as reported by the Southern
 2043 Regional Education Board.

2044 (2) DISTINGUISHED COLLEGE DESIGNATION.—The State Board of
 2045 Community Colleges Education shall designate each Florida
 2046 Community College System institution that meets five of the
 2047 seven standards identified in subsection (1) as a distinguished
 2048 college.

2049 (3) DISTINGUISHED COLLEGE SUPPORT.—A Florida Community
 2050 College System institution designated as a distinguished college
 2051 by the State Board of Community Colleges Education is eligible
 2052 for funding as specified in the General Appropriations Act.

2053 Section 25. Effective July 1, 2018, subsection (9) of
 2054 section 1001.706, Florida Statutes, is amended to read:

2055 1001.706 Powers and duties of the Board of Governors.—

2056 (9) COOPERATION WITH OTHER BOARDS.—The Board of Governors
 2057 shall implement a plan for working on a regular basis with the
 2058 State Board of Education, the State Board of Community Colleges,
 2059 the Commission for Independent Education, the Higher Education

Page 71 of 247

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581-01304-18

2018540c1

2060 Coordinating Council, the Articulation Coordinating Committee,
 2061 the university boards of trustees, representatives of the
 2062 Florida Community College System institution boards of trustees,
 2063 representatives of the private colleges and universities, and
 2064 representatives of the district school boards to achieve a
 2065 seamless education system.

2066 Section 26. Section 1002.34, Florida Statutes, is amended
 2067 to read:

2068 1002.34 Charter technical career centers; governance,
 2069 mission, and responsibilities.—

2070 (1) MISSION AND AUTHORIZATION.—

2071 (a) The primary mission of a charter technical career
 2072 center is to promote ~~The Legislature finds that the~~
 2073 ~~establishment of charter technical career centers can assist in~~
 2074 ~~promoting~~ advances and innovations in workforce preparation and
 2075 economic development. A charter technical career center may
 2076 provide a learning environment that ~~better~~ serves the needs of a
 2077 specific population group or a group of occupations, thus
 2078 promoting diversity and choices within the public education and
 2079 public postsecondary technical education community in this
 2080 state. Therefore, the creation of such centers is authorized as
 2081 part of the state's program of public education. A charter
 2082 technical career center may be formed by creating a new school
 2083 or converting an existing school district or Florida Community
 2084 College System institution program to charter technical status.

2085 (b) A charter technical career center that is operated by a
 2086 district school board may not offer a college credit course or
 2087 college credit certificate or an associate degree or
 2088 baccalaureate degree program.

Page 72 of 247

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581-01304-18

2018540c1

- 2089 (2) PURPOSE.—The purpose of a charter technical career
 2090 center is to:
- 2091 (a) Develop a competitive workforce to support local
 2092 business and industry and economic development.
- 2093 (b) Create a training and education model that is
 2094 reflective of marketplace realities.
- 2095 (c) Offer a continuum of career educational opportunities
 2096 using a school-to-work, tech-prep, technical, academy, and
 2097 magnet school model.
- 2098 (d) Provide career pathways for lifelong learning and
 2099 career mobility.
- 2100 (e) Enhance career and technical training.
- 2101 (3) DEFINITIONS.—As used in this section, the term:
- 2102 (a) "Charter technical career center" or "center" means a
 2103 public school or a public technical center operated under a
 2104 charter granted by a district school board or Florida Community
 2105 College System institution board of trustees or a consortium,
 2106 including one or more district school boards and Florida
 2107 Community College System institution boards of trustees, that
 2108 includes the district in which the facility is located, that is
 2109 nonsectarian in its programs, admission policies, employment
 2110 practices, and operations, and is managed by a board of
 2111 directors.
- 2112 (b) "Sponsor" means a district school board, a Florida
 2113 Community College System institution board of trustees, or a
 2114 consortium of one or more of each.
- 2115 (4) CHARTER.—A sponsor may designate centers as provided in
 2116 this section. An application to establish a center may be
 2117 submitted by a sponsor or another organization that is

Page 73 of 247

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581-01304-18

2018540c1

- 2118 determined, by rule of the State Board of Education, to be
 2119 appropriate. However, an independent school is not eligible for
 2120 status as a center. The charter must be signed by the governing
 2121 body of the center and the sponsor and must be approved by the
 2122 district school board and Florida Community College System
 2123 institution board of trustees in whose geographic region the
 2124 facility is located. If a charter technical career center is
 2125 established by the conversion to charter status of a public
 2126 technical center formerly governed by a district school board,
 2127 the charter status of that center takes precedence in any
 2128 question of governance. The governance of the center or of any
 2129 program within the center remains with its board of directors
 2130 unless the board agrees to a change in governance or its charter
 2131 is revoked as provided in subsection (15). Such a conversion
 2132 charter technical career center is not affected by a change in
 2133 the governance of public technical centers or of programs within
 2134 other centers that are or have been governed by district school
 2135 boards. A charter technical career center, or any program within
 2136 such a center, that was governed by a district school board and
 2137 transferred to a Florida Community College System institution
 2138 prior to the effective date of this act is not affected by this
 2139 provision. An applicant who wishes to establish a center must
 2140 submit to the district school board or Florida Community College
 2141 System institution board of trustees, or a consortium of one or
 2142 more of each, an application on a form developed by the
 2143 Department of Education which includes:
- 2144 (a) The name of the proposed center.
- 2145 (b) The proposed structure of the center, including a list
 2146 of proposed members of the board of directors or a description

Page 74 of 247

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581-01304-18

2018540c1

2147 of the qualifications for and method of their appointment or
2148 election.

2149 (c) The workforce development goals of the center, the
2150 curriculum to be offered, and the outcomes and the methods of
2151 assessing the extent to which the outcomes are met.

2152 (d) The admissions policy and criteria for evaluating the
2153 admission of students.

2154 (e) A description of the staff responsibilities and the
2155 proposed qualifications of the teaching staff.

2156 (f) A description of the procedures to be implemented to
2157 ensure significant involvement of representatives of business
2158 and industry in the operation of the center.

2159 (g) A method for determining whether a student has
2160 satisfied the requirements for graduation specified in s.
2161 1002.3105(5), s. 1003.4281, or s. 1003.4282 and for completion
2162 of a postsecondary certificate or degree.

2163 (h) A method for granting secondary and postsecondary
2164 diplomas, certificates, and degrees.

2165 (i) A description of and address for the physical facility
2166 in which the center will be located.

2167 (j) A method for resolving conflicts between the governing
2168 body of the center and the sponsor and between consortium
2169 members, if applicable.

2170 (k) A method for reporting student data as required by law
2171 and rule.

2172 (l) A statement that the applicant has participated in the
2173 training provided by the Department of Education.

2174 (m) The identity of all relatives employed by the charter
2175 technical career center who are related to the center owner,

581-01304-18

2018540c1

2176 president, chairperson of the governing board of directors,
2177 superintendent, governing board member, principal, assistant
2178 principal, or any other person employed by the center who has
2179 equivalent decisionmaking authority. As used in this paragraph,
2180 the term "relative" means father, mother, son, daughter,
2181 brother, sister, uncle, aunt, first cousin, nephew, niece,
2182 husband, wife, father-in-law, mother-in-law, son-in-law,
2183 daughter-in-law, brother-in-law, sister-in-law, stepfather,
2184 stepmother, stepson, stepdaughter, stepbrother, stepsister, half
2185 brother, or half sister.

2186 (n) Other information required by the district school board
2187 or Florida Community College System institution board of
2188 trustees.

2189
2190 Students at a center must meet the same testing and academic
2191 performance standards as those established by law and rule for
2192 students at public schools and public technical centers. The
2193 students must also meet any additional assessment indicators
2194 that are included within the charter approved by the district
2195 school board or Florida Community College System institution
2196 board of trustees.

2197 (5) APPLICATION.—An application to establish a center must
2198 be submitted by February 1 of the year preceding the school year
2199 in which the center will begin operation. The sponsor must
2200 review the application using an evaluation instrument developed
2201 by the Department of Education and make a final decision on
2202 whether to approve the application and grant the charter by
2203 March 1, and may condition the granting of a charter on the
2204 center's taking certain actions or maintaining certain

581-01304-18

2018540c1

2205 conditions. Such actions and conditions must be provided to the
 2206 applicant in writing. The district school board or Florida
 2207 Community College System institution board of trustees is not
 2208 required to issue a charter to any person.

2209 (6) SPONSOR.—A district school board or Florida Community
 2210 College System institution board of trustees or a consortium of
 2211 one or more of each may sponsor a center in the county in which
 2212 the board has jurisdiction.

2213 (a) A sponsor must review all applications for centers
 2214 received through at least February 1 of each calendar year for
 2215 centers to be opened at the beginning of the sponsor's next
 2216 school year. A sponsor may receive applications later than this
 2217 date if it so chooses. To facilitate an accurate budget
 2218 projection process, a sponsor shall be held harmless for FTE
 2219 students who are not included in the FTE projection due to
 2220 approval of applications after the FTE projection deadline. A
 2221 sponsor must, by a majority vote, approve or deny an application
 2222 no later than 60 days after the application is received. If an
 2223 application is denied, the sponsor must, within 10 days, notify
 2224 the applicant in writing of the specific reasons for denial,
 2225 which must be based upon good cause. Upon approval of a charter
 2226 application, the initial startup must be consistent with the
 2227 beginning of the public school or Florida Community College
 2228 System institution calendar for the district in which the
 2229 charter is granted, unless the sponsor allows a waiver of this
 2230 provision for good cause.

2231 (b) An applicant may appeal any denial of its application
 2232 to the State Board of Education within 30 days after the
 2233 sponsor's denial and shall notify the sponsor of its appeal. Any

Page 77 of 247

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581-01304-18

2018540c1

2234 response of the sponsor must be submitted to the state board
 2235 within 30 days after notification of the appeal. The State Board
 2236 of Education must, by majority vote, accept or reject the
 2237 decision of the sponsor no later than 60 days after an appeal is
 2238 filed, pursuant to State Board of Education rule. The State
 2239 Board of Education may reject an appeal for failure to comply
 2240 with procedural rules governing the appeals process, and the
 2241 rejection must describe the submission errors. The appellant may
 2242 have up to 15 days after notice of rejection to resubmit an
 2243 appeal. An application for appeal submitted after a rejection is
 2244 timely if the original appeal was filed within 30 days after the
 2245 sponsor's denial. The State Board of Education shall remand the
 2246 application to the sponsor with a written recommendation that
 2247 the sponsor approve or deny the application, consistent with the
 2248 state board's decision. The decision of the State Board of
 2249 Education is not subject to the provisions of chapter 120.

2250 (c) The sponsor must act upon the recommendation of the
 2251 State Board of Education within 30 days after it is received,
 2252 unless the sponsor determines by competent substantial evidence
 2253 that approving the state board's recommendation would be
 2254 contrary to law or the best interests of the students or the
 2255 community. The sponsor must notify the applicant in writing
 2256 concerning the specific reasons for its failure to follow the
 2257 state board's recommendation. The sponsor's action on the state
 2258 board's recommendation is a final action, subject to judicial
 2259 review.

2260 (d)1. The Department of Education shall offer or arrange
 2261 for training and technical assistance to centers which must
 2262 include developing and amending business plans, estimating and

Page 78 of 247

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581-01304-18 2018540c1

2263 accounting for costs and income, complying with state and
 2264 federal grant and student performance accountability reporting
 2265 requirements, implementing good business practices, and
 2266 identifying state and federal financial aid the center may be
 2267 eligible to receive.

2268 2. An applicant must participate in the training provided
 2269 by the department after approval of its application but at least
 2270 30 days before the first day of classes at the center. The
 2271 department may provide technical assistance to an applicant upon
 2272 written request.

2273 (e) The terms and conditions for the operation of a center
 2274 must be agreed to by the sponsor and the applicant in a written
 2275 contract. The sponsor may not impose unreasonable requirements
 2276 that violate the intent of giving centers greater flexibility to
 2277 meet educational goals. The applicant and sponsor must reach an
 2278 agreement on the provisions of the contract or the application
 2279 is deemed denied.

2280 (f) The sponsor shall monitor and review the center's
 2281 progress toward charter goals and shall monitor the center's
 2282 revenues and expenditures. The sponsor shall perform the duties
 2283 provided in s. 1002.345.

2284 (7) LEGAL ENTITY.—A center must organize as a nonprofit
 2285 organization and adopt a name and corporate seal. A center is a
 2286 body corporate and politic, with all powers to implement its
 2287 charter program. The center may:

- 2288 (a) Be a private or a public employer.
- 2289 (b) Sue and be sued, but only to the same extent and upon
- 2290 the same conditions that a public entity can be sued.
- 2291 (c) Acquire real property by purchase, lease, lease with an

581-01304-18 2018540c1

2292 option to purchase, or gift, to use as a center facility.

2293 (d) Receive and disburse funds.

2294 (e) Enter into contracts or leases for services, equipment,
 2295 or supplies.

2296 (f) Incur temporary debts in anticipation of the receipt of
 2297 funds.

2298 (g) Solicit and accept gifts or grants for career center
 2299 purposes.

2300 (h) Take any other action that is not inconsistent with
 2301 this section and rules adopted under this section.

2302 (8) ELIGIBLE STUDENTS.—A center must be open to all
 2303 students as space is available and may not discriminate in
 2304 admissions policies or practices on the basis of an individual's
 2305 physical disability or proficiency in English or on any other
 2306 basis that would be unlawful if practiced by a public school or
 2307 a Florida Community College System institution. A center may
 2308 establish reasonable criteria by which to evaluate prospective
 2309 students, which criteria must be outlined in the charter.

2310 (9) FACILITIES.—A center may be located in any suitable
 2311 location, including part of an existing public school or Florida
 2312 Community College System institution building, space provided on
 2313 a public worksite, or a public building. A center's facilities
 2314 must comply with the State Uniform Building Code for Public
 2315 Educational Facilities Construction adopted pursuant to s.
 2316 1013.37, or with applicable state minimum building codes
 2317 pursuant to chapter 553, and state minimum fire protection codes
 2318 pursuant to s. 633.208, adopted by the authority in whose
 2319 jurisdiction the facility is located. If K-12 public school
 2320 funds are used for construction, the facility must remain on the

581-01304-18

2018540c1

2321 local school district's Florida Inventory of School Houses
 2322 (FISH) school building inventory of the district school board
 2323 and must revert to the district school board if the consortium
 2324 dissolves and the program is discontinued. If Florida Community
 2325 College System institution public school funds are used for
 2326 construction, the facility must remain on the local Florida
 2327 Community College System institution's facilities inventory and
 2328 must revert to the local Florida Community College System
 2329 institution board of trustees if the consortium dissolves and
 2330 the program is discontinued. The additional student capacity
 2331 created by the addition of the center to the local school
 2332 district's FISH may not be calculated in the permanent student
 2333 capacity for the purpose of determining need or eligibility for
 2334 state capital outlay funds while the facility is used as a
 2335 center. If the construction of the center is funded jointly by
 2336 K-12 public school funds and Florida Community College System
 2337 institution funds, the sponsoring entities must agree, before
 2338 granting the charter, on the appropriate owner and terms of
 2339 transfer of the facility if the charter is dissolved.

2340 (10) EXEMPTION FROM STATUTES.—

2341 (a) A center must operate pursuant to its charter and is
 2342 exempt from all statutes of the Florida School Code except
 2343 provisions pertaining to civil rights and to student health,
 2344 safety, and welfare, or as otherwise required by law.

2345 (b) A center must comply with the Florida K-20 Education
 2346 Code with respect to providing services to students with
 2347 disabilities.

2348 (c) A center must comply with the antidiscrimination
 2349 provisions in s. 1000.05 and the provisions in s. 1002.33(24)

Page 81 of 247

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581-01304-18

2018540c1

2350 which relate to the employment of relatives.

2351 (11) FUNDING.—

2352 (a) Notwithstanding any other provision of law, a charter
 2353 technical career center's student membership enrollment must be
 2354 calculated pursuant to this section.

2355 (b) Each district school board and Florida Community
 2356 College System institution that sponsors a charter technical
 2357 career center shall pay directly to the center an amount stated
 2358 in the charter. State funding shall be generated for the center
 2359 for its student enrollment and program outcomes as provided in
 2360 law. A center is eligible for funding from workforce education
 2361 funds, the Florida Education Finance Program, and the Florida
 2362 Community College System Program Fund, depending upon the
 2363 programs conducted by the center.

2364 (c) A center may receive other state and federal aid,
 2365 grants, and revenue through the district school board or Florida
 2366 Community College System institution board of trustees.

2367 (d) A center may receive gifts and grants from private
 2368 sources.

2369 (e) A center may not levy taxes or issue bonds, but it may
 2370 charge a student tuition fee consistent with authority granted
 2371 in its charter and permitted by law.

2372 (f) A center shall provide for an annual financial audit in
 2373 accordance with s. 218.39. A center shall provide a monthly
 2374 financial statement to the sponsor. The monthly financial
 2375 statement shall be in a form prescribed by the Department of
 2376 Education.

2377 (g) A center must define in the charter agreement the
 2378 delivery system in which the instructional offering of

Page 82 of 247

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581-01304-18 2018540c1

2379 educational services will be placed. The rules governing this
 2380 delivery system must be applied to all of the center's students
 2381 and must authorize all other sponsoring educational systems to
 2382 report required enrollment and student data based solely on the
 2383 rules of the offering institution. Each sponsor shall earn full-
 2384 time equivalent membership for each student for funding and
 2385 reporting purposes.

2386 (12) EMPLOYEES OF A CENTER.—

2387 (a) A center may select its own employees.

2388 (b) A center may contract for services with an individual,
 2389 partnership, or a cooperative. Such persons contracted with are
 2390 not public employees.

2391 (c) If a center contracts with a public educational agency
 2392 for services, the terms of employment must follow existing state
 2393 law and rule and local policies and procedures.

2394 (d) The employees of a center may bargain collectively, as
 2395 a separate unit or as part of the existing district collective
 2396 bargaining unit, as determined by the structure of the center.

2397 (e) As a public employer, a center may participate in:

2398 1. The Florida Retirement System upon application and
 2399 approval as a "covered group" under s. 121.021(34). If a center
 2400 participates in the Florida Retirement System, its employees are
 2401 compulsory members of the Florida Retirement System.

2402 2. The State Community College System Optional Retirement
 2403 Program pursuant to s. 1012.875(2), if the charter is granted by
 2404 a Florida Community College System institution that participates
 2405 in the optional retirement program and meets the eligibility
 2406 criteria of s. 121.051(2)(c).

2407 (f) Teachers who are considered qualified by the career

581-01304-18 2018540c1

2408 center are exempt from state certification requirements.

2409 (g) A public school or Florida Community College System
 2410 institution teacher or administrator may take a leave of absence
 2411 to accept employment in a charter technical career center upon
 2412 the approval of the school district or Florida Community College
 2413 System institution.

2414 (h) An employee who is on a leave of absence under this
 2415 section may retain seniority accrued in that school district or
 2416 Florida Community College System institution and may continue to
 2417 be covered by the benefit programs of that district or Florida
 2418 Community College System institution if the center and the
 2419 district school board or Florida Community College System
 2420 institution board of trustees agree to this arrangement and its
 2421 financing.

2422 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors
 2423 of a center may decide matters relating to the operation of the
 2424 school, including budgeting, curriculum, and operating
 2425 procedures, subject to the center's charter. The board of
 2426 directors is responsible for performing the duties provided in
 2427 s. 1002.345, including monitoring the corrective action plan.
 2428 The board of directors must comply with s. 1002.33(26).

2429 (14) ACCOUNTABILITY.—Each center must submit a report to
 2430 the participating district school board or Florida Community
 2431 College System institution board of trustees by August 1 of each
 2432 year. The report must be in such form as the sponsor prescribes
 2433 and must include:

2434 (a) A discussion of progress made toward the achievement of
 2435 the goals outlined in the center's charter.

2436 (b) A financial statement setting forth by appropriate

581-01304-18

2018540c1

2437 categories the revenue and expenditures for the previous school
2438 year.

2439 (15) TERMS OF THE CHARTER.—The term of an initial charter
2440 may not exceed 5 years. Thereafter, the sponsor may renew a
2441 charter for a period up to 5 years. The sponsor may refuse to
2442 renew a charter or may revoke a charter if the center has not
2443 fulfilled a condition imposed under the charter or if the center
2444 has violated any provision of the charter. The sponsor may place
2445 the center on probationary status to allow the implementation of
2446 a remedial plan, after which, if the plan is unsuccessful, the
2447 charter may be summarily revoked. The sponsor shall develop
2448 procedures and guidelines for the revocation and renewal of a
2449 center's charter. The sponsor must give written notice of its
2450 intent not to renew the charter at least 12 months before the
2451 charter expires. If the sponsor revokes a charter before the
2452 scheduled expiration date, the sponsor must provide written
2453 notice to the governing board of the center at least 60 days
2454 before the date of termination, stating the grounds for the
2455 proposed revocation. The governing board of the center may
2456 request in writing an informal hearing before the sponsor within
2457 14 days after receiving the notice of revocation. A revocation
2458 takes effect at the conclusion of a school year, unless the
2459 sponsor determines that earlier revocation is necessary to
2460 protect the health, safety, and welfare of students. The sponsor
2461 shall monitor and review the center in its progress toward the
2462 goals established in the charter and shall monitor the revenues
2463 and expenditures of the center.

2464 (16) TRANSPORTATION.—The center may provide transportation,
2465 pursuant to chapter 1006, through a contract with the district

Page 85 of 247

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581-01304-18

2018540c1

2466 school board or the Florida Community College System institution
2467 board of trustees, a private provider, or parents of students.
2468 The center must ensure that transportation is not a barrier to
2469 equal access for all students in grades K-12 residing within a
2470 reasonable distance of the facility.

2471 (17) IMMUNITY.—For the purposes of tort liability, the
2472 governing body and employees of a center are governed by s.
2473 768.28.

2474 (18) RULES.—The State Board of Education, for technical
2475 centers operated by school districts, and the State Board of
2476 Community Colleges, for technical centers operated by Florida
2477 Community College System institutions, shall adopt rules,
2478 pursuant to ss. 120.536(1) and 120.54, relating to the
2479 implementation of charter technical career centers, including
2480 rules to implement a charter model application form and an
2481 evaluation instrument in accordance with this section.

2482 (19) EVALUATION; REPORT.—The Commissioner of Education
2483 shall provide for an annual comparative evaluation of charter
2484 technical career centers and public technical centers. The
2485 evaluation may be conducted in cooperation with the sponsor,
2486 through private contracts, or by department staff. At a minimum,
2487 the comparative evaluation must address the demographic and
2488 socioeconomic characteristics of the students served, the types
2489 and costs of services provided, and the outcomes achieved. By
2490 December 30 of each year, the Commissioner of Education shall
2491 submit to the Governor, the President of the Senate, the Speaker
2492 of the House of Representatives, and the Senate and House
2493 committees that have responsibility for secondary and
2494 postsecondary career and technical education a report of the

Page 86 of 247

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581-01304-18 2018540c1

2495 comparative evaluation completed for the previous school year.

2496 Section 27. Paragraph (b) of subsection (4) of section
2497 1003.491, Florida Statutes, is amended to read:

2498 1003.491 Florida Career and Professional Education Act.—The
2499 Florida Career and Professional Education Act is created to
2500 provide a statewide planning partnership between the business
2501 and education communities in order to attract, expand, and
2502 retain targeted, high-value industry and to sustain a strong,
2503 knowledge-based economy.

2504 (4) The State Board of Education shall establish a process
2505 for the continual and uninterrupted review of newly proposed
2506 core secondary courses and existing courses requested to be
2507 considered as core courses to ensure that sufficient rigor and
2508 relevance is provided for workforce skills and postsecondary
2509 education and aligned to state curriculum standards.

2510 (b) The curriculum review committee shall review newly
2511 proposed core courses electronically. Each proposed core course
2512 shall be approved or denied within 30 days after submission by a
2513 district school board or local workforce development board. All
2514 courses approved as core courses for purposes of middle school
2515 promotion and high school graduation shall be immediately added
2516 to the Course Code Directory. Approved core courses shall also
2517 be reviewed and considered for approval for dual enrollment
2518 credit. The Board of Governors, the State Board of Community
2519 Colleges, and the Commissioner of Education shall jointly
2520 recommend an annual deadline for approval of new core courses to
2521 be included for purposes of postsecondary admissions and dual
2522 enrollment credit the following academic year. The State Board
2523 of Education shall establish an appeals process in the event

581-01304-18 2018540c1

2524 that a proposed course is denied which shall require a consensus
2525 ruling by the Department of Economic Opportunity and the
2526 Commissioner of Education within 15 days.

2527 Section 28. Paragraph (b) of subsection (4) of section
2528 1003.493, Florida Statutes, is amended to read:

2529 1003.493 Career and professional academies and career-
2530 themed courses.—

2531 (4) Each career and professional academy and secondary
2532 school providing a career-themed course must:

2533 (b) Include one or more partnerships with postsecondary
2534 institutions, businesses, industry, employers, economic
2535 development organizations, or other appropriate partners from
2536 the local community. Such partnerships with postsecondary
2537 institutions shall be delineated in articulation agreements and
2538 include any career and professional academy courses or career-
2539 themed courses that earn postsecondary credit. Such agreements
2540 may include articulation between the secondary school and public
2541 or private 2-year and 4-year postsecondary institutions and
2542 technical centers. The Department of Education, in consultation
2543 with the Board of Governors and the State Board of Community
2544 Colleges, shall establish a mechanism to ensure articulation and
2545 transfer of credits to postsecondary institutions in this state.
2546 Such partnerships must provide opportunities for:

- 2547 1. Instruction from highly skilled professionals who
- 2548 possess industry-certification credentials for courses they are
- 2549 teaching.
- 2550 2. Internships, externships, and on-the-job training.
- 2551 3. A postsecondary degree, diploma, or certificate.
- 2552 4. The highest available level of industry certification.

581-01304-18 2018540c1

2553 5. Maximum articulation of credits pursuant to s. 1007.23
 2554 upon program completion.

2555 Section 29. Subsections (4), (5), and (6) of section
 2556 1004.015, Florida Statutes, are amended to read:

2557 1004.015 Higher Education Coordinating Council.—

2558 (4) The council shall serve as an advisory board to the
 2559 Legislature, the State Board of Education, ~~and~~ the Board of
 2560 Governors, and the State Board of Community Colleges.

2561 Recommendations of the council shall be consistent with the
 2562 following guiding principles:

2563 (a) To achieve within existing resources a seamless
 2564 academic educational system that fosters an integrated continuum
 2565 of kindergarten through graduate school education for Florida's
 2566 students.

2567 (b) To promote consistent education policy across all
 2568 educational delivery systems, focusing on students.

2569 (c) To promote substantially improved articulation across
 2570 all educational delivery systems.

2571 (d) To promote a system that maximizes educational access
 2572 and allows the opportunity for a high-quality education for all
 2573 Floridians.

2574 (e) To promote a system of coordinated and consistent
 2575 transfer of credit and data collection for improved
 2576 accountability purposes between the educational delivery
 2577 systems.

2578 (5) The council shall annually by December 31 submit to the
 2579 Governor, the President of the Senate, the Speaker of the House
 2580 of Representatives, the Board of Governors, the State Board of
 2581 Community Colleges, and the State Board of Education a report

Page 89 of 247

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581-01304-18 2018540c1

2582 outlining its recommendations relating to:

2583 (a) The primary core mission of public and nonpublic
 2584 postsecondary education institutions in the context of state
 2585 access demands and economic development goals.

2586 (b) Performance outputs and outcomes designed to meet
 2587 annual and long-term state goals, including, but not limited to,
 2588 increased student access, preparedness, retention, transfer, and
 2589 completion. Performance measures must be consistent across
 2590 sectors and allow for a comparison of the state's performance to
 2591 that of other states.

2592 (c) The state's articulation policies and practices to
 2593 ensure that cost benefits to the state are maximized without
 2594 jeopardizing quality. The recommendations shall consider return
 2595 on investment for both the state and students and propose
 2596 systems to facilitate and ensure institutional compliance with
 2597 state articulation policies.

2598 (d) Workforce development education, specifically
 2599 recommending improvements to the consistency of workforce
 2600 education data collected and reported by Florida Community
 2601 College System institutions and school districts, including the
 2602 establishment of common elements and definitions for any data
 2603 that is used for state and federal funding and program
 2604 accountability.

2605 (6) The Office of K-20 Articulation, in collaboration with
 2606 the Board of Governors and the State Board of Community Division
 2607 ~~of Florida~~ Colleges, shall provide administrative support for
 2608 the council.

2609 Section 30. Subsection (7) of section 1004.02, Florida
 2610 Statutes, is amended to read:

Page 90 of 247

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581-01304-18

2018540c1

2611 1004.02 Definitions.—As used in this chapter:

2612 (7) “Applied technology diploma program” means a course of
 2613 study that is part of a technical degree program, is less than
 2614 60 credit hours, and leads to employment in a specific
 2615 occupation. An applied technology diploma program may consist of
 2616 either technical credit or college credit. A public school
 2617 district may offer an applied technology diploma program only as
 2618 technical credit, with college credit awarded to a student upon
 2619 articulation to a Florida Community College System institution.
 2620 Statewide articulation among public schools and Florida
 2621 Community College System institutions is guaranteed by s.
 2622 1007.23, and is subject to guidelines and standards adopted by
 2623 the State Board of Community Colleges Education pursuant to ss.
 2624 1007.24 and 1007.25.

2625 Section 31. Subsection (2) of section 1004.03, Florida
 2626 Statutes, is amended to read:

2627 1004.03 Program approval.—

2628 (2) The State Board of Community Colleges Education shall
 2629 establish criteria for the approval of new programs at Florida
 2630 Community College System institutions, which criteria include,
 2631 but are not limited to, the following:

2632 (a) New programs may not be approved unless the same
 2633 objectives cannot be met through use of educational technology.

2634 (b) Unnecessary duplication of programs offered by
 2635 independent institutions shall be avoided.

2636 (c) Cooperative programs, particularly within regions,
 2637 should be encouraged.

2638 (d) New programs may be approved only if they are
 2639 consistent with the ~~state master~~ plan adopted by the State Board

581-01304-18

2018540c1

2640 of Community Colleges Education.

2641 Section 32. Paragraph (f) of subsection (4) of section
 2642 1004.04, Florida Statutes, is amended to read:

2643 1004.04 Public accountability and state approval for
 2644 teacher preparation programs.—

2645 (4) CONTINUED PROGRAM APPROVAL.—Continued approval of a
 2646 teacher preparation program shall be based upon evidence that
 2647 the program continues to implement the requirements for initial
 2648 approval and upon significant, objective, and quantifiable
 2649 measures of the program and the performance of the program
 2650 completers.

2651 (f) By January 1 of each year, the Department of Education
 2652 shall report the results of each approved program’s annual
 2653 progress on the performance measures in paragraph (a) as well as
 2654 the current approval status of each program to:

2655 1. The Governor.

2656 2. The President of the Senate.

2657 3. The Speaker of the House of Representatives.

2658 4. The State Board of Education.

2659 5. The Board of Governors.

2660 6. The State Board of Community Colleges.

2661 7. The Commissioner of Education.

2662 ~~8.7-~~ Each Florida postsecondary teacher preparation
 2663 program.

2664 ~~9.8-~~ Each district school superintendent.

2665 ~~10.9-~~ The public.

2666

2667 This report may include the results of other continued approval
 2668 requirements provided by State Board of Education rule and

581-01304-18 2018540c1

2669 recommendations for improving teacher preparation programs in
2670 the state.

2671 Section 33. Section 1004.07, Florida Statutes, is amended
2672 to read:

2673 1004.07 Student withdrawal from courses due to military
2674 service; effect.—

2675 (1) Each district school board, Florida Community College
2676 System institution board of trustees, and state university board
2677 of trustees shall establish policies regarding currently
2678 enrolled students who are called to, or enlist in, active
2679 military service.

2680 (2) Such policies must ~~shall~~ provide that any student
2681 enrolled in a postsecondary course or courses at a career
2682 center, a Florida Community College System institution, or a
2683 state university may ~~shall~~ not incur academic or financial
2684 penalties by virtue of performing military service on behalf of
2685 our country. Such student shall be permitted the option of
2686 either completing the course or courses at a later date without
2687 penalty or withdrawing from the course or courses with a full
2688 refund of fees paid. If the student chooses to withdraw, the
2689 student's record shall reflect that the withdrawal is due to
2690 active military service.

2691 (3) Policies of district school boards must ~~and Florida~~
2692 ~~College System institution boards of trustees shall be~~
2693 established by rule and pursuant to guidelines of the State
2694 Board of Education.

2695 (4) Policies of state university boards of trustees must
2696 ~~shall~~ be established by regulation and pursuant to guidelines of
2697 the Board of Governors.

581-01304-18 2018540c1

2698 (5) Policies of Florida Community College System
2699 institution boards of trustees must be established by rule and
2700 pursuant to guidelines of the State Board of Community Colleges.

2701 Section 34. Section 1004.084, Florida Statutes, is amended
2702 to read:

2703 1004.084 College affordability.—

2704 (1) The Board of Governors and the State Board of Community
2705 Colleges ~~Education~~ shall annually identify strategies to promote
2706 college affordability for all Floridians by evaluating, at a
2707 minimum, the impact of:

2708 (a) Tuition and fees on undergraduate, graduate, and
2709 professional students at public colleges and universities and
2710 graduate assistants employed by public universities.

2711 (b) Federal, state, and institutional financial aid
2712 policies on the actual cost of attendance for students and their
2713 families.

2714 (c) The costs of textbooks and instructional materials.

2715 (2) By December 31 of each year, ~~beginning in 2016,~~ the
2716 Board of Governors and the State Board of Community Colleges
2717 ~~Education~~ shall submit a report on their respective college
2718 affordability initiatives to the Governor, the President of the
2719 Senate, and the Speaker of the House of Representatives.

2720 Section 35. Paragraph (d) of subsection (3) and subsections
2721 (6), (7), and (8) of section 1004.085, Florida Statutes, are
2722 amended to read:

2723 1004.085 Textbook and instructional materials
2724 affordability.—

2725 (3) An employee may receive:

2726 (d) Fees associated with activities such as reviewing,

581-01304-18

2018540c1

2727 critiquing, or preparing support materials for textbooks or
 2728 instructional materials pursuant to guidelines adopted by the
 2729 State Board of Community Colleges Education or the Board of
 2730 Governors.

2731 (6) Each Florida Community College System institution and
 2732 state university shall post prominently in the course
 2733 registration system and on its website, as early as is feasible,
 2734 but at least 45 days before the first day of class for each
 2735 term, a hyperlink to lists of required and recommended textbooks
 2736 and instructional materials for at least 95 percent of all
 2737 courses and course sections offered at the institution during
 2738 the upcoming term. The lists must include the International
 2739 Standard Book Number (ISBN) for each required and recommended
 2740 textbook and instructional material or other identifying
 2741 information, which must include, at a minimum, all of the
 2742 following: the title, all authors listed, publishers, edition
 2743 number, copyright date, published date, and other relevant
 2744 information necessary to identify the specific textbooks or
 2745 instructional materials required and recommended for each
 2746 course. The State Board of Community Colleges Education and the
 2747 Board of Governors shall include in the policies, procedures,
 2748 and guidelines adopted under subsection (7) certain limited
 2749 exceptions to this notification requirement for classes added
 2750 after the notification deadline.

2751 (7) After receiving input from students, faculty,
 2752 bookstores, and publishers, the State Board of Community
 2753 Colleges Education and the Board of Governors each shall adopt
 2754 textbook and instructional materials affordability policies,
 2755 procedures, and guidelines for implementation by Florida

Page 95 of 247

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581-01304-18

2018540c1

2756 Community College System institutions and state universities,
 2757 respectively, that further efforts to minimize the cost of
 2758 textbooks and instructional materials for students attending
 2759 such institutions while maintaining the quality of education and
 2760 academic freedom. The policies, procedures, and guidelines shall
 2761 address:

2762 (a) The establishment of deadlines for an instructor or
 2763 department to notify the bookstore of required and recommended
 2764 textbooks and instructional materials so that the bookstore may
 2765 verify availability, source lower cost options when practicable,
 2766 explore alternatives with faculty when academically appropriate,
 2767 and maximize the availability of used textbooks and
 2768 instructional materials.

2769 (b) Confirmation by the course instructor or academic
 2770 department offering the course, before the textbook or
 2771 instructional materials adoption is finalized, of the intent to
 2772 use all items ordered, particularly each individual item sold as
 2773 part of a bundled package.

2774 (c) Determination by a course instructor or the academic
 2775 department offering the course, before a textbook or
 2776 instructional material is adopted, of the extent to which a new
 2777 edition differs significantly and substantively from earlier
 2778 versions and the value to the student of changing to a new
 2779 edition or the extent to which an open-access textbook or
 2780 instructional material is available.

2781 (d) The availability of required and recommended textbooks
 2782 and instructional materials to students otherwise unable to
 2783 afford the cost, including consideration of the extent to which
 2784 an open-access textbook or instructional material may be used.

Page 96 of 247

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581-01304-18

2018540c1

2785 (e) Participation by course instructors and academic
2786 departments in the development, adaptation, and review of open-
2787 access textbooks and instructional materials and, in particular,
2788 open-access textbooks and instructional materials for high-
2789 demand general education courses.

2790 (f) Consultation with school districts to identify
2791 practices that impact the cost of dual enrollment textbooks and
2792 instructional materials to school districts, including, but not
2793 limited to, the length of time that textbooks and instructional
2794 materials remain in use.

2795 (g) Selection of textbooks and instructional materials
2796 through cost-benefit analyses that enable students to obtain the
2797 highest-quality product at the lowest available price, by
2798 considering:

- 2799 1. Purchasing digital textbooks in bulk.
- 2800 2. Expanding the use of open-access textbooks and
2801 instructional materials.
- 2802 3. Providing rental options for textbooks and instructional
2803 materials.
- 2804 4. Increasing the availability and use of affordable
2805 digital textbooks and learning objects.
- 2806 5. Developing mechanisms to assist in buying, renting,
2807 selling, and sharing textbooks and instructional materials.
- 2808 6. The length of time that textbooks and instructional
2809 materials remain in use.
- 2810 7. An evaluation of cost savings for textbooks and
2811 instructional materials which a student may realize if
2812 individual students are able to exercise opt-in provisions for
2813 the purchase of the materials.

Page 97 of 247

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581-01304-18

2018540c1

2814 (8) The board of trustees of each Florida Community College
2815 System institution and state university shall report, by
2816 September 30 of each year, beginning in 2016, to the Chancellor
2817 of the Florida Community College System or the Chancellor of the
2818 State University System, as applicable, the textbook and
2819 instructional materials selection process for general education
2820 courses with a wide cost variance identified pursuant to
2821 subsection (4) and high-enrollment courses; specific initiatives
2822 of the institution designed to reduce the costs of textbooks and
2823 instructional materials; policies implemented in accordance with
2824 subsection (6); the number of courses and course sections that
2825 were not able to meet the textbook and instructional materials
2826 posting deadline for the previous academic year; and any
2827 additional information determined by the chancellors. By
2828 November 1 of each year, ~~beginning in 2016~~, each chancellor
2829 shall provide a summary of the information provided by
2830 institutions to the State Board of Community Colleges ~~Education~~
2831 and the Board of Governors, as applicable.

2832 Section 36. Section 1004.096, Florida Statutes, is amended
2833 to read:

2834 1004.096 College credit for military training and education
2835 courses.—The Board of Governors shall adopt regulations and the
2836 State Board of Community Colleges ~~Education~~ shall adopt rules
2837 that enable eligible servicemembers or veterans of the United
2838 States Armed Forces to earn academic college credit at public
2839 postsecondary educational institutions for college-level
2840 training and education acquired in the military. The regulations
2841 and rules shall include procedures for credential evaluation and
2842 the award of academic college credit, including, but not limited

Page 98 of 247

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581-01304-18

2018540c1

2843 to, equivalency and alignment of military coursework with
2844 appropriate college courses, course descriptions, type and
2845 amount of college credit that may be awarded, and transfer of
2846 credit.

2847 Section 37. Section 1004.0961, Florida Statutes, is amended
2848 to read:

2849 1004.0961 Credit for online courses. ~~Beginning in the 2015-~~
2850 ~~2016 school year,~~ The State Board of Community Colleges
2851 ~~Education~~ shall adopt rules and the Board of Governors shall
2852 adopt regulations that enable students to earn academic credit
2853 for online courses, including massive open online courses,
2854 before initial enrollment at a postsecondary institution. The
2855 rules of the State Board of Community Colleges ~~Education~~ and
2856 regulations of the Board of Governors must include procedures
2857 for credential evaluation and the award of credit, including,
2858 but not limited to, recommendations for credit by the American
2859 Council on Education; equivalency and alignment of coursework
2860 with appropriate courses; course descriptions; type and amount
2861 of credit that may be awarded; and transfer of credit.

2862 Section 38. Section 1004.35, Florida Statutes, is amended
2863 to read:

2864 1004.35 Broward County campuses of Florida Atlantic
2865 University; coordination with other institutions.—The State
2866 Board of Community Colleges ~~Education~~, the Board of Governors,
2867 and Florida Atlantic University shall consult with Broward
2868 College and Florida International University in coordinating
2869 course offerings at the postsecondary level in Broward County.
2870 Florida Atlantic University may contract with the Board of
2871 Trustees of Broward College and with Florida International

Page 99 of 247

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581-01304-18

2018540c1

2872 University to provide instruction in courses offered at the
2873 Southeast Campus. Florida Atlantic University shall increase
2874 course offerings at the Southeast Campus as facilities become
2875 available.

2876 Section 39. Paragraphs (c) and (d) of subsection (5) and
2877 subsections (8) and (9) of section 1004.6495, Florida Statutes,
2878 are amended to read:

2879 1004.6495 Florida Postsecondary Comprehensive Transition
2880 Program and Florida Center for Students with Unique Abilities.—

2881 (5) CENTER RESPONSIBILITIES.—The Florida Center for
2882 Students with Unique Abilities is established within the
2883 University of Central Florida. At a minimum, the center shall:

2884 (c) Create the application for the initial approval and
2885 renewal of approval as an FPCTP for use by an eligible
2886 institution which, at a minimum, must align with the federal
2887 comprehensive transition and postsecondary program application
2888 requirements. Notwithstanding the program approval requirements
2889 of s. 1004.03, the director shall review applications for the
2890 initial approval of an application for, or renewal of approval
2891 of, an FPCTP.

2892 1. Within 30 days after receipt of an application, the
2893 director shall issue his or her recommendation regarding
2894 approval to the Chancellor of the State University System, ~~or~~
2895 the Chancellor of the Florida Community College System, or the
2896 Commissioner of Education, as applicable, or shall give written
2897 notice to the applicant of any deficiencies in the application,
2898 which the eligible institution must be given an opportunity to
2899 correct. Within 15 days after receipt of a notice of
2900 deficiencies, an eligible institution that chooses to continue

Page 100 of 247

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581-01304-18

2018540c1

2901 to seek program approval shall correct the application
 2902 deficiencies and return the application to the center. Within 30
 2903 days after receipt of a revised application, the director shall
 2904 recommend approval or disapproval of the revised application to
 2905 the applicable chancellor or the commissioner, as applicable.
 2906 Within 15 days after receipt of the director's recommendation,
 2907 the applicable chancellor or the commissioner shall approve or
 2908 disapprove the recommendation. If the applicable chancellor or
 2909 the commissioner does not act on the director's recommendation
 2910 within 15 days after receipt of such recommendation, the
 2911 comprehensive transition program proposed by the institution
 2912 shall be considered approved.

2913 2. Initial approval of an application for an FPCTP that
 2914 meets the requirements of this section is valid for the 3
 2915 academic years immediately following the academic year during
 2916 which the approval is granted. An eligible institution may
 2917 submit an application to the center requesting that the initial
 2918 approval be renewed. If the approval is granted and the FPCTP
 2919 continues to meet the requirements of this section, including,
 2920 but not limited to, program and student performance outcomes,
 2921 and federal requirements, a renewal is valid for the 5 academic
 2922 years immediately following the academic year during which the
 2923 renewal is granted.

2924 3. An application must, at a minimum:

2925 a. Identify a credential associated with the proposed
 2926 program which will be awarded to eligible students upon
 2927 completion of the FPCTP.

2928 b. Outline the program length and design, including, at a
 2929 minimum, inclusive and successful experiential education

Page 101 of 247

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581-01304-18

2018540c1

2930 practices relating to curricular, assessment, and advising
 2931 structure and internship and employment opportunities, which
 2932 must support students with intellectual disabilities who are
 2933 seeking to continue academic, career and technical, and
 2934 independent living instruction at an eligible institution,
 2935 including, but not limited to, opportunities to earn industry
 2936 certifications, to prepare students for gainful employment. If
 2937 an eligible institution offers a credit-bearing degree program,
 2938 the institution is responsible for maintaining the rigor and
 2939 effectiveness of a comprehensive transition degree program at
 2940 the same level as other comparable degree programs offered by
 2941 the institution pursuant to applicable accreditation standards.

2942 c. Outline a plan for students with intellectual
 2943 disabilities to be integrated socially and academically with
 2944 nondisabled students, to the maximum extent possible, and to
 2945 participate on not less than a half-time basis, as determined by
 2946 the eligible institution, with such participation focusing on
 2947 academic components and occurring through one or more of the
 2948 following activities with nondisabled students:

2949 (I) Regular enrollment in credit-bearing courses offered by
 2950 the institution.

2951 (II) Auditing or participating in courses offered by the
 2952 institution for which the student does not receive academic
 2953 credit.

2954 (III) Enrollment in noncredit-bearing, nondegree courses.

2955 (IV) Participation in internships or work-based training.

2956 d. Outline a plan for partnerships with businesses to
 2957 promote experiential training and employment opportunities for
 2958 students with intellectual disabilities.

Page 102 of 247

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581-01304-18

2018540c1

2959 e. Identify performance indicators pursuant to subsection
2960 (8) and other requirements identified by the center.

2961 f. Outline a 5-year plan incorporating enrollment and
2962 operational expectations for the program.

2963 (d) Provide technical assistance regarding programs and
2964 services for students with intellectual disabilities to
2965 administrators, instructors, staff, and others, as applicable,
2966 at eligible institutions by:

2967 1. Holding meetings and annual workshops to share
2968 successful practices and to address issues or concerns.

2969 2. Facilitating collaboration between eligible institutions
2970 and school districts, private schools operating pursuant to s.
2971 1002.42, and parents of students enrolled in home education
2972 programs operating pursuant to s. 1002.41 in assisting students
2973 with intellectual disabilities and their parents to plan for the
2974 transition of such students into an FPCTP or another program at
2975 an eligible institution.

2976 3. Assisting eligible institutions with FPCTP and federal
2977 comprehensive transition and postsecondary program applications.

2978 4. Assisting eligible institutions with the identification
2979 of funding sources for an FPCTP and for student financial
2980 assistance for students enrolled in an FPCTP.

2981 5. Monitoring federal and state law relating to the
2982 comprehensive transition program and notifying the Legislature,
2983 the Governor, the Board of Governors, the State Board of
2984 Community Colleges, and the State Board of Education of any
2985 change in law which may impact the implementation of this
2986 section.

2987 (8) ACCOUNTABILITY.—

Page 103 of 247

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581-01304-18

2018540c1

2988 (a) The center, in collaboration with the Board of
2989 Governors, the State Board of Community Colleges, and the State
2990 Board of Education, shall identify indicators for the
2991 satisfactory progress of a student in an FPCTP and for the
2992 performance of such programs. Each eligible institution must
2993 address the indicators identified by the center in its
2994 application for the approval of a proposed program and for the
2995 renewal of an FPCTP and in the annual report that the
2996 institution submits to the center.

2997 (b) By October 1 of each year, the center shall provide to
2998 the Governor, the President of the Senate, the Speaker of the
2999 House of Representatives, the Chancellor of the State University
3000 System, the Chancellor of the Florida Community College System,
3001 and the Commissioner of Education a report summarizing
3002 information including, but not limited to:

3003 1. The status of the statewide coordination of FPCTPs and
3004 the implementation of FPCTPs at eligible institutions including,
3005 but not limited to:

3006 a. The number of applications approved and disapproved and
3007 the reasons for each disapproval and no action taken by the
3008 chancellor or the commissioner.

3009 b. The number and value of all scholarships awarded to
3010 students and undisbursed advances remitted to the center
3011 pursuant to subsection (7).

3012 2. Indicators identified by the center pursuant to
3013 paragraph (a) and the performance of each eligible institution
3014 based on the indicators identified in paragraph (6)(c).

3015 3. The projected number of students with intellectual
3016 disabilities who may be eligible to enroll in the FPCTPs within

Page 104 of 247

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581-01304-18

2018540c1

3017 the next academic year.

3018 4. Education programs and services for students with
3019 intellectual disabilities which are available at eligible
3020 institutions.

3021 (c) ~~Beginning in the 2016-2017 fiscal year,~~ The center, in
3022 collaboration with the Board of Governors, State Board of
3023 Community Colleges, State Board of Education, Higher Education
3024 Coordinating Council, and other stakeholders, by December 1 of
3025 each year, shall submit to the Governor, the President of the
3026 Senate, and the Speaker of the House of Representatives
3027 statutory and budget recommendations for improving the
3028 implementation and delivery of FPCTPs and other education
3029 programs and services for students with disabilities.

3030 (9) RULES.—The Board of Governors, the State Board of
3031 Community Colleges, and the State Board of Education, in
3032 consultation with the center, shall expeditiously adopt any
3033 necessary regulations and rules, as applicable, to allow the
3034 center to perform its responsibilities pursuant to this section
3035 ~~beginning in the 2016-2017 fiscal year.~~

3036 Section 40. Section 1004.65, Florida Statutes, is amended
3037 to read:

3038 1004.65 Florida Community College System institutions;
3039 governance, mission, and responsibilities.—

3040 (1) Each Florida Community College System institution shall
3041 be governed by a district board of trustees under statutory
3042 authority and rules of the State Board of Community Colleges
3043 Education.

3044 (2) Each Florida Community College System institution
3045 district shall:

Page 105 of 247

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581-01304-18

2018540c1

3046 (a) Consist of the county or counties served by the Florida
3047 Community College System institution pursuant to s. 1000.21(3).

3048 (b) Be an independent, separate, legal entity created for
3049 the operation of a Florida Community College System institution.

3050 (3) Florida Community College System institutions are
3051 locally based and governed entities with statutory and funding
3052 ties to state government. As such, the mission for Florida
3053 Community College System institutions reflects a commitment to
3054 be responsive to local educational needs and challenges. In
3055 achieving this mission, Florida Community College System
3056 institutions strive to maintain sufficient local authority and
3057 flexibility while preserving appropriate legal accountability to
3058 the state.

3059 (4) As comprehensive institutions, Florida Community
3060 College System institutions shall provide high-quality,
3061 affordable education and training opportunities, shall foster a
3062 climate of excellence, and shall provide opportunities to all
3063 while combining high standards with an open-door admission
3064 policy for lower-division programs. Florida Community College
3065 System institutions shall, as open-access institutions, serve
3066 all who can benefit, without regard to age, race, gender, creed,
3067 or ethnic or economic background, while emphasizing the
3068 achievement of social and educational equity so that all can be
3069 prepared for full participation in society.

3070 (5) The primary mission and responsibility of Florida
3071 Community College System institutions is responding to community
3072 needs for postsecondary academic education and career degree
3073 education. This mission and responsibility includes being
3074 responsible for:

Page 106 of 247

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581-01304-18

2018540c1

- 3075 (a) Providing lower-level ~~lower-level~~ undergraduate
3076 instruction and awarding associate degrees.
- 3077 (b) Preparing students directly for careers requiring less
3078 than baccalaureate degrees. This may include preparing for job
3079 entry, supplementing of skills and knowledge, and responding to
3080 needs in new areas of technology. Career education in a Florida
3081 Community College System institution consists ~~shall consist~~ of
3082 career certificates, nationally recognized industry
3083 certifications, credit courses leading to associate in science
3084 degrees and associate in applied science degrees, and other
3085 programs in fields requiring substantial academic work,
3086 background, or qualifications. A Florida Community College
3087 System institution may offer career education programs in fields
3088 having lesser academic or technical requirements.
- 3089 (c) Providing student development services, including
3090 assessment, student tracking, support for disabled students,
3091 advisement, counseling, financial aid, career development, and
3092 remedial and tutorial services, to ensure student success.
- 3093 (d) Promoting economic development for the state within
3094 each Florida Community College System institution district
3095 through the provision of special programs, including, but not
3096 limited to, the:
- 3097 1. Enterprise Florida-related programs.
 - 3098 2. Technology transfer centers.
 - 3099 3. Economic development centers.
 - 3100 4. Workforce literacy programs.
- 3101 (e) Providing dual enrollment instruction.
- 3102 ~~(f) Providing upper level instruction and awarding~~
3103 ~~baccalaureate degrees as specifically authorized by law.~~

Page 107 of 247

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581-01304-18

2018540c1

- 3104 (6) A separate and secondary role for Florida Community
3105 College System institutions includes ~~the offering of programs~~
3106 ~~is~~:
- 3107 (a) Programs in community services that are not directly
3108 related to academic or occupational advancement.
- 3109 (b) Programs in adult education services, including adult
3110 basic education, adult general education, adult secondary
3111 education, and high school equivalency examination instruction.
- 3112 (c) Programs in recreational and leisure services.
- 3113 (d) Upper-level instruction and awarding baccalaureate
3114 degrees as specifically authorized by law.
- 3115 (7) Funding for Florida Community College System
3116 institutions must ~~shall~~ reflect their mission as follows:
- 3117 (a) Postsecondary academic and career education programs
3118 and adult general education programs must ~~shall~~ have first
3119 priority in Florida Community College System institution
3120 funding.
- 3121 (b) Community service programs shall be presented to the
3122 Legislature with rationale for state funding. The Legislature
3123 may identify priority areas for use of these funds.
- 3124 (c) The resources of a Florida Community College System
3125 institution, including staff, faculty, land, and facilities, may
3126 ~~shall~~ not be used to support the establishment of a new
3127 independent nonpublic educational institution. If any
3128 institution uses resources for such purpose, the State Board of
3129 Community ~~Division of Florida~~ Colleges shall notify the
3130 President of the Senate and the Speaker of the House of
3131 Representatives.
- 3132 (8) Florida Community College System institutions are

Page 108 of 247

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581-01304-18 2018540c1

3133 authorized to:

3134 (a) Offer such programs and courses as are necessary to

3135 fulfill their mission.

3136 (b) Grant associate in arts degrees, associate in science

3137 degrees, associate in applied science degrees, certificates,

3138 awards, and diplomas.

3139 (c) Make provisions for the high school equivalency

3140 examination.

3141 (d) Provide access to and award baccalaureate degrees in

3142 accordance with law.

3143

3144 Authority to offer one or more baccalaureate degree programs

3145 does not alter the governance relationship of the Florida

3146 Community College System institution with its district board of

3147 trustees or the State Board of Community Colleges Education.

3148 Section 41. Section 1004.67, Florida Statutes, is amended

3149 to read:

3150 1004.67 Florida Community College System institutions;

3151 legislative intent.—It is The legislative intent that Florida

3152 Community College System institutions, constituted as political

3153 subdivisions of the state, continue to be operated by Florida

3154 Community College System institution boards of trustees as

3155 provided in s. 1001.63 and that no department, bureau, division,

3156 agency, or subdivision of the state exercise any responsibility

3157 and authority to operate any Florida Community College System

3158 institution of the state except as specifically provided by law

3159 or rules of the State Board of Community Colleges Education.

3160 Section 42. Section 1004.70, Florida Statutes, is amended

3161 to read:

581-01304-18 2018540c1

3162 1004.70 Florida Community College System institution

3163 direct-support organizations.—

3164 (1) DEFINITIONS.—For the purposes of this section:

3165 (a) “Florida Community College System institution direct-

3166 support organization” means an organization that is:

3167 1. A Florida corporation not for profit, incorporated under

3168 the provisions of chapter 617 and approved by the Department of

3169 State.

3170 2. Organized and operated exclusively to receive, hold,

3171 invest, and administer property and to make expenditures to, or

3172 for the benefit of, a Florida Community College System

3173 institution in this state.

3174 3. An organization that the Florida Community College

3175 System institution board of trustees, after review, has

3176 certified to be operating in a manner consistent with the goals

3177 of the Florida Community College System institution and in the

3178 best interest of the state. Any organization that is denied

3179 certification by the board of trustees may not use the name of

3180 the Florida Community College System institution that it serves.

3181 (b) “Personal services” includes full-time or part-time

3182 personnel as well as payroll processing.

3183 (2) BOARD OF DIRECTORS.—The chair of the board of trustees

3184 shall appoint at least one ~~a~~ representative to the board of

3185 directors and the executive committee of each direct-support

3186 organization established under this section, including those

3187 established before July 1, 1998. The president of the Florida

3188 Community College System institution for which the direct-

3189 support organization is established, or the president’s

3190 designee, shall also serve on the board of directors and the

581-01304-18 2018540c1

3191 executive committee of the direct-support organization,
 3192 including any direct-support organization established before
 3193 July 1, 1998.

3194 (3) USE OF PROPERTY.—

3195 (a) The board of trustees is authorized to permit the use
 3196 of property, facilities, and personal services at any Florida
 3197 Community College System institution by any Florida Community
 3198 College System institution direct-support organization, subject
 3199 to the provisions of this section. Beginning July 1, 2022, a
 3200 community college board of trustees may not permit any Florida
 3201 Community College System institution direct-support organization
 3202 to use personal services.

3203 (b) The board of trustees is authorized to prescribe by
 3204 rule any condition with which a Florida Community College System
 3205 institution direct-support organization must comply in order to
 3206 use property, facilities, or personal services at any Florida
 3207 Community College System institution.

3208 (c) The board of trustees may not permit the use of
 3209 property, facilities, or personal services at any Florida
 3210 Community College System institution by any Florida Community
 3211 College System institution direct-support organization that does
 3212 not provide equal employment opportunities to all persons
 3213 regardless of race, color, national origin, gender, age, or
 3214 religion.

3215 (d) The board of trustees may not permit the use of state
 3216 funds for travel expenses by any Florida Community College
 3217 System institution direct-support organization.

3218 (4) ACTIVITIES; RESTRICTIONS.—

3219 (a) A direct-support organization may, at the request of

Page 111 of 247

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581-01304-18 2018540c1

3220 the board of trustees, provide residency opportunities on or
 3221 near campus for students.

3222 (b) A direct-support organization that constructs
 3223 facilities for use by a Florida Community College System
 3224 institution or its students must comply with all requirements of
 3225 law relating to the construction of facilities by a Florida
 3226 Community College System institution, including requirements for
 3227 competitive bidding.

3228 (c) Any transaction or agreement between one direct-support
 3229 organization and another direct-support organization must be
 3230 approved by the board of trustees.

3231 (d) A Florida Community College System institution direct-
 3232 support organization is prohibited from giving, either directly
 3233 or indirectly, any gift to a political committee as defined in
 3234 s. 106.011 for any purpose ~~other than those certified by a~~
 3235 ~~majority roll call vote of the governing board of the direct-~~
 3236 ~~support organization at a regularly scheduled meeting as being~~
 3237 ~~directly related to the educational mission of the Florida~~
 3238 ~~College System institution.~~

3239 (e) A Florida Community College System institution board of
 3240 trustees must authorize all debt, including lease-purchase
 3241 agreements, incurred by a direct-support organization.
 3242 Authorization for approval of short-term loans and lease-
 3243 purchase agreements for a term of not more than 5 years,
 3244 including renewals, extensions, and refundings, for goods,
 3245 materials, equipment, and services may be delegated by the board
 3246 of trustees to the board of directors of the direct-support
 3247 organization. Trustees shall evaluate proposals for debt
 3248 according to guidelines issued by the State Board of Community

Page 112 of 247

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581-01304-18

2018540c1

3249 ~~Division of Florida~~ Colleges. Revenues of the Florida Community
 3250 College System institution may not be pledged to debt issued by
 3251 direct-support organizations.

3252 (5) ANNUAL BUDGETS AND REPORTS.—Each direct-support
 3253 organization shall submit to the board of trustees its federal
 3254 Internal Revenue Service Application for Recognition of
 3255 Exemption form (Form 1023) and its federal Internal Revenue
 3256 Service Return of Organization Exempt from Income Tax form (Form
 3257 990).

3258 (6) ANNUAL AUDIT.—Each direct-support organization shall
 3259 provide for an annual financial audit in accordance with rules
 3260 adopted by the Auditor General pursuant to s. 11.45(8). The
 3261 annual audit report must be submitted, within 9 months after the
 3262 end of the fiscal year, to the Auditor General, the State Board
 3263 of Community Colleges Education, and the board of trustees for
 3264 review. The board of trustees, the Auditor General, and the
 3265 Office of Program Policy Analysis and Government Accountability
 3266 may require and receive from the organization or from its
 3267 independent auditor any detail or supplemental data relative to
 3268 the operation of the organization. The identity of donors who
 3269 desire to remain anonymous shall be protected, and that
 3270 anonymity shall be maintained in the auditor's report. All
 3271 records of the organization, other than the auditor's report,
 3272 any information necessary for the auditor's report, any
 3273 information related to the expenditure of funds, and any
 3274 supplemental data requested by the board of trustees, the
 3275 Auditor General, and the Office of Program Policy Analysis and
 3276 Government Accountability, shall be confidential and exempt from
 3277 the provisions of s. 119.07(1).

Page 113 of 247

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581-01304-18

2018540c1

3278 Section 43. Section 1004.71, Florida Statutes, is amended
 3279 to read:

3280 1004.71 Statewide Florida Community College System
 3281 institution direct-support organizations.—

3282 (1) DEFINITIONS.—For the purposes of this section:

3283 (a) "Statewide Florida Community College System institution
 3284 direct-support organization" means an organization that is:

3285 1. A Florida corporation not for profit, incorporated under
 3286 the provisions of chapter 617 and approved by the Department of
 3287 State.

3288 2. Organized and operated exclusively to receive, hold,
 3289 invest, and administer property and to make expenditures to, or
 3290 for the benefit of, the Florida Community College System
 3291 institutions in this state.

3292 3. An organization that the State Board of Community
 3293 Colleges Education, after review, has certified to be operating
 3294 in a manner consistent with the goals of the Florida Community
 3295 College System institutions and in the best interest of the
 3296 state.

3297 (b) "Personal services" includes full-time or part-time
 3298 personnel as well as payroll processing.

3299 (2) BOARD OF DIRECTORS.—The chair of the State Board of
 3300 Community Colleges Education may appoint a representative to the
 3301 board of directors and the executive committee of any statewide,
 3302 direct-support organization established under this section or s.
 3303 1004.70. The chair of the State Board of Community Colleges
 3304 Education, or the chair's designee, shall also serve on the
 3305 board of directors and the executive committee of any direct-
 3306 support organization established to benefit Florida Community

Page 114 of 247

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581-01304-18

2018540c1

3307 College System institutions.

3308 (3) USE OF PROPERTY.—

3309 (a) The State Board of Education may permit the use of
3310 property, facilities, and personal services of the Department of
3311 Education by any statewide Florida Community College System
3312 institution direct-support organization, subject to the
3313 provisions of this section.

3314 (b) The State Board of Education may prescribe by rule any
3315 condition with which a statewide Florida Community College
3316 System institution direct-support organization must comply in
3317 order to use property, facilities, or personal services of the
3318 Department of Education.

3319 (c) The State Board of Education may not permit the use of
3320 property, facilities, or personal services of the Department of
3321 Education by any statewide Florida Community College System
3322 institution direct-support organization that does not provide
3323 equal employment opportunities to all persons regardless of
3324 race, color, national origin, gender, age, or religion.

3325 (4) RESTRICTIONS.—

3326 (a) A statewide, direct-support organization may not use
3327 public funds to acquire, construct, maintain, or operate any
3328 facilities.

3329 (b) Any transaction or agreement between a statewide,
3330 direct-support organization and any other direct-support
3331 organization must be approved by the State Board of Community
3332 Colleges Education.

3333 (c) A statewide Florida Community College System
3334 institution direct-support organization is prohibited from
3335 giving, either directly or indirectly, any gift to a political

Page 115 of 247

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581-01304-18

2018540c1

3336 committee as defined in s. 106.011 for any purpose other than
3337 those certified by a majority roll call vote of the governing
3338 board of the direct-support organization at a regularly
3339 scheduled meeting as being directly related to the educational
3340 mission of the State Board of Community Colleges Education.

3341 (5) ANNUAL BUDGETS AND REPORTS.—Each direct-support
3342 organization shall submit to the State Board of Community
3343 Colleges Education its federal Internal Revenue Service
3344 Application for Recognition of Exemption form (Form 1023) and
3345 its federal Internal Revenue Service Return of Organization
3346 Exempt from Income Tax form (Form 990).

3347 (6) ANNUAL AUDIT.—A statewide Florida Community College
3348 System institution direct-support organization shall provide for
3349 an annual financial audit in accordance with s. 1004.70. The
3350 identity of a donor or prospective donor who desires to remain
3351 anonymous and all information identifying such donor or
3352 prospective donor are confidential and exempt from the
3353 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
3354 Constitution. Such anonymity shall be maintained in the
3355 auditor's report.

3356 Section 44. Subsection (4) of section 1004.74, Florida
3357 Statutes, is amended to read:

3358 1004.74 Florida School of the Arts.—

3359 (4) The Council for the Florida School of the Arts shall be
3360 established to advise the Florida Community College System
3361 institution district board of trustees on matters pertaining to
3362 the operation of the school. The council shall consist of nine
3363 members, appointed jointly by the Chancellor of the Florida
3364 Community College System and the Commissioner of Education for

Page 116 of 247

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581-01304-18 2018540c1

3365 4-year terms. A member may serve three terms and may serve until
3366 replaced.

3367 Section 45. Section 1004.78, Florida Statutes, is amended
3368 to read:

3369 1004.78 Technology transfer centers at Florida Community
3370 College System institutions.—

3371 (1) Each Florida Community College System institution may
3372 establish a technology transfer center for the purpose of
3373 providing institutional support to local business and industry
3374 and governmental agencies in the application of new research in
3375 technology. The primary responsibilities of such centers may
3376 include: identifying technology research developed by
3377 universities, research institutions, businesses, industries, the
3378 United States Armed Forces, and other state or federal
3379 governmental agencies; determining and demonstrating the
3380 application of technologies; training workers to integrate
3381 advanced equipment and production processes; and determining for
3382 business and industry the feasibility and efficiency of
3383 accommodating advanced technologies.

3384 (2) The Florida Community College System institution board
3385 of trustees shall set such policies to regulate the activities
3386 of the technology transfer center as it may consider necessary
3387 to effectuate the purposes of this section and to administer the
3388 programs of the center in a manner which assures efficiency and
3389 effectiveness, producing the maximum benefit for the educational
3390 programs and maximum service to the state. To this end,
3391 materials that relate to methods of manufacture or production,
3392 potential trade secrets, potentially patentable material, actual
3393 trade secrets, business transactions, or proprietary information

Page 117 of 247

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581-01304-18 2018540c1

3394 received, generated, ascertained, or discovered during the
3395 course of activities conducted within the Florida Community
3396 College System institutions shall be confidential and exempt
3397 from the provisions of s. 119.07(1), except that a Florida
3398 Community College System institution shall make available upon
3399 request the title and description of a project, the name of the
3400 investigator, and the amount and source of funding provided for
3401 such project.

3402 (3) A technology transfer center created under the
3403 provisions of this section shall be under the supervision of the
3404 board of trustees of that Florida Community College System
3405 institution, which is authorized to appoint a director; to
3406 employ full-time and part-time staff, research personnel, and
3407 professional services; to employ on a part-time basis personnel
3408 of the Florida Community College System institution; and to
3409 employ temporary employees whose salaries are paid entirely from
3410 the permanent technology transfer fund or from that fund in
3411 combination with other nonstate sources, with such positions
3412 being exempt from the requirements of the Florida Statutes
3413 relating to salaries, except that no such appointment shall be
3414 made for a total period of longer than 1 year.

3415 (4) The board of trustees of the Florida Community College
3416 System institution in which a technology transfer center is
3417 created, or its designee, may negotiate, enter into, and execute
3418 contracts; solicit and accept grants and donations; and fix and
3419 collect fees, other payments, and donations that may accrue by
3420 reason thereof for technology transfer activities. The board of
3421 trustees or its designee may negotiate, enter into, and execute
3422 contracts on a cost-reimbursement basis and may provide

Page 118 of 247

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581-01304-18

2018540c1

3423 temporary financing of such costs prior to reimbursement from
 3424 moneys on deposit in the technology transfer fund, except as may
 3425 be prohibited elsewhere by law.

3426 (5) A technology transfer center shall be financed from the
 3427 Academic Improvement Program or from moneys of a Florida
 3428 Community College System institution which are on deposit or
 3429 received for use in the activities conducted in the center. Such
 3430 moneys shall be deposited by the Florida Community College
 3431 System institution in a permanent technology transfer fund in a
 3432 depository or depositories approved for the deposit of state
 3433 funds and shall be accounted for and disbursed subject to audit
 3434 by the Auditor General.

3435 (6) The fund balance in any existing research trust fund of
 3436 a Florida Community College System institution at the time a
 3437 technology transfer center is created shall be transferred to a
 3438 permanent technology transfer fund established for the Florida
 3439 Community College System institution, and thereafter the fund
 3440 balance of the technology transfer fund at the end of any fiscal
 3441 period may be used during any succeeding period pursuant to this
 3442 section.

3443 (7) Moneys deposited in the permanent technology transfer
 3444 fund of a Florida Community College System institution shall be
 3445 disbursed in accordance with the terms of the contract, grant,
 3446 or donation under which they are received. Moneys received for
 3447 overhead or indirect costs and other moneys not required for the
 3448 payment of direct costs shall be applied to the cost of
 3449 operating the technology transfer center.

3450 (8) All purchases of a technology transfer center shall be
 3451 made in accordance with the policies and procedures of the

Page 119 of 247

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581-01304-18

2018540c1

3452 Florida Community College System institution.

3453 (9) The Florida Community College System institution board
 3454 of trustees may authorize the construction, alteration, or
 3455 remodeling of buildings when the funds used are derived entirely
 3456 from the technology transfer fund of a Florida Community College
 3457 System institution or from that fund in combination with other
 3458 nonstate sources, provided that such construction, alteration,
 3459 or remodeling is for use exclusively by the center. It also may
 3460 authorize the acquisition of real property when the cost is
 3461 entirely from said funds. Title to all real property shall vest
 3462 in the board of trustees.

3463 (10) The State Board of Community Colleges ~~Education~~ may
 3464 award grants to Florida Community College System institutions,
 3465 or consortia of public and private colleges and universities and
 3466 other public and private entities, for the purpose of supporting
 3467 the objectives of this section. Grants awarded pursuant to this
 3468 subsection shall be in accordance with rules of the State Board
 3469 of Community Colleges ~~Education~~. Such rules shall include the
 3470 following provisions:

3471 (a) The number of centers established with state funds
 3472 provided expressly for the purpose of technology transfer shall
 3473 be limited, but shall be geographically located to maximize
 3474 public access to center resources and services.

3475 (b) Grants to centers funded with state revenues
 3476 appropriated specifically for technology transfer activities
 3477 shall be reviewed and approved by the State Board of Community
 3478 Colleges ~~Education~~ using proposal solicitation, evaluation, and
 3479 selection procedures established by the state board in
 3480 consultation with Enterprise Florida, Inc. Such procedures may

Page 120 of 247

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581-01304-18

2018540c1

3481 include designation of specific areas or applications of
3482 technology as priorities for the receipt of funding.

3483 (c) Priority for the receipt of state funds appropriated
3484 specifically for the purpose of technology transfer shall be
3485 given to grant proposals developed jointly by Florida Community
3486 College System institutions and public and private colleges and
3487 universities.

3488 (11) Each technology transfer center established under the
3489 provisions of this section shall establish a technology transfer
3490 center advisory committee. Each committee shall include
3491 representatives of a university or universities conducting
3492 research in the area of specialty of the center. Other members
3493 shall be determined by the Florida Community College System
3494 institution board of trustees.

3495 Section 46. Subsection (4) of section 1004.80, Florida
3496 Statutes, is amended to read:

3497 1004.80 Economic development centers.—

3498 (4) The State Board of Community Colleges ~~Education~~ may
3499 award grants to economic development centers for the purposes of
3500 this section. Grants awarded pursuant to this subsection shall
3501 be in accordance with rules established by the State Board of
3502 Community Colleges ~~Education~~.

3503 Section 47. Section 1004.91, Florida Statutes, is amended
3504 to read:

3505 1004.91 Requirements for career education program basic
3506 skills.—

3507 (1) The State Board of Education, for career centers
3508 operated by district school boards, and the State Board of
3509 Community Colleges, for charter technical career centers

Page 121 of 247

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581-01304-18

2018540c1

3510 operated by Florida Community College System institutions, shall
3511 collaborate to adopt, by rule, standards of basic skill mastery
3512 for completion of certificate career education programs. Each
3513 school district and Florida Community College System institution
3514 that conducts programs that confer career and technical
3515 certificates shall provide applied academics instruction through
3516 which students receive the basic skills instruction required
3517 pursuant to this section.

3518 (2) Students who enroll in a program offered for career
3519 credit of 450 hours or more shall complete an entry-level
3520 examination within the first 6 weeks after admission into the
3521 program. The State Board of Education and the State Board of
3522 Community Colleges shall collaborate to designate examinations
3523 that are currently in existence, the results of which are
3524 comparable across institutions, to assess student mastery of
3525 basic skills. Any student found to lack the required level of
3526 basic skills for such program shall be referred to applied
3527 academics instruction or another adult general education program
3528 for a structured program of basic skills instruction. Such
3529 instruction may include English for speakers of other languages.
3530 A student may not receive a career or technical certificate of
3531 completion without first demonstrating the basic skills required
3532 in the state curriculum frameworks for the career education
3533 program.

3534 (3) (a) An adult student with a disability may be exempted
3535 from this section.

3536 (b) The following students are exempt from this section:

3537 1. A student who possesses a college degree at the
3538 associate in applied science level or higher.

Page 122 of 247

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581-01304-18

2018540c1

3539 2. A student who demonstrates readiness for public
 3540 postsecondary education pursuant to s. 1008.30 and applicable
 3541 rules adopted by the State Board of Education and State Board of
 3542 Community Colleges.

3543 3. A student who passes a state or national industry
 3544 certification or licensure examination that is identified in
 3545 State Board of Education or State Board of Community Colleges
 3546 rules and aligned to the career education program in which the
 3547 student is enrolled.

3548 4. An adult student who is enrolled in an apprenticeship
 3549 program that is registered with the Department of Education in
 3550 accordance with chapter 446.

3551 Section 48. Paragraph (b) of subsection (2) of section
 3552 1004.92, Florida Statutes, is amended, and subsection (4) is
 3553 added to that section, to read:

3554 1004.92 Purpose and responsibilities for career education.-
 3555 (2)

3556 (b) The Department of Education, for school districts, and
 3557 the State Board of Community Colleges, for Florida Community
 3558 College System institutions, have the following responsibilities
 3559 related to accountability for career education ~~includes, but is~~
 3560 not limited to:

3561 1. The provision of timely, accurate technical assistance
 3562 to school districts and Florida Community College System
 3563 institutions.

3564 2. The provision of timely, accurate information to the
 3565 State Board of Education, the Legislature, and the public.

3566 3. The development of policies, rules, and procedures that
 3567 facilitate institutional attainment of the accountability

Page 123 of 247

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581-01304-18

2018540c1

3568 standards and coordinate the efforts of all divisions within the
 3569 department.

3570 4. The development of program standards and industry-driven
 3571 benchmarks for career, adult, and community education programs,
 3572 which must be updated every 3 years. The standards must include
 3573 career, academic, and workplace skills; viability of distance
 3574 learning for instruction; ~~and~~ work/learn cycles that are
 3575 responsive to business and industry; and provisions that reflect
 3576 the quality components of career and technical education
 3577 programs. The Department of Education and the State Board of
 3578 Community Colleges shall collaborate to develop a common set of
 3579 standards and benchmarks as specified under this subparagraph
 3580 for the programs that are offered by both the school districts
 3581 and Florida Community College System institutions.

3582 5. Overseeing school district and Florida Community College
 3583 System institution compliance with ~~the provisions of~~ this
 3584 chapter.

3585 6. Ensuring that the educational outcomes for the technical
 3586 component of career programs are uniform and designed to provide
 3587 a graduate who is capable of entering the workforce on an
 3588 equally competitive basis regardless of the institution of
 3589 choice.

3590 (4) The State Board of Education, for career education
 3591 provided by school districts, and the State Board of Community
 3592 Colleges, for career education provided by Florida Community
 3593 College System institutions, shall collaborate to adopt rules to
 3594 administer this section.

3595 Section 49. Subsection (1) of section 1004.925, Florida
 3596 Statutes, is amended to read:

Page 124 of 247

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581-01304-18

2018540c1

3597 1004.925 Automotive service technology education programs;
3598 certification.-

3599 (1) All automotive service technology education programs
3600 shall be industry certified in accordance with rules adopted by
3601 the State Board of Education and the State Board of Community
3602 Colleges.

3603 Section 50. Paragraphs (c) and (d) of subsection (4) and
3604 subsections (6) and (9) of section 1004.93, Florida Statutes,
3605 are amended to read:

3606 1004.93 Adult general education.-

3607 (4)

3608 (c) The State Board of Community Colleges ~~Education~~ shall
3609 define, by rule, the levels and courses of instruction to be
3610 funded through the developmental education program. The State
3611 Board of Community Colleges shall coordinate the establishment
3612 of costs for developmental education courses, the establishment
3613 of statewide standards that define required levels of
3614 competence, acceptable rates of student progress, and the
3615 maximum amount of time to be allowed for completion of
3616 developmental education. Developmental education is part of an
3617 associate in arts degree program and may not be funded as an
3618 adult career education program.

3619 (d) Expenditures for developmental education and lifelong
3620 learning students shall be reported separately. Allocations for
3621 developmental education shall be based on proportional full-time
3622 equivalent enrollment. Program review results shall be included
3623 in the determination of subsequent allocations. A student shall
3624 be funded to enroll in the same developmental education class
3625 within a skill area only twice, after which time the student

Page 125 of 247

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581-01304-18

2018540c1

3626 shall pay 100 percent of the full cost of instruction to support
3627 the continuous enrollment of that student in the same class;
3628 however, students who withdraw or fail a class due to
3629 extenuating circumstances may be granted an exception only once
3630 for each class, provided approval is granted according to policy
3631 established by the board of trustees. Each Florida Community
3632 College System institution shall have the authority to review
3633 and reduce payment for increased fees due to continued
3634 enrollment in a developmental education class on an individual
3635 basis contingent upon the student's financial hardship, pursuant
3636 to definitions and fee levels established by the State Board of
3637 Community Colleges ~~Education~~. Developmental education and
3638 lifelong learning courses do not generate credit toward an
3639 associate or baccalaureate degree.

3640 (6) The commissioner, for school districts, and the
3641 Chancellor of the Florida Community College System, for Florida
3642 Community College System institutions, shall recommend the level
3643 of funding for public school and Florida Community College
3644 System institution adult education within the legislative budget
3645 request and make other recommendations and reports considered
3646 necessary or required by rules of the State Board of Education.

3647 (9) The State Board of Education and the State Board of
3648 Community Colleges may adopt rules necessary for the
3649 implementation of this section.

3650 Section 51. Subsection (3) of section 1006.60, Florida
3651 Statutes, is amended to read:

3652 1006.60 Codes of conduct; disciplinary measures; authority
3653 to adopt rules or regulations.-

3654 (3) Sanctions authorized by such codes of conduct may be

Page 126 of 247

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581-01304-18

2018540c1

3655 imposed only for acts or omissions in violation of rules or
 3656 regulations adopted by the institution, including rules or
 3657 regulations adopted under this section, rules of the State Board
 3658 of Community Colleges regarding the Florida Community College
 3659 System Education, rules or regulations of the Board of Governors
 3660 regarding the State University System, county and municipal
 3661 ordinances, and the laws of this state, the United States, or
 3662 any other state.

3663 Section 52. Subsection (1) of section 1006.61, Florida
 3664 Statutes, is amended to read:

3665 1006.61 Participation by students in disruptive activities
 3666 at public postsecondary educational institution; penalties.—

3667 (1) Any person who accepts the privilege extended by the
 3668 laws of this state of attendance at any public postsecondary
 3669 educational institution shall, by attending such institution, be
 3670 deemed to have given his or her consent to the policies of that
 3671 institution, the State Board of Community Colleges regarding the
 3672 Florida Community College System Education, and the Board of
 3673 Governors regarding the State University System, and the laws of
 3674 this state. Such policies shall include prohibition against
 3675 disruptive activities at public postsecondary educational
 3676 institutions.

3677 Section 53. Section 1006.62, Florida Statutes, is amended
 3678 to read:

3679 1006.62 Expulsion and discipline of students of Florida
 3680 Community College System institutions and state universities.—

3681 (1) Each student in a Florida Community College System
 3682 institution or state university is subject to federal and state
 3683 law, respective county and municipal ordinances, and all rules

Page 127 of 247

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581-01304-18

2018540c1

3684 and regulations of the State Board of Community Colleges
 3685 regarding the Florida Community College System Education, the
 3686 Board of Governors regarding the State University System, or the
 3687 board of trustees of the institution.

3688 (2) Violation of these published laws, ordinances, or rules
 3689 and regulations may subject the violator to appropriate action
 3690 by the institution's authorities.

3691 (3) Each president of a Florida Community College System
 3692 institution or state university may, after notice to the student
 3693 of the charges and after a hearing thereon, expel, suspend, or
 3694 otherwise discipline any student who is found to have violated
 3695 any law, ordinance, or rule or regulation of the State Board of
 3696 Community Colleges regarding the Florida Community College
 3697 System Education, the Board of Governors regarding the State
 3698 University System, or the board of trustees of the institution.
 3699 A student may be entitled to waiver of expulsion:

3700 (a) If the student provides substantial assistance in the
 3701 identification, arrest, or conviction of any of his or her
 3702 accomplices, accessories, coconspirators, or principals or of
 3703 any other person engaged in violations of chapter 893 within a
 3704 state university or Florida Community College System
 3705 institution;

3706 (b) If the student voluntarily discloses his or her
 3707 violations of chapter 893 prior to his or her arrest; or

3708 (c) If the student commits himself or herself, or is
 3709 referred by the court in lieu of sentence, to a state-licensed
 3710 drug abuse program and successfully completes the program.

3711 Section 54. Paragraphs (c) and (g) of subsection (1),
 3712 paragraph (b) of subsection (2), and subsection (3) of section

Page 128 of 247

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581-01304-18

2018540c1

3713 1006.71, Florida Statutes, are amended to read:

3714 1006.71 Gender equity in intercollegiate athletics.—

3715 (1) GENDER EQUITY PLAN.—

3716 (c) The Chancellor of the Florida Community College System

3717 ~~Commissioner of Education~~ shall annually assess the progress of

3718 each Florida Community College System institution's plan and

3719 advise the State Board of Community Colleges Education and the

3720 Legislature regarding compliance.

3721 (g)1. If a Florida Community College System institution is

3722 not in compliance with Title IX of the Education Amendments of

3723 1972 and the Florida Educational Equity Act, the State Board of

3724 Community Colleges Education shall:

3725 a. Declare the Florida Community College System institution

3726 ineligible for competitive state grants.

3727 b. Withhold funds sufficient to obtain compliance.

3728

3729 The Florida Community College System institution shall remain

3730 ineligible and the funds may ~~shall~~ not be paid until the Florida

3731 Community College System institution comes into compliance or

3732 the Chancellor of the Florida Community College System

3733 ~~Commissioner of Education~~ approves a plan for compliance.

3734 2. If a state university is not in compliance with Title IX

3735 of the Education Amendments of 1972 and the Florida Educational

3736 Equity Act, the Board of Governors shall:

3737 a. Declare the state university ineligible for competitive

3738 state grants.

3739 b. Withhold funds sufficient to obtain compliance.

3740

3741 The state university shall remain ineligible and the funds may

Page 129 of 247

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581-01304-18

2018540c1

3742 ~~shall~~ not be paid until the state university comes into

3743 compliance or the Board of Governors approves a plan for

3744 compliance.

3745 (2) FUNDING.—

3746 (b) The level of funding and percentage share of support

3747 for women's intercollegiate athletics for Florida Community

3748 College System institutions shall be determined by the State

3749 Board of Community Colleges Education. The level of funding and

3750 percentage share of support for women's intercollegiate

3751 athletics for state universities shall be determined by the

3752 Board of Governors. The level of funding and percentage share

3753 attained in the 1980-1981 fiscal year shall be the minimum level

3754 and percentage maintained by each institution, except as the

3755 State Board of Community Colleges Education or the Board of

3756 Governors otherwise directs its respective institutions for the

3757 purpose of assuring equity. Consideration shall be given by the

3758 State Board of Community Colleges Education or the Board of

3759 Governors to emerging athletic programs at institutions which

3760 may not have the resources to secure external funds to provide

3761 athletic opportunities for women. It is the intent that the

3762 effect of any redistribution of funds among institutions may

3763 ~~shall~~ not negate the requirements as set forth in this section.

3764 (3) STATE BOARD OF COMMUNITY COLLEGES EDUCATION.—The State

3765 Board of Community Colleges Education shall assure equal

3766 opportunity for female athletes at Florida Community College

3767 System institutions and establish:

3768 (a) In conjunction with the State Board of Education,

3769 guidelines for reporting of intercollegiate athletics data

3770 concerning financial, program, and facilities information for

Page 130 of 247

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581-01304-18

2018540c1

3771 review by the State Board of Community Colleges ~~Education~~
3772 annually.

3773 (b) Systematic audits for the evaluation of such data.

3774 (c) Criteria for determining and assuring equity.

3775 Section 55. Section 1007.01, Florida Statutes, is amended
3776 to read:

3777 1007.01 Articulation; legislative intent; purpose; role of
3778 the State Board of Education, the State Board of Community
3779 Colleges, and the Board of Governors; Articulation Coordinating
3780 Committee.—

3781 (1) It is the intent of the Legislature to facilitate
3782 articulation and seamless integration of the K-20 education
3783 system by building, sustaining, and strengthening relationships
3784 among K-20 public organizations, between public and private
3785 organizations, and between the education system as a whole and
3786 Florida's communities. The purpose of building, sustaining, and
3787 strengthening these relationships is to provide for the
3788 efficient and effective progression and transfer of students
3789 within the education system and to allow students to proceed
3790 toward their educational objectives as rapidly as their
3791 circumstances permit. The Legislature further intends that
3792 articulation policies and budget actions be implemented
3793 consistently in the practices of the Department of Education and
3794 postsecondary educational institutions and expressed in the
3795 collaborative policy efforts of the State Board of Education,
3796 ~~and~~ the Board of Governors, and the State Board of Community
3797 Colleges.

3798 (2) To preserve Florida's "2+2" system of articulation and
3799 improve and facilitate articulation systemwide, the State Board

Page 131 of 247

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581-01304-18

2018540c1

3800 of Education, ~~and~~ the Board of Governors, and the State Board of
3801 Community Colleges shall collaboratively establish and adopt
3802 policies with input from statewide K-20 advisory groups
3803 established by the Commissioner of Education, the Chancellor of
3804 the Florida Community College System, and the Chancellor of the
3805 State University System and shall recommend the policies to the
3806 Legislature. The policies shall relate to:

3807 (a) The alignment between the exit requirements of one
3808 education system and the admissions requirements of another
3809 education system into which students typically transfer.

3810 (b) The identification of common courses, the level of
3811 courses, institutional participation in a statewide course
3812 numbering system, and the transferability of credits among such
3813 institutions.

3814 (c) Identification of courses that meet general education
3815 or common degree program prerequisite requirements at public
3816 postsecondary educational institutions.

3817 (d) Dual enrollment course equivalencies.

3818 (e) Articulation agreements.

3819 (3) The Commissioner of Education, in consultation with the
3820 Chancellor of the Florida Community College System and the
3821 Chancellor of the State University System, shall establish the
3822 Articulation Coordinating Committee, which shall make
3823 recommendations related to statewide articulation policies and
3824 issues regarding access, quality, and reporting of data
3825 maintained by the K-20 data warehouse, established pursuant to
3826 ss. 1001.10 and 1008.31, to the Higher Education Coordination
3827 Council, the State Board of Education, ~~and~~ the Board of
3828 Governors, and the State Board of Community Colleges. The

Page 132 of 247

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581-01304-18

2018540c1

3829 committee shall consist of two members each representing the
 3830 State University System, the Florida Community College System,
 3831 public career and technical education, K-12 education, and
 3832 nonpublic postsecondary education and one member representing
 3833 students. The chair shall be elected from the membership. The
 3834 Office of K-20 Articulation shall provide administrative support
 3835 for the committee. The committee shall:

3836 (a) Monitor the alignment between the exit requirements of
 3837 one education system and the admissions requirements of another
 3838 education system into which students typically transfer and make
 3839 recommendations for improvement.

3840 (b) Propose guidelines for interinstitutional agreements
 3841 between and among public schools, career and technical education
 3842 centers, Florida Community College System institutions, state
 3843 universities, and nonpublic postsecondary institutions.

3844 (c) Annually recommend dual enrollment course and high
 3845 school subject area equivalencies for approval by the State
 3846 Board of Education, ~~and~~ the Board of Governors, and the State
 3847 Board of Community Colleges.

3848 (d) Annually review the statewide articulation agreement
 3849 pursuant to s. 1007.23 and make recommendations for revisions.

3850 (e) Annually review the statewide course numbering system,
 3851 the levels of courses, and the application of transfer credit
 3852 requirements among public and nonpublic institutions
 3853 participating in the statewide course numbering system and
 3854 identify instances of student transfer and admissions
 3855 difficulties.

3856 (f) Annually publish a list of courses that meet common
 3857 general education and common degree program prerequisite

Page 133 of 247

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581-01304-18

2018540c1

3858 requirements at public postsecondary institutions identified
 3859 pursuant to s. 1007.25.

3860 (g) Foster timely collection and reporting of statewide
 3861 education data to improve the K-20 education performance
 3862 accountability system pursuant to ss. 1001.10 and 1008.31,
 3863 including, but not limited to, data quality, accessibility, and
 3864 protection of student records.

3865 (h) Recommend roles and responsibilities of public
 3866 education entities in interfacing with the single, statewide
 3867 computer-assisted student advising system established pursuant
 3868 to s. 1006.735.

3869 (i) Make recommendations regarding the cost and
 3870 requirements to develop and implement an online system for
 3871 collecting and analyzing data regarding requests for transfer of
 3872 credit by postsecondary education students. The online system,
 3873 at a minimum, must collect information regarding the total
 3874 number of credit transfer requests denied and the reason for
 3875 each denial. Recommendations shall be reported to the President
 3876 of the Senate and the Speaker of the House of Representatives on
 3877 or before January 31, 2015.

3878 Section 56. Subsections (1) and (6) of section 1007.23,
 3879 Florida Statutes, are amended, and subsection (7) is added to
 3880 that section, to read:

3881 1007.23 Statewide articulation agreement.—

3882 (1) The State Board of Education, ~~and~~ the Board of
 3883 Governors, and the State Board of Community Colleges shall enter
 3884 into a statewide articulation agreement which the State Board of
 3885 Education and the State Board of Community Colleges shall adopt
 3886 by rule. The agreement must preserve Florida's "2+2" system of

Page 134 of 247

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581-01304-18 2018540c1

3887 articulation, facilitate the seamless articulation of student
 3888 credit across and among Florida's educational entities, and
 3889 reinforce the provisions of this chapter by governing:
 3890 (a) Articulation between secondary and postsecondary
 3891 education;
 3892 (b) Admission of associate in arts degree graduates from
 3893 Florida Community College System institutions and state
 3894 universities;
 3895 (c) Admission of applied technology diploma program
 3896 graduates from Florida Community College System institutions or
 3897 career centers;
 3898 (d) Admission of associate in science degree and associate
 3899 in applied science degree graduates from Florida Community
 3900 College System institutions;
 3901 (e) The use of acceleration mechanisms, including
 3902 nationally standardized examinations through which students may
 3903 earn credit;
 3904 (f) General education requirements and statewide course
 3905 numbers as provided for in ss. 1007.24 and 1007.25; and
 3906 (g) Articulation among programs in nursing.
 3907 (6) The articulation agreement must guarantee the
 3908 articulation of 9 credit hours toward a postsecondary degree in
 3909 early childhood education for programs approved by the State
 3910 Board of Community Colleges Education and the Board of Governors
 3911 which:
 3912 (a) Award a child development associate credential issued
 3913 by the National Credentialing Program of the Council for
 3914 Professional Recognition or award a credential approved under s.
 3915 1002.55(3)(c)1.b. or s. 402.305(3)(c) as being equivalent to the

Page 135 of 247

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581-01304-18 2018540c1

3916 child development associate credential; and
 3917 (b) Include training in emergent literacy which meets or
 3918 exceeds the minimum standards for training courses for
 3919 prekindergarten instructors of the Voluntary Prekindergarten
 3920 Education Program in s. 1002.59.
 3921 (7) To strengthen Florida's "2+2" system of articulation
 3922 and improve student retention and on-time graduation, by the
 3923 2018-2019 academic year, each Florida Community College System
 3924 institution shall execute at least one "2+2" targeted pathway
 3925 articulation agreement with one or more state universities and
 3926 each state university shall execute at least one such agreement
 3927 with one or more Florida Community College System institutions
 3928 to establish "2+2" targeted pathway programs. The agreement must
 3929 provide students who graduate with an associate in arts degree
 3930 and who meet specified requirements guaranteed access to the
 3931 state university and a degree program at that university, in
 3932 accordance with the terms of the "2+2" targeted pathway
 3933 articulation agreement.
 3934 (a) To participate in a "2+2" targeted pathway program, a
 3935 student must:
 3936 1. Enroll in the program before completing 30 credit hours,
 3937 including, but not limited to, college credits earned through
 3938 articulated acceleration mechanisms pursuant to s. 1007.27;
 3939 2. Complete an associate in arts degree; and
 3940 3. Meet the university's transfer requirements.
 3941 (b) A state university that executes a "2+2" targeted
 3942 pathway articulation agreement must meet the following
 3943 requirements in order to implement a "2+2" targeted pathway
 3944 program in collaboration with its partner Florida Community

Page 136 of 247

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581-01304-18

2018540c1

3945 College System institution:

3946 1. Establish a 4-year on-time graduation plan for a
 3947 baccalaureate degree program, including, but not limited to, a
 3948 plan for students to complete associate in arts degree programs,
 3949 general education courses, common prerequisite courses, and
 3950 elective courses;

3951 2. Advise students enrolled in the program about the
 3952 university's transfer and degree program requirements; and

3953 3. Provide students who meet the requirements under this
 3954 paragraph with access to academic advisors and campus events and
 3955 with guaranteed admittance to the state university and a degree
 3956 program of the state university, in accordance with the terms of
 3957 the agreement.

3958 (c) To assist the state universities and Florida Community
 3959 College System institutions with implementing the "2+2" targeted
 3960 pathway programs effectively, the State Board of Community
 3961 Colleges and the Board of Governors shall collaborate to
 3962 eliminate barriers in executing "2+2" targeted pathway
 3963 articulation agreements.

3964 Section 57. Subsections (1), (2), and (3) of section
 3965 1007.24, Florida Statutes, are amended to read:

3966 1007.24 Statewide course numbering system.—

3967 (1) The Department of Education, in conjunction with the
 3968 Board of Governors and the State Board of Community Colleges,
 3969 shall develop, coordinate, and maintain a statewide course
 3970 numbering system for postsecondary and dual enrollment education
 3971 in school districts, public postsecondary educational
 3972 institutions, and participating nonpublic postsecondary
 3973 educational institutions that will improve program planning,

Page 137 of 247

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581-01304-18

2018540c1

3974 increase communication among all delivery systems, and
 3975 facilitate student acceleration and the transfer of students and
 3976 credits between public school districts, public postsecondary
 3977 educational institutions, and participating nonpublic
 3978 educational institutions. The continuing maintenance of the
 3979 system shall be accomplished with the assistance of appropriate
 3980 faculty committees representing public and participating
 3981 nonpublic educational institutions.

3982 (2) The Commissioner of Education, in conjunction with the
 3983 Chancellor of the Florida Community College System and the
 3984 Chancellor of the State University System, shall appoint faculty
 3985 committees representing faculties of participating institutions
 3986 to recommend a single level for each course, including
 3987 postsecondary career education courses, included in the
 3988 statewide course numbering system.

3989 (a) Any course designated as an upper-division-level course
 3990 must be characterized by a need for advanced academic
 3991 preparation and skills that a student would be unlikely to
 3992 achieve without significant prior coursework.

3993 (b) A course that is offered as part of an associate in
 3994 science degree program and as an upper-division course for a
 3995 baccalaureate degree shall be designated for both the lower and
 3996 upper division.

3997 (c) A course designated as lower-division may be offered by
 3998 any Florida Community College System institution.

3999 (3) The Commissioner of Education shall recommend to the
 4000 State Board of Education the levels for the courses. The State
 4001 Board of Education, with input from the Board of Governors and
 4002 the State Board of Community Colleges, shall approve the levels

Page 138 of 247

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581-01304-18

2018540c1

4003 for the courses.

4004 Section 58. Subsections (3), (6), and (9) through (12) of
4005 section 1007.25, Florida Statutes, are amended to read:4006 1007.25 General education courses; common prerequisites;
4007 other degree requirements.-

4008 (3) The chair of the State Board of Community Colleges
4009 ~~Education~~ and the chair of the Board of Governors, or their
4010 designees, shall jointly appoint faculty committees to identify
4011 statewide general education core course options. General
4012 education core course options shall consist of a maximum of five
4013 courses within each of the subject areas of communication,
4014 mathematics, social sciences, humanities, and natural sciences.
4015 The core courses may be revised, or the five-course maximum
4016 within each subject area may be exceeded, if approved by the
4017 State Board of Community Colleges ~~Education~~ and the Board of
4018 Governors, as recommended by the subject area faculty committee
4019 and approved by the Articulation Coordinating Committee as
4020 necessary for a subject area. Each general education core course
4021 option must contain high-level academic and critical thinking
4022 skills and common competencies that students must demonstrate to
4023 successfully complete the course. Beginning with students
4024 initially entering a Florida Community College System
4025 institution or state university in 2015-2016 and thereafter,
4026 each student must complete at least one identified core course
4027 in each subject area as part of the general education course
4028 requirements. All public postsecondary educational institutions
4029 shall accept these courses as meeting general education core
4030 course requirements. The remaining general education course
4031 requirements shall be identified by each institution and

Page 139 of 247

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581-01304-18

2018540c1

4032 reported to the department by their statewide course number. The
4033 general education core course options shall be adopted in rule
4034 by the State Board of Community Colleges ~~Education~~ and in
4035 regulation by the Board of Governors.

4036 (6) The department shall identify common prerequisite
4037 courses and course substitutions for degree programs across all
4038 institutions. Common degree program prerequisites shall be
4039 offered and accepted by all state universities and Florida
4040 Community College System institutions, except in cases approved
4041 by the State Board of Community Colleges, ~~Education~~ for Florida
4042 Community College System institutions, and the Board of
4043 Governors, for state universities. The department shall develop
4044 a centralized database containing the list of courses and course
4045 substitutions that meet the prerequisite requirements for each
4046 baccalaureate degree program.

4047 (9) A baccalaureate degree program shall require no more
4048 than 120 semester hours of college credit and include 36
4049 semester hours of general education coursework, unless prior
4050 approval has been granted by the Board of Governors for
4051 baccalaureate degree programs offered by state universities and
4052 by the State Board of Community Colleges ~~Education~~ for
4053 baccalaureate degree programs offered by Florida Community
4054 College System institutions.

4055 (10) A student who received an associate in arts degree for
4056 successfully completing 60 semester credit hours may continue to
4057 earn ~~additional~~ credits at a Florida Community College System
4058 institution. The university must provide credit toward the
4059 student's baccalaureate degree for ~~a an additional~~ Florida
4060 Community College System institution course if, according to the

Page 140 of 247

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581-01304-18

2018540c1

4061 statewide course numbering, the Florida Community College System
 4062 institution course is a course listed in the university catalog
 4063 as required for the degree or as prerequisite to a course
 4064 required for the degree. Of the courses required for the degree,
 4065 at least half of the credit hours required for the degree shall
 4066 be achievable through courses designated as lower division,
 4067 except in degree programs approved by the State Board of
 4068 Community Colleges ~~Education~~ for programs offered by Florida
 4069 Community College System institutions and by the Board of
 4070 Governors for programs offered by state universities.

4071 (11) Students at state universities may request associate
 4072 in arts certificates if they have successfully completed the
 4073 minimum requirements for the degree of associate in arts (A.A.).
 4074 The university must grant the student an associate in arts
 4075 degree if the student has successfully completed minimum
 4076 requirements for college-level communication and computation
 4077 skills adopted by the State Board of Community Colleges
 4078 ~~Education~~ and 60 academic semester hours or the equivalent
 4079 within a degree program area, including 36 semester hours in
 4080 general education courses in the subject areas of communication,
 4081 mathematics, social sciences, humanities, and natural sciences,
 4082 consistent with the general education requirements specified in
 4083 the articulation agreement pursuant to s. 1007.23.

4084 (12) The Commissioner of Education and the Chancellor of
 4085 the Florida Community College System shall jointly appoint
 4086 faculty committees representing both Florida Community College
 4087 System institution and public school faculties to recommend to
 4088 the commissioner, or the Chancellor of the Florida Community
 4089 College System, as applicable, for approval by the State Board

Page 141 of 247

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581-01304-18

2018540c1

4090 of Education and the State Board of Community Colleges, as
 4091 applicable, a standard program length and appropriate
 4092 occupational completion points for each postsecondary career
 4093 certificate program, diploma, and degree offered by a school
 4094 district or a Florida Community College System institution.

4095 Section 59. Section 1007.262, Florida Statutes, is amended
 4096 to read:

4097 1007.262 Foreign language competence; equivalence
 4098 determinations.—The Department of Education shall identify the
 4099 competencies demonstrated by students upon the successful
 4100 completion of 2 credits of sequential high school foreign
 4101 language instruction. For the purpose of determining
 4102 postsecondary equivalence, the State Board of Community Colleges
 4103 ~~department~~ shall develop rules through which Florida Community
 4104 College System institutions correlate such competencies to the
 4105 competencies required of students in the colleges' respective
 4106 courses. Based on this correlation, each Florida Community
 4107 College System institution shall identify the minimum number of
 4108 postsecondary credits that students must earn in order to
 4109 demonstrate a level of competence in a foreign language at least
 4110 equivalent to that of students who have completed 2 credits of
 4111 such instruction in high school. The department may also specify
 4112 alternative means by which students can demonstrate equivalent
 4113 foreign language competence, including means by which a student
 4114 whose native language is not English may demonstrate proficiency
 4115 in the native language. A student who demonstrates proficiency
 4116 in a native language other than English is exempt from a
 4117 requirement of completing foreign language courses at the
 4118 secondary or Florida Community College System level.

Page 142 of 247

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581-01304-18

2018540c1

4119 Section 60. Section 1007.263, Florida Statutes, is amended
4120 to read:

4121 1007.263 Florida Community College System institutions;
4122 admissions of students.—Each Florida Community College System
4123 institution board of trustees is authorized to adopt rules
4124 governing admissions of students subject to this section and
4125 rules of the State Board of Community Colleges Education. These
4126 rules shall include the following:

4127 (1) Admissions counseling shall be provided to all students
4128 entering college or career credit programs. For students who are
4129 not otherwise exempt from testing under s. 1008.30, counseling
4130 must use tests to measure achievement of college-level
4131 communication and computation competencies by students entering
4132 college credit programs or tests to measure achievement of basic
4133 skills for career education programs as prescribed in s.
4134 1004.91. Counseling includes providing developmental education
4135 options for students whose assessment results, determined under
4136 s. 1008.30, indicate that they need to improve communication or
4137 computation skills that are essential to perform college-level
4138 work.

4139 (2) Admission to associate degree programs is subject to
4140 minimum standards adopted by the State Board of Community
4141 Colleges Education and shall require:

4142 (a) A standard high school diploma, a high school
4143 equivalency diploma as prescribed in s. 1003.435, previously
4144 demonstrated competency in college credit postsecondary
4145 coursework, or, in the case of a student who is home educated, a
4146 signed affidavit submitted by the student's parent or legal
4147 guardian attesting that the student has completed a home

Page 143 of 247

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581-01304-18

2018540c1

4148 education program pursuant to the requirements of s. 1002.41.
4149 Students who are enrolled in a dual enrollment or early
4150 admission program pursuant to s. 1007.271 are exempt from this
4151 requirement.

4152 (b) A demonstrated level of achievement of college-level
4153 communication and computation skills.

4154 (c) Any other requirements established by the board of
4155 trustees.

4156 (3) Admission to other programs within the Florida
4157 Community College System institution shall include education
4158 requirements as established by the board of trustees.

4159 (4) A student who has been awarded a certificate of
4160 completion under s. 1003.4282 is eligible to enroll in
4161 certificate career education programs.

4162 (5) A student with a documented disability may be eligible
4163 for reasonable substitutions, as prescribed in ss. 1007.264 and
4164 1007.265.

4165
4166 Each board of trustees shall establish policies that notify
4167 students about developmental education options for improving
4168 their communication or computation skills that are essential to
4169 performing college-level work, including tutoring, extended time
4170 in gateway courses, free online courses, adult basic education,
4171 adult secondary education, or private provider instruction.

4172 Section 61. Subsection (2) of section 1007.264, Florida
4173 Statutes, is amended to read:

4174 1007.264 Persons with disabilities; admission to
4175 postsecondary educational institutions; substitute requirements;
4176 rules and regulations.—

Page 144 of 247

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581-01304-18

2018540c1

4177 (2) The State Board of Community Colleges Education, in
 4178 consultation with the Board of Governors, shall adopt rules to
 4179 implement this section for Florida Community College System
 4180 institutions and shall develop substitute admission requirements
 4181 where appropriate.

4182 Section 62. Subsections (2) and (3) of section 1007.265,
 4183 Florida Statutes, are amended to read:

4184 1007.265 Persons with disabilities; graduation, study
 4185 program admission, and upper-division entry; substitute
 4186 requirements; rules and regulations.-

4187 (2) The State Board of Community Colleges Education, in
 4188 consultation with the Board of Governors, shall adopt rules to
 4189 implement this section for Florida Community College System
 4190 institutions and shall develop substitute requirements where
 4191 appropriate.

4192 (3) The Board of Governors, in consultation with the State
 4193 Board of Community Colleges Education, shall adopt regulations
 4194 to implement this section for state universities and shall
 4195 develop substitute requirements where appropriate.

4196 Section 63. Effective July 1, 2018, subsections (2), (6),
 4197 (7), and (8) of section 1007.27, Florida Statutes, are amended
 4198 to read:

4199 1007.27 Articulated acceleration mechanisms.-

4200 (2) (a) The Department of Education shall annually identify
 4201 and publish the minimum scores, maximum credit, and course or
 4202 courses for which credit is to be awarded for each College Level
 4203 Examination Program (CLEP) subject examination, College Board
 4204 Advanced Placement Program examination, Advanced International
 4205 Certificate of Education examination, International

Page 145 of 247

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581-01304-18

2018540c1

4206 Baccalaureate examination, Excelsior College subject
 4207 examination, Defense Activity for Non-Traditional Education
 4208 Support (DANTES) subject standardized test, and Defense Language
 4209 Proficiency Test (DLPT). The department shall use student
 4210 performance data in subsequent postsecondary courses to
 4211 determine the appropriate examination scores and courses for
 4212 which credit is to be granted. Minimum scores may vary by
 4213 subject area based on available performance data. In addition,
 4214 the department shall identify such courses in the general
 4215 education core curriculum of each state university and Florida
 4216 Community College System institution.

4217 (b) Each district school board shall notify students who
 4218 enroll in articulated acceleration mechanism courses or take
 4219 examinations pursuant to this section of the credit-by-
 4220 examination equivalency list adopted by rule by the State Board
 4221 of Education and the dual enrollment course and high school
 4222 subject area equivalencies approved by the state board pursuant
 4223 to s. 1007.271(9).

4224 (6) Credit by examination shall be the program through
 4225 which secondary and postsecondary students generate
 4226 postsecondary credit based on the receipt of a specified minimum
 4227 score on nationally standardized general or subject-area
 4228 examinations. For the purpose of statewide application, such
 4229 examinations and the corresponding minimum scores required for
 4230 an award of credit shall be delineated by the State Board of
 4231 Education, ~~and~~ the Board of Governors, and the State Board of
 4232 Community Colleges in the statewide articulation agreement
 4233 required by s. 1007.23(1). The maximum credit generated by a
 4234 student pursuant to this subsection shall be mitigated by any

Page 146 of 247

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581-01304-18

2018540c1

4235 related postsecondary credit earned by the student prior to the
 4236 administration of the examination. This subsection shall not
 4237 preclude Florida Community College System institutions and
 4238 universities from awarding credit by examination based on
 4239 student performance on examinations developed within and
 4240 recognized by the individual postsecondary institutions.

4241 (7) The International Baccalaureate Program shall be the
 4242 curriculum in which eligible secondary students are enrolled in
 4243 a program of studies offered through the International
 4244 Baccalaureate Program administered by the International
 4245 Baccalaureate Office. The State Board of Community Colleges
 4246 ~~Education~~ and the Board of Governors shall specify in the
 4247 statewide articulation agreement required by s. 1007.23(1) the
 4248 cutoff scores and International Baccalaureate Examinations which
 4249 will be used to grant postsecondary credit at Florida Community
 4250 College System institutions and universities. Any changes to the
 4251 articulation agreement, which have the effect of raising the
 4252 required cutoff score or of changing the International
 4253 Baccalaureate Examinations which will be used to grant
 4254 postsecondary credit, shall only apply to students taking
 4255 International Baccalaureate Examinations after such changes are
 4256 adopted by the State Board of Community Colleges ~~Education~~ and
 4257 the Board of Governors. Students shall be awarded a maximum of
 4258 30 semester credit hours pursuant to this subsection. The
 4259 specific course for which a student may receive such credit
 4260 shall be specified in the statewide articulation agreement
 4261 required by s. 1007.23(1). Students enrolled pursuant to this
 4262 subsection shall be exempt from the payment of any fees for
 4263 administration of the examinations regardless of whether or not

Page 147 of 247

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581-01304-18

2018540c1

4264 the student achieves a passing score on the examination.

4265 (8) The Advanced International Certificate of Education
 4266 Program and the International General Certificate of Secondary
 4267 Education (pre-AICE) Program shall be the curricula in which
 4268 eligible secondary students are enrolled in programs of study
 4269 offered through the Advanced International Certificate of
 4270 Education Program or the International General Certificate of
 4271 Secondary Education (pre-AICE) Program administered by the
 4272 University of Cambridge Local Examinations Syndicate. The State
 4273 Board of Community Colleges ~~Education~~ and the Board of Governors
 4274 shall specify in the statewide articulation agreement required
 4275 by s. 1007.23(1) the cutoff scores and Advanced International
 4276 Certificate of Education examinations which will be used to
 4277 grant postsecondary credit at Florida Community College System
 4278 institutions and universities. Any changes to the cutoff scores,
 4279 which changes have the effect of raising the required cutoff
 4280 score or of changing the Advanced International Certification of
 4281 Education examinations which will be used to grant postsecondary
 4282 credit, shall apply to students taking Advanced International
 4283 Certificate of Education examinations after such changes are
 4284 adopted by the State Board of Community Colleges ~~Education~~ and
 4285 the Board of Governors. Students shall be awarded a maximum of
 4286 30 semester credit hours pursuant to this subsection. The
 4287 specific course for which a student may receive such credit
 4288 shall be determined by the Florida Community College System
 4289 institution or university that accepts the student for
 4290 admission. Students enrolled in either program of study pursuant
 4291 to this subsection shall be exempt from the payment of any fees
 4292 for administration of the examinations regardless of whether the

Page 148 of 247

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581-01304-18 2018540c1

4293 student achieves a passing score on the examination.

4294 Section 64. Subsections (3) and (22) of section 1007.271,

4295 Florida Statutes, are amended to read:

4296 1007.271 Dual enrollment programs.—

4297 (3) Student eligibility requirements for initial enrollment

4298 in college credit dual enrollment courses must include a 3.0

4299 unweighted high school grade point average and the minimum score

4300 on a common placement test adopted by the State Board of

4301 Education which indicates that the student is ready for college-

4302 level coursework. Student eligibility requirements for continued

4303 enrollment in college credit dual enrollment courses must

4304 include the maintenance of a 3.0 unweighted high school grade

4305 point average and the minimum postsecondary grade point average

4306 established by the postsecondary institution. Regardless of

4307 meeting student eligibility requirements for continued

4308 enrollment, a student may lose the opportunity to participate in

4309 a dual enrollment course if the student is disruptive to the

4310 learning process such that the progress of other students or the

4311 efficient administration of the course is hindered. Student

4312 eligibility requirements for initial and continued enrollment in

4313 career certificate dual enrollment courses must include a 2.0

4314 unweighted high school grade point average. Exceptions to the

4315 required grade point averages may be granted on an individual

4316 student basis if the educational entities agree and the terms of

4317 the agreement are contained within the dual enrollment

4318 articulation agreement established pursuant to subsection (21).

4319 Florida Community College System institution boards of trustees

4320 may establish additional initial student eligibility

4321 requirements, which shall be included in the dual enrollment

Page 149 of 247

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581-01304-18 2018540c1

4322 articulation agreement, to ensure student readiness for

4323 postsecondary instruction. Additional requirements included in

4324 the agreement may not arbitrarily prohibit students who have

4325 demonstrated the ability to master advanced courses from

4326 participating in dual enrollment courses.

4327 (22) The Department of Education shall develop an

4328 electronic submission system for dual enrollment articulation

4329 agreements and shall review, for compliance, each dual

4330 enrollment articulation agreement submitted pursuant to

4331 subsections (13), (21), and (24). The Commissioner of Education

4332 shall notify the district school superintendent and the Florida

4333 Community College System institution president if the dual

4334 enrollment articulation agreement does not comply with statutory

4335 requirements and shall submit any dual enrollment articulation

4336 agreement with unresolved issues of noncompliance to the State

4337 Board of Education. The State Board of Education shall

4338 collaborate with the State Board of Community Colleges to settle

4339 unresolved issues of noncompliance.

4340 Section 65. Subsection (6) of section 1007.273, Florida

4341 Statutes, is amended to read:

4342 1007.273 Collegiate high school program.—

4343 (6) The collegiate high school program shall be funded

4344 pursuant to ss. 1007.271 and 1011.62. The State Board of

4345 Education shall enforce compliance with this section by

4346 withholding the transfer of funds for the school districts ~~and~~

4347 ~~the Florida College System institutions~~ in accordance with s.

4348 1008.32. Annually, by December 31, the State Board of Community

4349 Colleges shall enforce compliance with this section by

4350 withholding the transfer of funds for the Florida Community

Page 150 of 247

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581-01304-18

2018540c1

4351 College System institutions in accordance with s. 1001.602.
 4352 Section 66. Section 1007.33, Florida Statutes, is amended
 4353 to read:
 4354 1007.33 Site-determined baccalaureate degree access.—
 4355 (1) (a) The Legislature recognizes that public and private
 4356 postsecondary educational institutions play an essential role in
 4357 improving the quality of life and economic well-being of the
 4358 state and its residents. The Legislature also recognizes that
 4359 economic development needs and the educational needs of place-
 4360 bound, nontraditional students have increased the demand for
 4361 local access to baccalaureate degree programs. It is therefore
 4362 the intent of the Legislature to further expand access to
 4363 baccalaureate degree programs through the use of Florida
 4364 Community College System institutions.
 4365 (b) For purposes of this section, the term “district”
 4366 refers to the county or counties served by a Florida Community
 4367 College System institution pursuant to s. 1000.21(3).
 4368 (2) Any Florida Community College System institution that
 4369 offers one or more baccalaureate degree programs must:
 4370 (a) Maintain as its primary mission:
 4371 1. Responsibility for responding to community needs for
 4372 postsecondary academic education and career degree education as
 4373 prescribed in s. 1004.65(5).
 4374 2. The provision of associate degrees that provide access
 4375 to a university.
 4376 (b) Maintain an open-door admission policy for associate-
 4377 level degree programs and workforce education programs.
 4378 (c) Continue to provide outreach to underserved
 4379 populations.

Page 151 of 247

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581-01304-18

2018540c1

4380 (d) Continue to provide remedial education pursuant to s.
 4381 1008.30.
 4382 (e) Comply with all provisions of the statewide
 4383 articulation agreement which relate to 2-year and 4-year public
 4384 degree-granting institutions as adopted by the State Board of
 4385 Education or the State Board of Community Colleges, as
 4386 applicable, pursuant to s. 1007.23.
 4387 (f) Not award graduate credit.
 4388 (g) Not participate in intercollegiate athletics beyond the
 4389 2-year level.
 4390 (3) A Florida Community College System institution may not
 4391 terminate its associate in arts or associate in science degree
 4392 programs as a result of being authorized to offer one or more
 4393 baccalaureate degree programs. The Legislature intends that the
 4394 primary responsibility of a Florida Community College System
 4395 institution, including a Florida Community College System
 4396 institution that offers baccalaureate degree programs, continues
 4397 to be the provision of associate degrees that provide access to
 4398 a university.
 4399 (4) A Florida Community College System institution may:
 4400 (a) Offer specified baccalaureate degree programs through
 4401 formal agreements between the Florida Community College System
 4402 institution and other regionally accredited postsecondary
 4403 educational institutions pursuant to s. 1007.22.
 4404 (b) Offer baccalaureate degree programs that are were
 4405 authorized by law ~~prior to July 1, 2009.~~
 4406 ~~(c) Beginning July 1, 2009, establish a first or subsequent~~
 4407 ~~baccalaureate degree program~~ for purposes of meeting district,
 4408 regional, or statewide workforce needs if approved by the State

Page 152 of 247

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581-01304-18

2018540c1

4409 Board of Community Colleges Education under this section.
 4410 However, a Florida Community College System institution may not
 4411 offer a bachelor of arts degree program.
 4412
 4413 ~~Beginning July 1, 2009, the Board of Trustees of St. Petersburg~~
 4414 ~~College is authorized to establish one or more bachelor of~~
 4415 ~~applied science degree programs based on an analysis of~~
 4416 ~~workforce needs in Pinellas, Pasco, and Hernando Counties and~~
 4417 ~~other counties approved by the Department of Education. For each~~
 4418 ~~program selected, St. Petersburg College must offer a related~~
 4419 ~~associate in science or associate in applied science degree~~
 4420 ~~program, and the baccalaureate degree level program must be~~
 4421 ~~designed to articulate fully with at least one associate in~~
 4422 ~~science degree program. The college is encouraged to develop~~
 4423 ~~articulation agreements for enrollment of graduates of related~~
 4424 ~~associate in applied science degree programs. The Board of~~
 4425 ~~Trustees of St. Petersburg College is authorized to establish~~
 4426 ~~additional baccalaureate degree programs if it determines a~~
 4427 ~~program is warranted and feasible based on each of the factors~~
 4428 ~~in paragraph (5) (d). However, the Board of Trustees of St.~~
 4429 ~~Petersburg College may not establish any new baccalaureate~~
 4430 ~~degree programs from March 31, 2014, through May 31, 2015. Prior~~
 4431 ~~to developing or proposing a new baccalaureate degree program,~~
 4432 ~~St. Petersburg College shall engage in need, demand, and impact~~
 4433 ~~discussions with the state university in its service district~~
 4434 ~~and other local and regional, accredited postsecondary providers~~
 4435 ~~in its region. Documentation, data, and other information from~~
 4436 ~~inter-institutional discussions regarding program need, demand,~~
 4437 ~~and impact shall be provided to the college's board of trustees~~

Page 153 of 247

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581-01304-18

2018540c1

4438 ~~to inform the program approval process. Employment at St.~~
 4439 ~~Petersburg College is governed by the same laws that govern~~
 4440 ~~Florida College System institutions, except that upper division~~
 4441 ~~faculty are eligible for continuing contracts upon the~~
 4442 ~~completion of the fifth year of teaching. Employee records for~~
 4443 ~~all personnel shall be maintained as required by s. 1012.81.~~
 4444 (5) The approval process for baccalaureate degree programs
 4445 requires shall require:
 4446 (a) Each Florida Community College System institution to
 4447 submit a notice of interest at least 180 days before submitting
 4448 a notice of its intent to propose a baccalaureate degree program
 4449 to the Division of Florida Colleges at least 100 days before the
 4450 submission of its proposal under paragraph (d). The notice of
 4451 interest must be submitted into a shared postsecondary database
 4452 that allows other postsecondary institutions to preview and
 4453 provide feedback on the notice of interest. A written notice of
 4454 intent must be submitted to the Chancellor of the Florida
 4455 Community College System at least 100 days before the submission
 4456 of a baccalaureate degree program proposal under paragraph (c).
 4457 The notice of intent must include a brief description of the
 4458 program, the workforce demand and unmet need for graduates of
 4459 the program to include evidence from entities independent of the
 4460 institution, the geographic region to be served, and an
 4461 estimated timeframe for implementation. Notices of interest and
 4462 intent may be submitted by a Florida Community College System
 4463 institution at any time throughout the year. The notice of
 4464 intent must also include evidence that the Florida Community
 4465 College System institution engaged in need, demand, and impact
 4466 discussions with the state university and other regionally

Page 154 of 247

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581-01304-18

2018540c1

4467 accredited postsecondary education providers in its service
 4468 district.

4469 (b) The Chancellor of the Florida Community College System
 4470 ~~Division of Florida Colleges~~ to forward the notice of intent
 4471 submitted pursuant to paragraph (a) and the justification for
 4472 the proposed baccalaureate degree program required under
 4473 paragraph (c) within 10 business days after receiving such
 4474 notice and justification to the Chancellor of the State
 4475 University System, the president of the Independent Colleges and
 4476 Universities of Florida, and the Executive Director of the
 4477 Commission for Independent Education. State universities ~~shall~~
 4478 have 60 days following receipt of the notice of intent and
 4479 justification by the Chancellor of the State University System
 4480 to submit an objection and a reason for the objection to the
 4481 proposed baccalaureate degree program which may include
 4482 objections to the proposed new program or submit an alternative
 4483 proposal to offer the baccalaureate degree program. The
 4484 Chancellor of the State University System shall review the
 4485 objection raised by a state university and inform the Board of
 4486 Governors of the objection before a state university submits its
 4487 objection to the Chancellor of the Florida Community College
 4488 System. The Chancellor of the Florida Community College System
 4489 must consult with the Chancellor of the State University System
 4490 to consider the objection raised by the state university before
 4491 the State Board of Community Colleges approves or denies a
 4492 Florida Community College System institution's proposal
 4493 submitted pursuant to paragraph (c). If a proposal from a state
 4494 university is not received within the 60-day period, The
 4495 Chancellor of the Florida Community College System State Board

Page 155 of 247

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581-01304-18

2018540c1

4496 ~~of Education~~ shall also provide regionally accredited private
 4497 colleges and universities 60 30 days to submit an objection and
 4498 a reason for the objection to the proposed baccalaureate degree
 4499 program which may include an alternative proposal to offer a
 4500 baccalaureate degree program ~~objections to the proposed new~~
 4501 ~~program or submit an alternative proposal.~~ Objections by a
 4502 regionally accredited private college or university ~~or~~
 4503 ~~alternative proposals~~ shall be submitted to the Chancellor of
 4504 the Florida Community College System, and the state board must
 4505 consider such objections before ~~Division of Florida Colleges and~~
 4506 ~~must be considered by the State Board of Education in making its~~
 4507 decision to approve or deny a Florida Community College System
 4508 institution's proposal submitted pursuant to paragraph (c).

4509 ~~(c) An alternative proposal submitted by a state university~~
 4510 ~~or private college or university to adequately address:~~

- 4511 1. ~~The extent to which the workforce demand and unmet need~~
 4512 ~~described in the notice of intent will be met.~~
- 4513 2. ~~The extent to which students will be able to complete~~
 4514 ~~the degree in the geographic region proposed to be served by the~~
 4515 ~~Florida College System institution.~~
- 4516 3. ~~The level of financial commitment of the college or~~
 4517 ~~university to the development, implementation, and maintenance~~
 4518 ~~of the specified degree program, including timelines.~~
- 4519 4. ~~The extent to which faculty at both the Florida College~~
 4520 ~~System institution and the college or university will~~
 4521 ~~collaborate in the development and offering of the curriculum.~~
- 4522 5. ~~The ability of the Florida College System institution~~
 4523 ~~and the college or university to develop and approve the~~
 4524 ~~curriculum for the specified degree program within 6 months~~

Page 156 of 247

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581-01304-18

2018540c1

4525 ~~after an agreement between the Florida College System~~
 4526 ~~institution and the college or university is signed.~~

4527 ~~6. The extent to which the student may incur additional~~
 4528 ~~costs above what the student would expect to incur if the~~
 4529 ~~program were offered by the Florida College System institution.~~

4530 (c)(d) Each Florida Community College System institution to
 4531 submit a baccalaureate degree program proposal at least 100 days
 4532 after submitting the notice of intent. Each proposal must
 4533 submitted by a Florida College System institution to, at a
 4534 minimum, include:

4535 1. A description of the planning process and timeline for
 4536 implementation.

4537 2. A justification for the proposed baccalaureate degree
 4538 program, including, at a minimum, a data-driven ~~an~~ analysis of
 4539 workforce demand and unmet need for graduates of the program on
 4540 a district, regional, or statewide basis, as appropriate, and
 4541 the extent to which the proposed program will meet the workforce
 4542 demand and unmet need. The analysis must include workforce and
 4543 employment data for the most recent years and projections by the
 4544 Department of Economic Opportunity for future years, and a
 4545 summary of degree programs similar to the proposed degree
 4546 program which are currently offered by state universities or by
 4547 independent nonprofit colleges or universities that are eligible
 4548 to participate in a grant program pursuant to s. 1009.89 and
 4549 which are located in the Florida Community College System
 4550 institution's regional service area. The analysis and evidence
 4551 must be verified by the Chancellor of the Florida Community
 4552 College System including evidence from entities independent of
 4553 the institution.

Page 157 of 247

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581-01304-18

2018540c1

4554 3. Identification of the facilities, equipment, and library
 4555 and academic resources that will be used to deliver the program.

4556 4. The program cost analysis of creating a new
 4557 baccalaureate degree when compared to ~~alternative proposals and~~
 4558 ~~other program delivery options.~~

4559 5. The program's admission requirements, academic content,
 4560 curriculum, faculty credentials, student-to-teacher ratios, and
 4561 accreditation plan.

4562 6. The program's student enrollment ~~projections~~ and funding
 4563 ~~requirements, including:~~

4564 a. The impact of the program's enrollment projections on
 4565 compliance with the upper-level enrollment provisions under
 4566 subsection (6); and

4567 b. The institution's efforts to sustain the program at the
 4568 cost of tuition and fees for students who are classified as
 4569 residents for tuition purposes under s. 1009.21, not to exceed
 4570 \$10,000 for the entire degree program, including flexible
 4571 tuition and fee rates, and the use of waivers pursuant to s.
 4572 1009.26(11).

4573 7. A plan of action if the program is terminated.

4574 (d)(e) The State Board of Community Division of Florida
 4575 Colleges to review the proposal, notify the Florida Community
 4576 College System institution of any deficiencies in writing within
 4577 30 days following receipt of the proposal, and provide the
 4578 Florida Community College System institution with an opportunity
 4579 to correct the deficiencies. Within 45 days following receipt of
 4580 a completed proposal by the State Board of Community Division of
 4581 Florida Colleges, the Chancellor of the Florida Community
 4582 College System Commissioner of Education shall recommend

Page 158 of 247

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581-01304-18

2018540c1

4583 approval or disapproval of the proposal to the State Board of
 4584 Community Colleges Education. The State Board of Community
 4585 Colleges Education shall consider such recommendation, the
 4586 proposal, input from the Chancellor of the State University
 4587 System and the president of the Independent Colleges and
 4588 Universities of Florida, and any objections or alternative
 4589 proposals at its next meeting. If the State Board of Community
 4590 Colleges Education disapproves the Florida Community College
 4591 System institution's proposal, it shall provide the Florida
 4592 Community College System institution with written reasons for
 4593 that determination.

4594 (e)(f) The Florida Community College System institution to
 4595 obtain from the Commission on Colleges of the Southern
 4596 Association of Colleges and Schools accreditation as a
 4597 baccalaureate-degree-granting institution if approved by the
 4598 State Board of Community Colleges Education to offer its first
 4599 baccalaureate degree program.

4600 (f)(g) The Florida Community College System institution to
 4601 notify the Commission on Colleges of the Southern Association of
 4602 Colleges and Schools of subsequent degree programs that are
 4603 approved by the State Board of Community Colleges Education and
 4604 to comply with the association's required substantive change
 4605 protocols for accreditation purposes.

4606 (g)(h) The Florida Community College System institution to
 4607 annually report to the State Board of Community Colleges, the
 4608 Chancellor of the State University System, and upon request of
 4609 the State Board of Education, the Commissioner of Education, the
 4610 Chancellor of the Florida College System, or the Legislature,
 4611 ~~report~~ its status using the following performance and compliance

Page 159 of 247

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581-01304-18

2018540c1

4612 indicators:

- 4613 1. Obtaining and maintaining appropriate Southern
 4614 Association of Colleges and Schools accreditation;
 4615 2. Maintaining qualified faculty and institutional
 4616 resources;
 4617 3. Maintaining student enrollment in previously approved
 4618 programs;
 4619 4. Managing fiscal resources appropriately;
 4620 5. Complying with the primary mission and responsibility
 4621 requirements in subsections (2) and (3); ~~and~~
 4622 6. Incorporating other indicators of success, including
 4623 program completions, employment and earnings outcomes, student
 4624 acceptance into and performance in graduate programs placements,
 4625 and surveys of graduates and employers;
 4626 7. Continuing to meet workforce demand, as provided in
 4627 subparagraph (c)2., as demonstrated through a data-driven needs
 4628 assessment by the Florida Community College System institution
 4629 which is verified by more than one third-party professional
 4630 entity that is independent of the institution; and
 4631 8. Complying with the upper-level enrollment provisions
 4632 under subsection (6).

4633 The State Board of Community Colleges Education, upon annual
 4634 review of the baccalaureate degree program performance and
 4635 compliance indicators and needs assessment, may require a
 4636 Florida Community College System institution's board of trustees
 4637 to modify or terminate a baccalaureate degree program authorized
 4638 under this section. If the annual review indicates negative
 4639 program performance and compliance results, and if the needs
 4640 assessment indicates a need for program improvement, the State Board of

Page 160 of 247

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581-01304-18

2018540c1

4641 assessment fails to demonstrate a need for the program, the
 4642 State Board of Community Colleges must require a Florida
 4643 Community College System institution's board of trustees to
 4644 terminate that baccalaureate degree program.

4645 (6) (a) The upper-level, undergraduate full-time equivalent
 4646 enrollment at a Florida Community College System institution may
 4647 not exceed 20 percent of the total full-time equivalent
 4648 enrollment at that institution.

4649 (b) The upper-level, undergraduate full-time equivalent
 4650 enrollment in the Florida Community College System may not
 4651 exceed 10 percent of the total full-time equivalent enrollment
 4652 of the Florida Community College System.

4653 (c) For any planned and purposeful expansion of existing
 4654 baccalaureate degree programs or creation of a new baccalaureate
 4655 program, a Florida Community College System institution must
 4656 demonstrate satisfactory performance in fulfilling its primary
 4657 mission pursuant to s. 1004.65, executing at least one "2+2"
 4658 targeted pathway articulation agreement pursuant to s. 1007.23,
 4659 and meeting or exceeding the performance standards related to
 4660 on-time completion and graduation rates under s. 1001.66 for
 4661 students earning associate in arts or baccalaureate degrees. The
 4662 State Board of Community Colleges may not approve a new
 4663 baccalaureate degree program proposal for a Florida Community
 4664 College System institution that does not meet the conditions
 4665 specified in this subsection in addition to the other
 4666 requirements for approval under this section. Each community
 4667 college that offers a baccalaureate degree must annually review
 4668 each baccalaureate degree program and annually report to the
 4669 State Board of Community Colleges, in a format prescribed by the

Page 161 of 247

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581-01304-18

2018540c1

4670 state board, current and projected student enrollment for such
 4671 program, justification for continuation of each baccalaureate
 4672 degree program, and a plan to comply with the upper-level
 4673 enrollment provisions of this subsection. A Florida Community
 4674 College System institution that does not comply with the
 4675 requirements of this section is subject to s. 1001.602(9) and
 4676 may not report for funding the upper-level, undergraduate full-
 4677 time equivalent enrollment that exceeds the upper-level
 4678 enrollment percent provision of this subsection.

4679 (7)(6) The State Board of Community Colleges ~~Education~~
 4680 shall adopt rules to prescribe format and content requirements
 4681 and submission procedures for notices of interest and intent,
 4682 baccalaureate degree program proposals, objections ~~alternative~~
 4683 proposals, and compliance reviews under subsection (5).

4684 Section 67. Effective July 1, 2018, subsections (1), (3),
 4685 (4), and (5) of section 1008.30, Florida Statutes, are amended
 4686 and subsection (7) is added to that section, to read:

4687 1008.30 Common placement testing for public postsecondary
 4688 education.-

4689 (1) The State Board of Community Colleges ~~Education~~, in
 4690 conjunction with the Board of Governors and the State Board of
 4691 Education, shall develop and implement a common placement test
 4692 for the purpose of assessing the basic computation and
 4693 communication skills of students who intend to enter a degree
 4694 program at any public postsecondary educational institution.
 4695 Alternative assessments that may be accepted in lieu of the
 4696 common placement test shall also be identified in rule. Public
 4697 postsecondary educational institutions shall provide appropriate
 4698 modifications of the test instruments or test procedures for

Page 162 of 247

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581-01304-18

2018540c1

4699 students with disabilities.

4700 (3) ~~By October 31, 2013,~~ The State Board of Community
 4701 Colleges, in conjunction with the Board of Governors and the
 4702 State Board of Education, ~~Education~~ shall establish by rule the
 4703 test scores a student must achieve to demonstrate readiness to
 4704 perform college-level work, and the rules must specify the
 4705 following:

4706 (a) A student who entered 9th grade in a Florida public
 4707 school in the 2003-2004 school year, or any year thereafter, and
 4708 earned a Florida standard high school diploma or a student who
 4709 is serving as an active duty member of any branch of the United
 4710 States Armed Services shall not be required to take the common
 4711 placement test and shall not be required to enroll in
 4712 developmental education instruction in a Florida Community
 4713 College System institution. However, a student who is not
 4714 required to take the common placement test and is not required
 4715 to enroll in developmental education under this paragraph may
 4716 opt to be assessed and to enroll in developmental education
 4717 instruction, and the college shall provide such assessment and
 4718 instruction upon the student's request.

4719 (b) A student who takes the common placement test and whose
 4720 score on the test indicates a need for developmental education
 4721 must be advised of all the developmental education options
 4722 offered at the institution and, after advisement, shall be
 4723 allowed to enroll in the developmental education option of his
 4724 or her choice.

4725 (c) A student who demonstrates readiness by achieving or
 4726 exceeding the test scores established by the state board and
 4727 enrolls in a Florida Community College System institution within

Page 163 of 247

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581-01304-18

2018540c1

4728 2 years after achieving such scores shall not be required to
 4729 retest or complete developmental education when admitted to any
 4730 Florida Community College System institution.

4731 (4) ~~By December 31, 2013,~~ The State Board of Community
 4732 Colleges ~~Education~~, in consultation with the Board of Governors,
 4733 shall approve a series of meta-majors and the academic pathways
 4734 that identify the gateway courses associated with each meta-
 4735 major. Florida Community College System institutions shall use
 4736 placement test results to determine the extent to which each
 4737 student demonstrates sufficient communication and computation
 4738 skills to indicate readiness for his or her chosen meta-major.
 4739 Florida Community College System institutions shall counsel
 4740 students into college credit courses as quickly as possible,
 4741 with developmental education limited to that content needed for
 4742 success in the meta-major.

4743 (5) (a) Each Florida Community College System institution
 4744 board of trustees shall develop a plan to implement the
 4745 developmental education strategies defined in s. 1008.02 and
 4746 rules established by the State Board of Community Colleges
 4747 ~~Education~~. The plan must be submitted to the Chancellor of the
 4748 Florida Community College System for approval no later than
 4749 March 1, 2014, for implementation no later than the fall
 4750 semester 2014. Each plan must include, at a minimum, local
 4751 policies that outline:

4752 1. Documented student achievements such as grade point
 4753 averages, work history, military experience, participation in
 4754 juried competitions, career interests, degree major declaration,
 4755 or any combination of such achievements that the institution may
 4756 consider, in addition to common placement test scores, for

Page 164 of 247

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581-01304-18

2018540c1

4757 advising students regarding enrollment options.

4758 2. Developmental education strategies available to
4759 students.

4760 3. A description of student costs and financial aid
4761 opportunities associated with each option.

4762 4. Provisions for the collection of student success data.

4763 5. A comprehensive plan for advising students into
4764 appropriate developmental education strategies based on student
4765 success data.

4766 (b) Beginning October 31, 2015, each Florida Community
4767 College System institution shall annually prepare an
4768 accountability report that includes student success data
4769 relating to each developmental education strategy implemented by
4770 the institution. The report shall be submitted to the State
4771 Board of Community ~~Division of Florida~~ Colleges by October 31 in
4772 a format determined by the Chancellor of the Florida Community
4773 College System. By December 31, the chancellor shall compile and
4774 submit the institutional reports to the Governor, the President
4775 of the Senate, the Speaker of the House of Representatives, and
4776 the State Board of Community Colleges and the State Board of
4777 Education.

4778 (c) A university board of trustees may contract with a
4779 Florida Community College System institution board of trustees
4780 for the Florida Community College System institution to provide
4781 developmental education on the state university campus. Any
4782 state university in which the percentage of incoming students
4783 requiring developmental education equals or exceeds the average
4784 percentage of such students for the Florida Community College
4785 System may offer developmental education without contracting

Page 165 of 247

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581-01304-18

2018540c1

4786 with a Florida Community College System institution; however,
4787 any state university offering college-preparatory instruction as
4788 of January 1, 1996, may continue to provide developmental
4789 education instruction pursuant to s. 1008.02(1) such services.

4790 (7) The Supporting Students for Academic Success Program is
4791 established to fund the efforts of Florida Community College
4792 System institutions in assisting students enrolled in an
4793 associate in arts degree program with successfully completing
4794 college credit courses, graduating with an associate in arts
4795 degree, and transferring to a baccalaureate degree program. It
4796 is the intent of the Legislature to boost student achievement
4797 through investments in effective and purposeful outcome-based
4798 strategies and efforts to increase student access to relevant
4799 supports and services. Such investments shall be used to boost
4800 the achievement of students, including, but not limited to,
4801 nontraditional students and underprepared students participating
4802 in developmental education.

4803 (a) A Florida Community College institution's efforts must
4804 include the implementation of the developmental education
4805 instructional strategies under s. 1008.02 and other effective
4806 approaches to improve student completion and graduation
4807 outcomes. Such approaches may relate to direct instruction,
4808 academic support, and student services.

4809 (b) Funding for the Supporting Students for Academic
4810 Success Program shall be as provided in the General
4811 Appropriations Act. Each Florida Community College System
4812 institution shall use the funds only for the purpose and
4813 investments authorized under this subsection.

4814 (c) The Chancellor of the Florida Community College System

Page 166 of 247

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581-01304-18

2018540c1

4815 must include in the accountability report required under
 4816 subsection (5) a summary of information from each Florida
 4817 Community College System institution which includes, but is not
 4818 limited to, the number and percentage of students enrolled at
 4819 Florida Community College System institutions who:
 4820 1. Successfully complete a gateway course in mathematics
 4821 within the first academic year after initial enrollment;
 4822 2. Successfully complete at least 24 credit hours at a
 4823 Florida Community College System institution within the first
 4824 academic year after initial enrollment and who remain enrolled
 4825 at that institution in the academic year immediately following
 4826 the first academic year;
 4827 3. Graduate with an associate in arts degree; and
 4828 4. Transfer to a baccalaureate degree program offered by an
 4829 institution of higher education in Florida within one year after
 4830 earning an associate in arts degree.

4831 Section 68. Paragraphs (d) and (e) of subsection (1) and
 4832 paragraphs (a) and (c) of subsection (3) of section 1008.31,
 4833 Florida Statutes, are amended to read:

4834 1008.31 Florida's K-20 education performance accountability
 4835 system; legislative intent; mission, goals, and systemwide
 4836 measures; data quality improvements.-

4837 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
 4838 that:

4839 (d) The State Board of Education, ~~and~~ the Board of
 4840 Governors of the State University System, and the State Board of
 4841 Community Colleges of the Florida Community College System
 4842 recommend to the Legislature systemwide performance standards;
 4843 the Legislature establish systemwide performance measures and

Page 167 of 247

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581-01304-18

2018540c1

4844 standards; and the systemwide measures and standards provide
 4845 Floridians with information on what the public is receiving in
 4846 return for the funds it invests in education and how well the K-
 4847 20 system educates its students.

4848 (e)1. The State Board of Education establish performance
 4849 measures and set performance standards for individual public
 4850 schools ~~and Florida College System institutions~~, with measures
 4851 and standards based primarily on student achievement.

4852 2. The Board of Governors of the State University System
 4853 establish performance measures and set performance standards for
 4854 individual state universities, including actual completion
 4855 rates.

4856 3. The State Board of Community Colleges establish
 4857 performance measures and set performance standards for
 4858 individual Florida Community College System institutions.

4859 (3) K-20 EDUCATION DATA QUALITY IMPROVEMENTS.—To provide
 4860 data required to implement education performance accountability
 4861 measures in state and federal law, the Commissioner of Education
 4862 shall initiate and maintain strategies to improve data quality
 4863 and timeliness. The Board of Governors shall make available to
 4864 the department all data within the State University Database
 4865 System to be integrated into the K-20 data warehouse. The
 4866 commissioner shall have unlimited access to such data for the
 4867 purposes of conducting studies, reporting annual and
 4868 longitudinal student outcomes, and improving college readiness
 4869 and articulation. All public educational institutions shall
 4870 annually provide data from the prior year to the K-20 data
 4871 warehouse in a format based on data elements identified by the
 4872 commissioner.

Page 168 of 247

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581-01304-18

2018540c1

4873 (a) School districts and public postsecondary educational
 4874 institutions shall maintain information systems that will
 4875 provide the State Board of Education, the Board of Governors of
 4876 the State University System, the State Board of Community
 4877 Colleges of the Florida Community College System, and the
 4878 Legislature with information and reports necessary to address
 4879 the specifications of the accountability system. The level of
 4880 comprehensiveness and quality must be no less than that which
 4881 was available as of June 30, 2001.

4882 (c) The Commissioner of Education shall determine the
 4883 standards for the required data, monitor data quality, and
 4884 measure improvements. The commissioner shall report annually to
 4885 the State Board of Education, the Board of Governors of the
 4886 State University System, the State Board of Community Colleges
 4887 of the Florida Community College System, the President of the
 4888 Senate, and the Speaker of the House of Representatives data
 4889 quality indicators and ratings for all school districts and
 4890 public postsecondary educational institutions.

4891 Section 69. Section 1008.32, Florida Statutes, is amended
 4892 to read:

4893 1008.32 State Board of Education oversight enforcement
 4894 authority.—The State Board of Education shall oversee the
 4895 performance of district school boards ~~and Florida College System~~
 4896 ~~institution boards of trustees~~ in enforcement of all laws and
 4897 rules. District school boards ~~and Florida College System~~
 4898 ~~institution boards of trustees~~ shall be primarily responsible
 4899 for compliance with law and state board rule.

4900 (1) In order to ensure compliance with law or state board
 4901 rule, the State Board of Education shall have the authority to

Page 169 of 247

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581-01304-18

2018540c1

4902 request and receive information, data, and reports from school
 4903 districts ~~and Florida College System institutions~~. District
 4904 school superintendents ~~and Florida College System institution~~
 4905 ~~presidents~~ are responsible for the accuracy of the information
 4906 and data reported to the state board.

4907 (2) The Commissioner of Education may investigate
 4908 allegations of noncompliance with law or state board rule and
 4909 determine probable cause. The commissioner shall report
 4910 determinations of probable cause to the State Board of Education
 4911 which shall require the district school board ~~or Florida College~~
 4912 ~~System institution board of trustees~~ to document compliance with
 4913 law or state board rule.

4914 (3) If the district school board ~~or Florida College System~~
 4915 ~~institution board of trustees~~ cannot satisfactorily document
 4916 compliance, the State Board of Education may order compliance
 4917 within a specified timeframe.

4918 (4) If the State Board of Education determines that a
 4919 district school board ~~or Florida College System institution~~
 4920 ~~board of trustees~~ is unwilling or unable to comply with law or
 4921 state board rule within the specified time, the state board
 4922 shall have the authority to initiate any of the following
 4923 actions:

4924 (a) Report to the Legislature that the school district ~~or~~
 4925 ~~Florida College System institution~~ is unwilling or unable to
 4926 comply with law or state board rule and recommend action to be
 4927 taken by the Legislature.

4928 (b) Withhold the transfer of state funds, discretionary
 4929 grant funds, discretionary lottery funds, or any other funds
 4930 specified as eligible for this purpose by the Legislature until

Page 170 of 247

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581-01304-18 2018540c1

4931 the school district ~~or Florida College System institution~~
 4932 complies with the law or state board rule.

4933 (c) Declare the school district ~~or Florida College System~~
 4934 ~~institution~~ ineligible for competitive grants.

4935 (d) Require monthly or periodic reporting on the situation
 4936 related to noncompliance until it is remedied.

4937 (5) Nothing in this section shall be construed to create a
 4938 private cause of action or create any rights for individuals or
 4939 entities in addition to those provided elsewhere in law or rule.

4940 Section 70. Paragraphs (e) and (f) of subsection (7) of
 4941 section 1008.345, Florida Statutes, are amended to read:

4942 1008.345 Implementation of state system of school
 4943 improvement and education accountability.—

4944 (7) As a part of the system of educational accountability,
 4945 the Department of Education shall:

4946 (e) Maintain a listing of college-level communication and
 4947 mathematics skills associated with successful student
 4948 performance through the baccalaureate level and submit it to the
 4949 State Board of Education, ~~and~~ the Board of Governors, and the
 4950 State Board of Community Colleges for approval.

4951 (f) Perform any other functions that may be involved in
 4952 educational planning, research, and evaluation or that may be
 4953 required by the commissioner, the State Board of Education, the
 4954 State Board of Community Colleges, the Board of Governors, or
 4955 law.

4956 Section 71. Subsections (1) and (2) of section 1008.37,
 4957 Florida Statutes, are amended to read:

4958 1008.37 Postsecondary feedback of information to high
 4959 schools.—

Page 171 of 247

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581-01304-18 2018540c1

4960 (1) The Commissioner of Education shall report to the State
 4961 Board of Education, the Board of Governors, the State Board of
 4962 Community Colleges, the Legislature, and the district school
 4963 boards on the performance of each first-time-in-postsecondary
 4964 education student from each public high school in this state who
 4965 is enrolled in a public postsecondary institution or public
 4966 career center. Such reports must be based on information
 4967 databases maintained by the Department of Education. In
 4968 addition, the public postsecondary educational institutions and
 4969 career centers shall provide district school boards access to
 4970 information on student performance in regular and preparatory
 4971 courses and shall indicate students referred for remediation
 4972 pursuant to s. 1004.91 or s. 1008.30.

4973 (2) The Commissioner of Education shall report, by high
 4974 school, to the State Board of Education, the Board of Governors,
 4975 the State Board of Community Colleges, and the Legislature, no
 4976 later than November 30 of each year, on the number of prior year
 4977 Florida high school graduates who enrolled for the first time in
 4978 public postsecondary education in this state during the previous
 4979 summer, fall, or spring term, indicating the number of students
 4980 whose scores on the common placement test indicated the need for
 4981 developmental education under s. 1008.30 or for applied
 4982 academics for adult education under s. 1004.91.

4983 Section 72. Section 1008.38, Florida Statutes, is amended
 4984 to read:

4985 1008.38 Articulation accountability process.—The State
 4986 Board of Education, in conjunction with the Board of Governors
 4987 and the State Board of Community Colleges, shall develop
 4988 articulation accountability measures which assess the status of

Page 172 of 247

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581-01304-18 2018540c1

4989 systemwide articulation processes authorized under s. 1007.23
4990 and establish an articulation accountability process which at a
4991 minimum shall address:

4992 (1) The impact of articulation processes on ensuring
4993 educational continuity and the orderly and unobstructed
4994 transition of students between public secondary and
4995 postsecondary education systems and facilitating the transition
4996 of students between the public and private sectors.

4997 (2) The adequacy of preparation of public secondary
4998 students to smoothly articulate to a public postsecondary
4999 institution.

5000 (3) The effectiveness of articulated acceleration
5001 mechanisms available to secondary students.

5002 (4) The smooth transfer of Florida Community College System
5003 associate degree graduates to a Florida Community College System
5004 institution or a state university.

5005 (5) An examination of degree requirements that exceed the
5006 parameters of 60 credit hours for an associate degree and 120
5007 hours for a baccalaureate degree in public postsecondary
5008 programs.

5009 (6) The relationship between student attainment of college-
5010 level academic skills and articulation to the upper division in
5011 public postsecondary institutions.

5012 Section 73. Section 1008.405, Florida Statutes, is amended
5013 to read:

5014 1008.405 Adult student information.—Each school district
5015 and Florida Community College System institution shall maintain
5016 sufficient information for each student enrolled in workforce
5017 education to allow local and state administrators to locate such

Page 173 of 247

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581-01304-18 2018540c1

5018 student upon the termination of instruction and to determine the
5019 appropriateness of student placement in specific instructional
5020 programs. The State Board of Education and the State Board of
5021 Community Colleges shall adopt, by rule, specific information
5022 that must be maintained and acceptable means of maintaining that
5023 information.

5024 Section 74. Subsection (2) of section 1008.44, Florida
5025 Statutes, is amended to read:

5026 1008.44 CAPE Industry Certification Funding List and CAPE
5027 Postsecondary Industry Certification Funding List.—

5028 (2) The State Board of Education, for school districts, and
5029 the State Board of Community Colleges, for Florida Community
5030 College System institutions, shall collaborate to approve, at
5031 least annually, the CAPE Postsecondary Industry Certification
5032 Funding List pursuant to this section. The Commissioner of
5033 Education and the Chancellor of the Florida Community College
5034 System shall recommend, at least annually, the CAPE
5035 Postsecondary Industry Certification Funding List to the State
5036 Board of Education and the State Board of Community Colleges,
5037 respectively, and may at any time recommend adding
5038 certifications. The Chancellor of the State University System,
5039 the Chancellor of the Florida Community College System, and the
5040 Chancellor of Career and Adult Education shall work with local
5041 workforce boards, other postsecondary institutions, businesses,
5042 and industry to identify, create, and recommend to the
5043 Commissioner of Education industry certifications to be placed
5044 on the funding list. The list shall be used to determine annual
5045 performance funding distributions to school districts or Florida
5046 Community College System institutions as specified in ss.

Page 174 of 247

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581-01304-18 2018540c1

5047 1011.80 and 1011.81, respectively. The chancellors shall review
 5048 results of the economic security report of employment and
 5049 earning outcomes produced annually pursuant to s. 445.07 when
 5050 determining recommended certifications for the list, as well as
 5051 other reports and indicators available regarding certification
 5052 needs.

5053 Section 75. Section 1008.45, Florida Statutes, is amended
 5054 to read:

5055 1008.45 Florida Community College System institution
 5056 accountability process.—

5057 (1) It is the intent of the Legislature that a management
 5058 and accountability process be implemented which provides for the
 5059 systematic, ongoing improvement and assessment of the
 5060 improvement of the quality and efficiency of the Florida
 5061 Community College System institutions. Accordingly, the State
 5062 Board of Community Colleges Education and the Florida Community
 5063 College System institution boards of trustees shall develop and
 5064 implement an accountability plan to improve and evaluate the
 5065 instructional and administrative efficiency and effectiveness of
 5066 the Florida Community College System. This plan shall be
 5067 designed in consultation with staff of the Governor and the
 5068 Legislature and must address the following issues:

5069 (a) Graduation rates of A.A. and A.S. degree-seeking
 5070 students compared to first-time-enrolled students seeking the
 5071 associate degree.

5072 (b) Minority student enrollment and retention rates.

5073 (c) Student performance, including student performance in
 5074 college-level academic skills, mean grade point averages for
 5075 Florida Community College System institution A.A. transfer

Page 175 of 247

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581-01304-18 2018540c1

5076 students, and Florida Community College System institution
 5077 student performance on state licensure examinations.

5078 (d) Job placement rates of Florida Community College System
 5079 institution career students.

5080 (e) Student progression by admission status and program.

5081 (f) Career accountability standards identified in s.

5082 1008.42.

5083 (g) Institutional assessment efforts related to the
 5084 requirements of s. III in the Criteria for Accreditation of the
 5085 Commission on Colleges of the Southern Association of Colleges
 5086 and Schools.

5087 (h) Other measures approved by the State Board of Community
 5088 Colleges Education.

5089 (2) The State Board of Community Colleges Education shall
 5090 submit an annual report, to coincide with the submission of the
 5091 state board's agency strategic plan required by law, providing
 5092 the results of initiatives taken during the prior year and the
 5093 initiatives and related objective performance measures proposed
 5094 for the next year.

5095 (3) The State Board of Community Colleges Education shall
 5096 address within the annual evaluation of the performance of the
 5097 chancellor executive director, and the Florida Community College
 5098 System institution boards of trustees shall address within the
 5099 annual evaluation of the presidents, the achievement of the
 5100 performance goals established by the accountability process.

5101 Section 76. Subsection (13) of section 1009.21, Florida
 5102 Statutes, is amended to read:

5103 1009.21 Determination of resident status for tuition
 5104 purposes.—Students shall be classified as residents or

Page 176 of 247

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581-01304-18

2018540c1

5105 nonresidents for the purpose of assessing tuition in
5106 postsecondary educational programs offered by charter technical
5107 career centers or career centers operated by school districts,
5108 in Florida Community College System institutions, and in state
5109 universities.

5110 (13) The State Board of Education, ~~and~~ the Board of
5111 Governors, and the State Board of Community Colleges shall adopt
5112 rules to implement this section.

5113 Section 77. Effective July 1, 2018, paragraph (e) of
5114 subsection (3) of section 1009.22, Florida Statutes, is amended
5115 to read:

5116 1009.22 Workforce education postsecondary student fees.—

5117 (3)

5118 (e) The State Board of Education and the State Board of
5119 Community Colleges may adopt, by rule, the definitions and
5120 procedures that district school boards and Florida Community
5121 College System institution boards of trustees shall use in the
5122 calculation of cost borne by students.

5123 Section 78. Subsection (7), paragraph (b) of subsection
5124 (12), subsection (13), paragraph (b) of subsection (16), and
5125 subsection (19) of section 1009.23, Florida Statutes, are
5126 amended to read:

5127 1009.23 Florida Community College System institution
5128 student fees.—

5129 (7) Each Florida Community College System institution board
5130 of trustees may establish a separate activity and service fee
5131 not to exceed 10 percent of the tuition fee, according to rules
5132 of the State Board of Community Colleges ~~Education~~. The student
5133 activity and service fee shall be collected as a component part

Page 177 of 247

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581-01304-18

2018540c1

5134 of the tuition and fees. The student activity and service fees
5135 shall be paid into a student activity and service fund at the
5136 Florida Community College System institution and shall be
5137 expended for lawful purposes to benefit the student body in
5138 general. These purposes include, but are not limited to, student
5139 publications and grants to duly recognized student
5140 organizations, the membership of which is open to all students
5141 at the Florida Community College System institution without
5142 regard to race, sex, or religion. No Florida Community College
5143 System institution shall be required to lower any activity and
5144 service fee approved by the board of trustees of the Florida
5145 Community College System institution and in effect prior to
5146 October 26, 2007, in order to comply with the provisions of this
5147 subsection.

5148 (12)

5149 (b) The State Board of Community Colleges ~~Education~~ may
5150 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer
5151 this subsection.

5152 (13) The State Board of Community Colleges ~~Education~~ shall
5153 specify, as necessary, by rule, approved methods of student fee
5154 payment. Such methods shall include, but not be limited to,
5155 student fee payment; payment through federal, state, or
5156 institutional financial aid; and employer fee payments.

5157 (16)

5158 (b) The amount of the distance learning course user fee may
5159 not exceed the additional costs of the services provided which
5160 are attributable to the development and delivery of the distance
5161 learning course. If a Florida Community College System
5162 institution assesses the distance learning course user fee, the

Page 178 of 247

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581-01304-18 2018540c1

5163 institution may not assess any other fees to cover the
 5164 additional costs. By September 1 of each year, each board of
 5165 trustees shall report to the State Board of Community Colleges
 5166 ~~Division of Florida Colleges~~ the total amount of revenue
 5167 generated by the distance learning course user fee for the prior
 5168 fiscal year and how the revenue was expended.

5169 (19) The State Board of Community Colleges Education shall
 5170 adopt a rule specifying the definitions and procedures to be
 5171 used in the calculation of the percentage of cost paid by
 5172 students. The rule must provide for the calculation of the full
 5173 cost of educational programs based on the allocation of all
 5174 funds provided through the general current fund to programs of
 5175 instruction, and other activities as provided in the annual
 5176 expenditure analysis. The rule shall be developed in
 5177 consultation with the Legislature.

5178 Section 79. Subsection (2) of section 1009.25, Florida
 5179 Statutes, is amended to read:

5180 1009.25 Fee exemptions.—

5181 (2) Each Florida Community College System institution is
 5182 authorized to grant student fee exemptions from all fees adopted
 5183 by the State Board of Community Colleges Education and the
 5184 Florida Community College System institution board of trustees
 5185 for up to 54 full-time equivalent students or 1 percent of the
 5186 institution's total full-time equivalent enrollment, whichever
 5187 is greater, at each institution.

5188 Section 80. Paragraph (b) of subsection (12), paragraphs
 5189 (c) and (d) of subsection (13), and paragraph (d) of subsection
 5190 (14) of section 1009.26, Florida Statutes, are amended to read:
 5191 1009.26 Fee waivers.—

Page 179 of 247

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581-01304-18 2018540c1

5192 (12)
 5193 (b) Tuition and fees charged to a student who qualifies for
 5194 the out-of-state fee waiver under this subsection may not exceed
 5195 the tuition and fees charged to a resident student. The waiver
 5196 is applicable for 110 percent of the required credit hours of
 5197 the degree or certificate program for which the student is
 5198 enrolled. Each state university, Florida Community College
 5199 System institution, career center operated by a school district
 5200 under s. 1001.44, and charter technical career center shall
 5201 report to the Board of Governors, the State Board of Community
 5202 Colleges, and the State Board of Education, respectively, the
 5203 number and value of all fee waivers granted annually under this
 5204 subsection. By October 1 of each year, the Board of Governors,
 5205 for the state universities; ~~and~~ the State Board of Community
 5206 Colleges, Education for Florida Community College System
 5207 institutions; ~~r~~ career centers operated by a school district
 5208 under s. 1001.44; ~~r~~ and charter technical career centers shall
 5209 annually report for the previous academic year the percentage of
 5210 resident and nonresident students enrolled systemwide.

5211 (13)
 5212 (c) Each state university, Florida Community College System
 5213 institution, career center operated by a school district under
 5214 s. 1001.44, and charter technical career center shall report to
 5215 the Board of Governors, the State Board of Community Colleges,
 5216 and the State Board of Education, respectively, the number and
 5217 value of all fee waivers granted annually under this subsection.

5218 (d) The Board of Governors, the State Board of Community
 5219 Colleges, and the State Board of Education shall respectively
 5220 adopt regulations and rules to administer this subsection.

Page 180 of 247

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581-01304-18

2018540c1

5221 (14)

5222 (d) The Board of Governors, the State Board of Community
 5223 Colleges, and the State Board of Education shall respectively
 5224 adopt regulations and rules to administer this subsection.

5225 Section 81. Section 1009.28, Florida Statutes, is amended
 5226 to read:

5227 1009.28 Fees for repeated enrollment in developmental
 5228 education classes.—A student enrolled in the same developmental
 5229 education class more than twice shall pay 100 percent of the
 5230 full cost of instruction to support continuous enrollment of
 5231 that student in the same class, and the student shall not be
 5232 included in calculations of full-time equivalent enrollments for
 5233 state funding purposes; however, students who withdraw or fail a
 5234 class due to extenuating circumstances may be granted an
 5235 exception only once for each class, provided approval is granted
 5236 according to policy established by the board of trustees. Each
 5237 Florida Community College System institution may review and
 5238 reduce fees paid by students due to continued enrollment in a
 5239 developmental education class on an individual basis contingent
 5240 upon the student's financial hardship, pursuant to definitions
 5241 and fee levels established by the State Board of Community
 5242 Colleges ~~Education~~.

5243 Section 82. Subsections (9) and (12) of section 1009.90,
 5244 Florida Statutes, are amended to read:

5245 1009.90 Duties of the Department of Education.—The duties
 5246 of the department shall include:

5247 (9) Development and submission of a report, annually, to
 5248 the State Board of Education, the Board of Governors, the State
 5249 Board of Community Colleges, the President of the Senate, and

Page 181 of 247

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581-01304-18

2018540c1

5250 the Speaker of the House of Representatives, which shall
 5251 include, but not be limited to, recommendations for the
 5252 distribution of state financial aid funds.

5253 (12) Calculation of the amount of need-based student
 5254 financial aid required to offset fee increases recommended by
 5255 the State Board of Education, and the Board of Governors, and
 5256 the State Board of Community Colleges, and inclusion of such
 5257 amount within the legislative budget request for student
 5258 assistance grant programs.

5259 Section 83. Subsection (4) of section 1009.91, Florida
 5260 Statutes, is amended to read:

5261 1009.91 Assistance programs and activities of the
 5262 department.—

5263 (4) The department shall maintain records on the student
 5264 loan default rate of each Florida postsecondary institution and
 5265 report that information annually to both the institution and the
 5266 State Board of Education. Information relating to state
 5267 universities shall also be reported annually to the Board of
 5268 Governors. Information relating to Florida Community College
 5269 System institutions shall be reported annually to the State
 5270 Board of Community Colleges.

5271 Section 84. Subsection (2) of section 1009.971, Florida
 5272 Statutes, is amended to read:

5273 1009.971 Florida Prepaid College Board.—

5274 (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.—The board
 5275 shall consist of seven members to be composed of the Attorney
 5276 General, the Chief Financial Officer, the Chancellor of the
 5277 State University System, the Chancellor of the Florida Community
 5278 College System ~~Division of Florida Colleges~~, and three members

Page 182 of 247

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581-01304-18 2018540c1

5279 appointed by the Governor and subject to confirmation by the
 5280 Senate. Each member appointed by the Governor shall possess
 5281 knowledge, skill, and experience in the areas of accounting,
 5282 actuary, risk management, or investment management. Each member
 5283 of the board not appointed by the Governor may name a designee
 5284 to serve on the board on behalf of the member; however, any
 5285 designee so named shall meet the qualifications required of
 5286 gubernatorial appointees to the board. Members appointed by the
 5287 Governor shall serve terms of 3 years. Any person appointed to
 5288 fill a vacancy on the board shall be appointed in a like manner
 5289 and shall serve for only the unexpired term. Any member shall be
 5290 eligible for reappointment and shall serve until a successor
 5291 qualifies. Members of the board shall serve without compensation
 5292 but shall be reimbursed for per diem and travel in accordance
 5293 with s. 112.061. Each member of the board who is not otherwise
 5294 required to file a full and public disclosure of financial
 5295 interests pursuant to s. 8, Art. II of the State Constitution or
 5296 s. 112.3144 shall file a statement of financial interests
 5297 pursuant to s. 112.3145.

5298 Section 85. Section 1010.01, Florida Statutes, is amended
 5299 to read:

5300 1010.01 Uniform records and accounts.—

5301 (1) (a) The financial records and accounts of each school
 5302 district, ~~Florida College System institution,~~ and other
 5303 institution or agency under the supervision of the State Board
 5304 of Education shall be prepared and maintained as prescribed by
 5305 law and rules of the State Board of Education.

5306 (b) The financial records and accounts of each state
 5307 university under the supervision of the Board of Governors shall

581-01304-18 2018540c1

5308 be prepared and maintained as prescribed by law and rules of the
 5309 Board of Governors.

5310 (c) The financial records and accounts of each Florida
 5311 Community College System institution under the supervision of
 5312 the State Board of Community Colleges shall be prepared and
 5313 maintained as prescribed by law and by the rules of the State
 5314 Board of Community Colleges.

5315 (2) Rules of the State Board of Education, ~~and rules of the~~
 5316 Board of Governors, and the State Board of Community Colleges
 5317 shall incorporate the requirements of law and accounting
 5318 principles generally accepted in the United States. Such rules
 5319 shall include a uniform classification of accounts.

5320 (3) Each state university shall annually file with the
 5321 Board of Governors financial statements prepared in conformity
 5322 with accounting principles generally accepted by the United
 5323 States and the uniform classification of accounts prescribed by
 5324 the Board of Governors. The Board of Governors' rules shall
 5325 prescribe the filing deadline for the financial statements.

5326 (4) Required financial accounts and reports shall include
 5327 provisions that are unique to each of the following: K-12 school
 5328 districts, Florida Community College System institutions, and
 5329 state universities, and shall provide for the data to be
 5330 reported to the National Center of Educational Statistics and
 5331 other governmental and professional educational data information
 5332 services as appropriate.

5333 (5) Each Florida Community College System institution shall
 5334 annually file with the State Board of Community Colleges
 5335 financial statements prepared in conformity with accounting
 5336 principles generally accepted by the United States and the

581-01304-18 2018540c1

5337 uniform classification of accounts prescribed by the State Board
 5338 of Community Colleges. The State Board of Community Colleges'
 5339 rules shall prescribe the filing deadline for the financial
 5340 statements.

5341 Section 86. Subsection (1) of section 1010.02, Florida
 5342 Statutes, is amended, and subsection (3) is added to that
 5343 section, to read:

5344 1010.02 Financial accounting and expenditures.—

5345 (1) All funds accruing to a school district ~~or a Florida~~
 5346 ~~College System institution~~ must be received, accounted for, and
 5347 expended in accordance with law and rules of the State Board of
 5348 Education.

5349 (3) All funds accruing to a Florida Community College
 5350 System institution must be received, accounted for, and expended
 5351 in accordance with law and rules of the State Board of Community
 5352 Colleges.

5353 Section 87. Section 1010.04, Florida Statutes, is amended
 5354 to read:

5355 1010.04 Purchasing.—

5356 (1) (a) Purchases and leases by school districts must and
 5357 ~~Florida College System institutions shall~~ comply with the
 5358 requirements of law and rules of the State Board of Education.

5359 (b) Before purchasing nonacademic commodities and
 5360 contractual services, each district school board and Florida
 5361 Community College System institution board of trustees shall
 5362 review the purchasing agreements and state term contracts
 5363 available under s. 287.056 to determine whether it is in the
 5364 school board's or the board of trustees' economic advantage to
 5365 use the agreements and contracts. Each bid specification for

Page 185 of 247

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581-01304-18 2018540c1

5366 nonacademic commodities and contractual services must include a
 5367 statement indicating that the purchasing agreements and state
 5368 term contracts available under s. 287.056 have been reviewed.
 5369 Each district school board may also use the cooperative state
 5370 purchasing programs managed through the regional consortium
 5371 service organizations pursuant to their authority under s.
 5372 1001.451(3). This paragraph does not apply to services that are
 5373 eligible for reimbursement under the federal E-rate program
 5374 administered by the Universal Service Administrative Company.

5375 (c) Purchases and leases by state universities must shall
 5376 comply with the requirements of law and regulations of the Board
 5377 of Governors.

5378 (d) Purchases and leases by Florida Community College
 5379 System institutions must comply with the requirements of law and
 5380 rules of the State Board of Community Colleges.

5381 (2) Each district school board and Florida Community
 5382 College System institution board of trustees shall adopt rules,
 5383 and each university board of trustees shall adopt regulations,
 5384 to be followed in making purchases. Purchases may be made
 5385 through an online procurement system, an electronic auction
 5386 service, or other efficient procurement tool.

5387 (3) In districts in which the county purchasing agent is
 5388 authorized by law to make purchases for the benefit of other
 5389 governmental agencies within the county, the district school
 5390 board and Florida Community College System institution board of
 5391 trustees shall have the option to purchase from the current
 5392 county contracts at the unit price stated therein if such
 5393 purchase is to the economic advantage of the district school
 5394 board or the Florida Community College System institution board

Page 186 of 247

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581-01304-18 2018540c1

5395 of trustees; subject to confirmation of the items of purchase to
5396 the standards and specifications prescribed by the school
5397 district or Florida Community College System institution.

5398 (4) (a) The State Board of Education may, by rule, provide
5399 for alternative procedures for school districts ~~and Florida~~
5400 ~~College System institutions~~ for bidding or purchasing in cases
5401 in which the character of the item requested renders competitive
5402 bidding impractical.

5403 (b) The Board of Governors may, by regulation, provide for
5404 alternative procedures for state universities for bidding or
5405 purchasing in cases in which the character of the item requested
5406 renders competitive bidding impractical.

5407 (c) The State Board of Community Colleges may provide by
5408 rule for alternative procedures for Florida Community College
5409 System institutions for bidding or purchasing in cases in which
5410 the character of the item requested renders competitive bidding
5411 impractical.

5412 Section 88. Section 1010.07, Florida Statutes, is amended
5413 to read:

5414 1010.07 Bonds or insurance required.—

5415 (1) Each district school board, Florida Community College
5416 System institution board of trustees, and university board of
5417 trustees shall ensure that each official and employee
5418 responsible for handling, expending, or authorizing the
5419 expenditure of funds shall be appropriately bonded or insured to
5420 protect the board and the funds involved.

5421 (2) (a) Contractors paid from school district ~~or Florida~~
5422 ~~College System institution~~ funds shall give bond for the
5423 faithful performance of their contracts in such amount and for

Page 187 of 247

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581-01304-18 2018540c1

5424 such purposes as prescribed by s. 255.05 or by rules of the
5425 State Board of Education relating to the type of contract
5426 involved. It shall be the duty of the district school board ~~or~~
5427 ~~Florida College System institution board of trustees~~ to require
5428 from construction contractors a bond adequate to protect the
5429 board and the board's funds involved.

5430 (b) Contractors paid from university funds shall give bond
5431 for the faithful performance of their contracts in such amount
5432 and for such purposes as prescribed by s. 255.05 or by
5433 regulations of the Board of Governors relating to the type of
5434 contract involved. It shall be the duty of the university board
5435 of trustees to require from construction contractors a bond
5436 adequate to protect the board and the board's funds involved.

5437 (c) Contractors paid from Florida Community College System
5438 institution funds shall give bonds for the faithful performance
5439 of their contracts in such amount and for such purposes as
5440 prescribed by s. 255.05 or by rules of the State Board of
5441 Community Colleges relating to the type of contract involved. It
5442 is the duty of the Florida Community College System institution
5443 board of trustees to require construction contractors to provide
5444 a bond adequate to protect the board and the board's funds
5445 involved.

5446 Section 89. Section 1010.08, Florida Statutes, is amended
5447 to read:

5448 1010.08 Promotion and public relations; funding.—

5449 (1) Each district school board ~~and Florida College System~~
5450 ~~institution board of trustees~~ may budget and use a portion of
5451 the funds accruing to it from auxiliary enterprises and
5452 undesignated gifts for promotion and public relations as

Page 188 of 247

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581-01304-18 2018540c1

5453 prescribed by rules of the State Board of Education. Such funds
 5454 may be used to provide hospitality to business guests in the
 5455 district or elsewhere. However, such hospitality expenses may
 5456 not exceed the amount authorized for such contingency funds as
 5457 prescribed by rules of the State Board of Education.

5458 (2) Each Florida Community College System institution board
 5459 of trustees may budget and use a portion of the funds accruing
 5460 to it from auxiliary enterprises and undesignated gifts for
 5461 promotion and public relations as prescribed by rules of the
 5462 State Board of Community Colleges. Such funds may be used to
 5463 provide hospitality to business guests in the district or
 5464 elsewhere. However, such hospitality expenses may not exceed the
 5465 amount authorized for such contingency funds as prescribed by
 5466 rules of the State Board of Community Colleges.

5467 Section 90. Subsection (1) of section 1010.09, Florida
 5468 Statutes, is amended, and subsection (3) is added to that
 5469 section, to read:

5470 1010.09 Direct-support organizations.—

5471 (1) School district ~~and Florida College System institution~~
 5472 direct-support organizations shall be organized and conducted
 5473 under the provisions of ss. 1001.453 and 1004.70 and rules of
 5474 the State Board of Education, as applicable.

5475 (3) Florida Community College System institution direct-
 5476 support organizations shall be organized and conducted under s.
 5477 1004.70 and rules of the State Board of Community Colleges.

5478 Section 91. Section 1010.22, Florida Statutes, is amended
 5479 to read:

5480 1010.22 Cost accounting and reporting for workforce
 5481 education.—

581-01304-18 2018540c1

5482 (1) (a) Each school district and each Florida College System
 5483 ~~institution~~ shall account for expenditures of all state, local,
 5484 federal, and other funds in the manner prescribed by the State
 5485 Board of Education.

5486 (b) Each Florida Community College System institution shall
 5487 account for expenditures of all state, local, federal, and other
 5488 funds in the manner prescribed by the State Board of Community
 5489 Colleges.

5490 (2) (a) Each school district and each Florida College System
 5491 ~~institution~~ shall report expenditures for workforce education in
 5492 accordance with requirements prescribed by the State Board of
 5493 Education.

5494 (b) Each Florida Community College System institution shall
 5495 report expenditures for workforce education in accordance with
 5496 requirements prescribed by the State Board of Community
 5497 Colleges.

5498 (3) The Department of Education, in cooperation with school
 5499 districts and Florida Community College System institutions,
 5500 shall develop and maintain a database of valid comparable
 5501 information on workforce education which will meet both state
 5502 and local needs.

5503 Section 92. Subsection (1) of section 1010.30, Florida
 5504 Statutes, is amended to read:

5505 1010.30 Audits required.—

5506 (1) School districts, ~~Florida College System institutions,~~
 5507 and other institutions and agencies under the supervision of the
 5508 State Board of Education, Florida Community College System
 5509 institutions under the supervision of the State Board of
 5510 Community Colleges, and state universities under the supervision

581-01304-18 2018540c1

5511 of the Board of Governors are subject to the audit provisions of
5512 ss. 11.45 and 218.39.

5513 Section 93. Section 1010.58, Florida Statutes, is amended
5514 to read:

5515 1010.58 Procedure for determining number of instruction
5516 units for Florida Community College System institutions.—The
5517 number of instruction units for Florida Community College System
5518 institutions shall be determined from the full-time equivalent
5519 students in the Florida Community College System institution,
5520 provided that full-time equivalent students may not be counted
5521 more than once in determining instruction units. Instruction
5522 units for Florida Community College System institutions shall be
5523 computed as follows:

5524 (1) One unit for each 12 full-time equivalent students at a
5525 Florida Community College System institution for the first 420
5526 students and one unit for each 15 full-time equivalent students
5527 for all over 420 students, in other than career education
5528 programs as defined by rules of the State Board of Community
5529 Colleges Education, and one unit for each 10 full-time
5530 equivalent students in career education programs and
5531 compensatory education programs as defined by rules of the State
5532 Board of Community Colleges Education. Full-time equivalent
5533 students enrolled in a Florida Community College System
5534 institution shall be defined by rules of the State Board of
5535 Community Colleges Education.

5536 (2) For each 8 instruction units in a Florida Community
5537 College System institution, 1 instruction unit or proportionate
5538 fraction of a unit shall be allowed for administrative and
5539 special instructional services, and for each 20 instruction

Page 191 of 247

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581-01304-18 2018540c1

5540 units, 1 instruction unit or proportionate fraction of a unit
5541 shall be allowed for student personnel services.

5542 Section 94. Section 1011.01, Florida Statutes, is amended
5543 to read:

5544 1011.01 Budget system established.—

5545 (1) The State Board of Education shall prepare and submit a
5546 coordinated K-20 education annual legislative budget request to
5547 the Governor and the Legislature on or before the date provided
5548 by the Governor and the Legislature. The board's legislative
5549 budget request must clearly define the needs of school
5550 districts, Florida Community College System institutions,
5551 universities, other institutions, organizations, programs, and
5552 activities under the supervision of the board and that are
5553 assigned by law or the General Appropriations Act to the
5554 Department of Education.

5555 (2) (a) There ~~is shall be~~ established in each school
5556 district ~~and Florida College System institution~~ a budget system
5557 as prescribed by law and rules of the State Board of Education.

5558 (b) There ~~is shall be~~ established in each state university
5559 a budget system as prescribed by law and rules of the Board of
5560 Governors.

5561 (c) There is established in each Florida Community College
5562 System institution a budget system as prescribed by law and
5563 rules of the State Board of Community Colleges.

5564 (3) (a) Each district school board ~~and each Florida College~~
5565 ~~System institution board of trustees~~ shall prepare, adopt, and
5566 submit to the Commissioner of Education an annual operating
5567 budget. Operating budgets ~~must shall~~ be prepared and submitted
5568 in accordance with the provisions of law, rules of the State

Page 192 of 247

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581-01304-18 2018540c1

5569 Board of Education, the General Appropriations Act, and for
5570 district school boards in accordance with the provisions of ss.
5571 200.065 and 1011.64.

5572 (b) Each state university board of trustees shall prepare,
5573 adopt, and submit to the Chancellor of the State University
5574 System for review an annual operating budget in accordance with
5575 provisions of law, rules of the Board of Governors, and the
5576 General Appropriations Act.

5577 (c) Each Florida Community College System institution board
5578 of trustees shall prepare, adopt, and submit to the State Board
5579 of Community Colleges an annual operating budget in accordance
5580 with provisions of law, rules of the State Board of Community
5581 Colleges, and the General Appropriations Act.

5582 (4) The State Board of Education shall coordinate with the
5583 Board of Governors and the State Board of Community Colleges to
5584 facilitate the budget system requirements of this section. The
5585 State Board of Community Colleges exclusively retains the review
5586 and approval powers of this section for Florida Community
5587 College System institutions. The Board of Governors exclusively
5588 retains the review and approval powers of this section for state
5589 universities.

5590 Section 95. Section 1011.011, Florida Statutes, is amended
5591 to read:

5592 1011.011 Legislative capital outlay budget request.—The
5593 State Board of Education shall submit an integrated,
5594 comprehensive budget request for educational facilities
5595 construction and fixed capital outlay needs for school
5596 districts, and, in conjunction with the State Board of Community
5597 Colleges for Florida Community College System institutions, and,

Page 193 of 247

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581-01304-18 2018540c1

5598 ~~in conjunction~~ with the Board of Governors for state,
5599 universities, pursuant to this section and s. 1013.46 and
5600 applicable provisions of chapter 216.

5601 Section 96. Section 1011.30, Florida Statutes, is amended
5602 to read:

5603 1011.30 Budgets for Florida Community College System
5604 institutions.—Each Florida Community College System institution
5605 president shall recommend to the Florida Community College
5606 System institution board of trustees a budget of income and
5607 expenditures at such time and in such form as the State Board of
5608 Community Colleges ~~Education~~ may prescribe. Upon approval of a
5609 budget by the Florida Community College System institution board
5610 of trustees, such budget ~~must shall~~ be transmitted to the State
5611 Board of Community Colleges ~~Department of Education~~ for review.
5612 Rules of the State Board of Community Colleges ~~Education~~
5613 ~~shall~~ prescribe procedures for effecting budget amendments
5614 subsequent to the final approval of a budget for a given year.

5615 Section 97. Section 1011.32, Florida Statutes, is amended
5616 to read:

5617 1011.32 Florida Community College System Institution
5618 Facility Enhancement Challenge Grant Program.—

5619 (1) The Legislature recognizes that ~~the~~ Florida Community
5620 College System institutions do not have sufficient physical
5621 facilities to meet the current demands of their instructional
5622 and community programs. It further recognizes that, to
5623 strengthen and enhance Florida Community College System
5624 institutions, it is necessary to provide facilities in addition
5625 to those currently available from existing revenue sources. It
5626 further recognizes that there are sources of private support

Page 194 of 247

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581-01304-18

2018540c1

5627 that, if matched with state support, can assist in constructing
 5628 much needed facilities and strengthen the commitment of citizens
 5629 and organizations in promoting excellence at each Florida
 5630 Community College System institution. Therefore, it is the
 5631 intent of the Legislature to establish a program to provide the
 5632 opportunity for each Florida Community College System
 5633 institution through its direct-support organization to receive
 5634 and match challenge grants for instructional and community-
 5635 related capital facilities within the Florida Community College
 5636 System institution.

5637 (2) There is established the Florida Community College
 5638 System Institution Facility Enhancement Challenge Grant Program
 5639 for the purpose of assisting the Florida Community College
 5640 System institutions in building high priority instructional and
 5641 community-related capital facilities consistent with s. 1004.65,
 5642 including common areas connecting such facilities. The direct-
 5643 support organizations that serve the Florida Community College
 5644 System institutions shall solicit gifts from private sources to
 5645 provide matching funds for capital facilities. For the purposes
 5646 of this section, private sources of funds shall not include any
 5647 federal or state government funds that a Florida Community
 5648 College System institution may receive.

5649 (3) The Florida Community College System Institution
 5650 Capital Facilities Matching Program shall provide funds to match
 5651 private contributions for the development of high priority
 5652 instructional and community-related capital facilities,
 5653 including common areas connecting such facilities, within the
 5654 Florida Community College System institutions.

5655 (4) Within the direct-support organization of each Florida

Page 195 of 247

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581-01304-18

2018540c1

5656 Community College System institution there must be established a
 5657 separate capital facilities matching account for the purpose of
 5658 providing matching funds from the direct-support organization's
 5659 unrestricted donations or other private contributions for the
 5660 development of high priority instructional and community-related
 5661 capital facilities, including common areas connecting such
 5662 facilities. The Legislature shall appropriate funds for
 5663 distribution to a Florida Community College System institution
 5664 after matching funds are certified by the direct-support
 5665 organization and Florida Community College System institution.
 5666 The Public Education Capital Outlay and Debt Service Trust Fund
 5667 shall not be used as the source of the state match for private
 5668 contributions.

5669 (5) A project may not be initiated unless all private funds
 5670 for planning, construction, and equipping the facility have been
 5671 received and deposited in the direct-support organization's
 5672 matching account for this purpose. However, this requirement
 5673 does not preclude the Florida Community College System
 5674 institution or direct-support organization from expending
 5675 available funds from private sources to develop a prospectus,
 5676 including preliminary architectural schematics or models, for
 5677 use in its efforts to raise private funds for a facility and for
 5678 site preparation, planning, and construction. The Legislature
 5679 may appropriate the state's matching funds in one or more fiscal
 5680 years for the planning, construction, and equipping of an
 5681 eligible facility. Each Florida Community College System
 5682 institution shall notify all donors of private funds of a
 5683 substantial delay in the availability of state matching funds
 5684 for this program.

Page 196 of 247

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581-01304-18

2018540c1

5685 (6) To be eligible to participate in the Florida Community
 5686 College System Institution Facility Enhancement Challenge Grant
 5687 Program, a Florida Community College System institution, through
 5688 its direct-support organization, shall raise a contribution
 5689 equal to one-half of the total cost of a facilities construction
 5690 project from private sources which shall be matched by a state
 5691 appropriation equal to the amount raised for a facilities
 5692 construction project, subject to the General Appropriations Act.

5693 (7) If the state's share of the required match is
 5694 insufficient to meet the requirements of subsection (6), the
 5695 Florida Community College System institution shall renegotiate
 5696 the terms of the contribution with the donors. If the project is
 5697 terminated, each private donation, plus accrued interest,
 5698 reverts to the direct-support organization for remittance to the
 5699 donor.

5700 (8) By October 15 of each year, the State Board of
 5701 Community Colleges ~~Education~~ shall transmit to the Governor and
 5702 the Legislature a list of projects that meet all eligibility
 5703 requirements to participate in the Florida Community College
 5704 System Institution Facility Enhancement Challenge Grant Program
 5705 and a budget request that includes the recommended schedule
 5706 necessary to complete each project.

5707 (9) In order for a project to be eligible under this
 5708 program, it must be survey recommended under the provisions of
 5709 s. 1013.31 and included in the Florida Community College System
 5710 institution's 5-year capital improvement plan, and it must
 5711 receive approval from the State Board of Community Colleges
 5712 ~~Education~~ or the Legislature.

5713 (10) A Florida Community College System institution project

Page 197 of 247

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581-01304-18

2018540c1

5714 may not be removed from the approved 3-year PECO priority list
 5715 because of its successful participation in this program until
 5716 approved by the Legislature and provided for in the General
 5717 Appropriations Act. When such a project is completed and removed
 5718 from the list, all other projects shall move up on the 3-year
 5719 PECO priority list.

5720 (11) Any private matching funds for a project which are
 5721 unexpended after the project is completed shall revert to the
 5722 Florida Community College System institution's direct-support
 5723 organization capital facilities matching account. The balance of
 5724 any unexpended state matching funds shall be returned to the
 5725 fund from which those funds were appropriated.

5726 (12) The surveys, architectural plans, facility, and
 5727 equipment shall be the property of the participating Florida
 5728 Community College System institution. A facility constructed
 5729 under this section may be named in honor of a donor at the
 5730 option of the Florida Community College System institution
 5731 district board of trustees. A facility may not be named after a
 5732 living person without prior approval by the State Board of
 5733 Community Colleges ~~Education~~.

5734 (13) Effective July 1, 2011, state matching funds are
 5735 temporarily suspended for donations received for the program on
 5736 or after June 30, 2011. Existing eligible donations remain
 5737 eligible for future matching funds. The program may be restarted
 5738 after \$200 million of the backlog for programs under this
 5739 section and ss. 1011.85, 1011.94, and 1013.79 have been matched.

5740 Section 98. Subsection (2), paragraph (b) of subsection
 5741 (5), and subsections (8), (9), and (11) of section 1011.80,
 5742 Florida Statutes, are amended to read:

Page 198 of 247

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581-01304-18

2018540c1

5743 1011.80 Funds for operation of workforce education
5744 programs.-

5745 (2) Any workforce education program may be conducted by a
5746 Florida Community College System institution or a school
5747 district, except that college credit in an associate in applied
5748 science or an associate in science degree may be awarded only by
5749 a Florida Community College System institution. However, if an
5750 associate in applied science or an associate in science degree
5751 program contains within it an occupational completion point that
5752 confers a certificate or an applied technology diploma, that
5753 portion of the program may be conducted by a school district
5754 career center. Any instruction designed to articulate to a
5755 degree program is subject to guidelines and standards adopted by
5756 the State Board of Community Colleges ~~Education~~ pursuant to s.
5757 1007.25.

5758 (5) State funding and student fees for workforce education
5759 instruction shall be established as follows:

5760 (b) For all other workforce education programs, state
5761 funding shall equal 75 percent of the average cost of
5762 instruction with the remaining 25 percent made up from student
5763 fees. Fees for courses within a program shall not vary according
5764 to the cost of the individual program, but instead shall be
5765 based on a uniform fee calculated and set at the state level, as
5766 adopted by the State Board of Education, for school districts,
5767 and the State Board of Community Colleges, for Florida Community
5768 College System institutions, unless otherwise specified in the
5769 General Appropriations Act.

5770 (8) The State Board of Education, the State Board of
5771 Community Colleges, and CareerSource Florida, Inc., shall

Page 199 of 247

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581-01304-18

2018540c1

5772 provide the Legislature with recommended formulas, criteria,
5773 timeframes, and mechanisms for distributing performance funds.
5774 The commissioner shall consolidate the recommendations and
5775 develop a consensus proposal for funding. The Legislature shall
5776 adopt a formula and distribute the performance funds to the
5777 State Board of Community Colleges ~~Education~~ for Florida
5778 Community College System institutions and to the State Board of
5779 Education for school districts through the General
5780 Appropriations Act. These recommendations shall be based on
5781 formulas that would discourage low-performing or low-demand
5782 programs and encourage through performance-funding awards:

5783 (a) Programs that prepare people to enter high-wage
5784 occupations identified by the Workforce Estimating Conference
5785 created by s. 216.136 and other programs as approved by
5786 CareerSource Florida, Inc. At a minimum, performance incentives
5787 shall be calculated for adults who reach completion points or
5788 complete programs that lead to specified high-wage employment
5789 and to their placement in that employment.

5790 (b) Programs that successfully prepare adults who are
5791 eligible for public assistance, economically disadvantaged,
5792 disabled, not proficient in English, or dislocated workers for
5793 high-wage occupations. At a minimum, performance incentives
5794 shall be calculated at an enhanced value for the completion of
5795 adults identified in this paragraph and job placement of such
5796 adults upon completion. In addition, adjustments may be made in
5797 payments for job placements for areas of high unemployment.

5798 (c) Programs that are specifically designed to be
5799 consistent with the workforce needs of private enterprise and
5800 regional economic development strategies, as defined in

Page 200 of 247

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581-01304-18

2018540c1

5801 guidelines set by CareerSource Florida, Inc. CareerSource
 5802 Florida, Inc., shall develop guidelines to identify such needs
 5803 and strategies based on localized research of private employers
 5804 and economic development practitioners.

5805 (d) Programs identified by CareerSource Florida, Inc., as
 5806 increasing the effectiveness and cost efficiency of education.

5807 (9) School districts shall report full-time equivalent
 5808 students by discipline category for the programs specified in
 5809 subsection (1). There shall be an annual cost analysis for the
 5810 school district workforce education programs that reports cost
 5811 by discipline category consistent with the reporting for full-
 5812 time equivalent students. The annual financial reports submitted
 5813 by the school districts must accurately report on the student
 5814 fee revenues by fee type according to the programs specified in
 5815 subsection (1). The Department of Education and the State Board
 5816 of Community Colleges shall develop a plan for comparable
 5817 reporting of program, student, facility, personnel, and
 5818 financial data between the Florida Community College System
 5819 institutions and the school district workforce education
 5820 programs.

5821 (11) The State Board of Education and the State Board of
 5822 Community Colleges may adopt rules to administer this section.

5823 Section 99. Section 1011.801, Florida Statutes, is amended
 5824 to read:

5825 1011.801 Workforce Development Capitalization Incentive
 5826 Grant Program.—The Legislature recognizes that the need for
 5827 school districts and Florida Community College System
 5828 institutions to be able to respond to emerging local or
 5829 statewide economic development needs is critical to the

Page 201 of 247

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581-01304-18

2018540c1

5830 workforce development system. The Workforce Development
 5831 Capitalization Incentive Grant Program is created to provide
 5832 grants to school districts and Florida Community College System
 5833 institutions on a competitive basis to fund some or all of the
 5834 costs associated with the creation or expansion of workforce
 5835 development programs that serve specific employment workforce
 5836 needs.

5837 (1) Funds awarded for a workforce development
 5838 capitalization incentive grant may be used for instructional
 5839 equipment, laboratory equipment, supplies, personnel, student
 5840 services, or other expenses associated with the creation or
 5841 expansion of a workforce development program. Expansion of a
 5842 program may include either the expansion of enrollments in a
 5843 program or expansion into new areas of specialization within a
 5844 program. No grant funds may be used for recurring instructional
 5845 costs or for institutions' indirect costs.

5846 (2) The State Board of Education shall accept applications
 5847 from school districts, and the State Board of Community Colleges
 5848 shall accept applications from ~~or~~ Florida Community College
 5849 System institutions, for workforce development capitalization
 5850 incentive grants. Applications from school districts or Florida
 5851 Community College System institutions ~~must shall~~ contain
 5852 projected enrollments and projected costs for the new or
 5853 expanded workforce development program. The State Board of
 5854 Education or the State Board of Community Colleges, as
 5855 appropriate, in consultation with CareerSource Florida, Inc.,
 5856 shall review and rank each application for a grant according to
 5857 subsection (3) and shall submit to the Legislature a list in
 5858 priority order of applications recommended for a grant award.

Page 202 of 247

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581-01304-18

2018540c1

5859 (3) The State Board of Education or the State Board of
 5860 Community Colleges, as appropriate, shall give highest priority
 5861 to programs that train people to enter high-skill, high-wage
 5862 occupations identified by the Workforce Estimating Conference
 5863 and other programs approved by CareerSource Florida, Inc.;
 5864 programs that train people to enter occupations under the
 5865 welfare transition program; or programs that train for the
 5866 workforce adults who are eligible for public assistance,
 5867 economically disadvantaged, disabled, not proficient in English,
 5868 or dislocated workers. The State Board of Education or the State
 5869 Board of Community Colleges, as appropriate, shall consider the
 5870 statewide geographic dispersion of grant funds in ranking the
 5871 applications and shall give priority to applications from
 5872 education agencies that are making maximum use of their
 5873 workforce development funding by offering high-performing, high-
 5874 demand programs.

5875 Section 100. Section 1011.81, Florida Statutes, is amended
 5876 to read:

5877 1011.81 Florida Community College System Program Fund.—

5878 (1) There is established a Florida Community College System
 5879 Program Fund. This fund shall comprise all appropriations made
 5880 by the Legislature for the support of the current operating
 5881 program and shall be apportioned and distributed to the Florida
 5882 Community College System institution districts of the state on
 5883 the basis of procedures established by law and rules of the
 5884 State Board of Education. The annual apportionment for each
 5885 Florida Community College System institution district shall be
 5886 distributed monthly in payments as nearly equal as possible.

5887 (2) Performance funding for industry certifications for

581-01304-18

2018540c1

5888 Florida Community College System institutions is contingent upon
 5889 specific appropriation in the General Appropriations Act and
 5890 shall be determined as follows:

5891 (a) Occupational areas for which industry certifications
 5892 may be earned, as established in the General Appropriations Act,
 5893 are eligible for performance funding. Priority shall be given to
 5894 the occupational areas emphasized in state, national, or
 5895 corporate grants provided to Florida educational institutions.

5896 (b) The Chancellor of the Florida Community College System,
 5897 for the Florida Community College System institutions, shall
 5898 identify the industry certifications eligible for funding on the
 5899 CAPE Postsecondary Industry Certification Funding List approved
 5900 by the State Board of Community Colleges ~~Education~~ pursuant to
 5901 s. 1008.44, based on the occupational areas specified in the
 5902 General Appropriations Act.

5903 (c) Each Florida Community College System institution shall
 5904 be provided \$1,000 for each industry certification earned by a
 5905 student. The maximum amount of funding appropriated for
 5906 performance funding pursuant to this subsection shall be limited
 5907 to \$15 million annually. If funds are insufficient to fully fund
 5908 the calculated total award, such funds shall be prorated.

5909 (3) None of the funds made available in the Florida
 5910 Community College System Program Fund, or funds made available
 5911 to Florida Community College System institutions outside the
 5912 Florida Community College System Program Fund, may be used to
 5913 implement, organize, direct, coordinate, or administer, or to
 5914 support the implementation, organization, direction,
 5915 coordination, or administration of, activities related to, or
 5916 involving, travel to a terrorist state. For purposes of this

581-01304-18 2018540c1

5917 section, "terrorist state" is defined as any state, country, or
5918 nation designated by the United States Department of State as a
5919 state sponsor of terrorism.

5920 (4) State funds provided for the Florida Community College
5921 System Program Fund may not be expended for the education of
5922 state or federal inmates.

5923 Section 101. Section 1011.82, Florida Statutes, is amended
5924 to read:

5925 1011.82 Requirements for participation in Florida Community
5926 College System Program Fund.—Each Florida Community College
5927 System institution district which participates in the state
5928 appropriations for the Florida Community College System Program
5929 Fund shall provide evidence of its effort to maintain an
5930 adequate Florida Community College System institution program
5931 which shall:

5932 (1) Meet the minimum standards prescribed by the State
5933 Board of Community Colleges ~~Education~~ in accordance with s.
5934 1001.602(5) ~~s. 1001.02(6)~~.

5935 (2) Effectively fulfill the mission of the Florida
5936 Community College System institutions in accordance with s.
5937 1004.65.

5938 Section 102. Section 1011.83, Florida Statutes, is amended
5939 to read:

5940 1011.83 Financial support of Florida Community College
5941 System institutions.—

5942 (1) Each Florida Community College System institution that
5943 ~~has been approved by the Department of Education and~~ meets the
5944 requirements of law and rules of the State Board of Community
5945 Colleges ~~Education~~ shall participate in the Florida Community

Page 205 of 247

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581-01304-18 2018540c1

5946 College System Program Fund. However, funds to support workforce
5947 education programs conducted by Florida Community College System
5948 institutions shall be provided pursuant to s. 1011.80.

5949 (2) A student in a baccalaureate degree program approved
5950 pursuant to s. 1007.33 who is not classified as a resident for
5951 tuition purposes pursuant to s. 1009.21 may not be included in
5952 calculations of full-time equivalent enrollments for state
5953 funding purposes.

5954 Section 103. Section 1011.84, Florida Statutes, is amended
5955 to read:

5956 1011.84 Procedure for determining state financial support
5957 and annual apportionment of state funds to each Florida
5958 Community College System institution district.—The procedure for
5959 determining state financial support and the annual apportionment
5960 to each Florida Community College System institution district
5961 authorized to operate a Florida Community College System
5962 institution under the provisions of s. 1001.61 shall be as
5963 follows:

5964 (1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE FLORIDA
5965 COMMUNITY COLLEGE SYSTEM PROGRAM FUND FOR THE CURRENT OPERATING
5966 PROGRAM.—

5967 (a) The State Board of Community Colleges ~~Department of~~
5968 ~~Education~~ shall determine annually, from an analysis of
5969 operating costs, ~~prepared in the manner prescribed by rules of~~
5970 ~~the State Board of Education,~~ the costs per full-time equivalent
5971 student served in courses and fields of study offered in Florida
5972 Community College System institutions. This information and
5973 current college operating budgets shall be submitted to the
5974 Executive Office of the Governor with the legislative budget

Page 206 of 247

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581-01304-18 2018540c1

5975 request prior to each regular session of the Legislature.

5976 (b) The allocation of funds for Florida Community College
5977 System institutions ~~must shall~~ be based on advanced and
5978 professional disciplines, developmental education, and other
5979 programs for adults funded pursuant to s. 1011.80.

5980 (c) The category of lifelong learning is for students
5981 enrolled pursuant to s. 1004.93. A student shall also be
5982 reported as a lifelong learning student for his or her
5983 enrollment in any course that he or she has previously taken,
5984 unless it is a credit course in which the student earned a grade
5985 of D or F.

5986 (d) If an adult student has been determined to be a
5987 disabled student eligible for an approved educational program
5988 for disabled adults provided pursuant to s. 1004.93 and rules of
5989 the State Board of Community Colleges Education and is enrolled
5990 in a class with curriculum frameworks developed for the program,
5991 state funding for that student shall be provided at a level
5992 double that of a student enrolled in a special adult general
5993 education program provided by a Florida Community College System
5994 institution.

5995 (e) All state inmate education provided by Florida
5996 Community College System institutions shall be reported by
5997 program, FTE expenditure, and revenue source. These enrollments,
5998 expenditures, and revenues shall be reported and projected
5999 separately. Instruction of state inmates ~~may shall~~ not be
6000 included in the full-time equivalent student enrollment for
6001 funding through the Florida Community College System Program
6002 Fund.

6003 (f) When a public educational institution has been fully

Page 207 of 247

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581-01304-18 2018540c1

6004 funded by an external agency for direct instructional costs of
6005 any course or program, the FTE generated ~~may shall~~ not be
6006 reported for state funding.

6007 (g) The State Board of Education shall adopt rules to
6008 implement s. 9(d)(8)f., Art. XII of the State Constitution.
6009 These rules shall provide for the use of the funds available
6010 under s. 9(d)(8)f., Art. XII by an individual Florida Community
6011 College System institution for operating expense in any fiscal
6012 year during which the State Board of Education has determined
6013 that all major capital outlay needs have been met. Highest
6014 priority for the use of these funds for purposes other than
6015 financing approved capital outlay projects shall be for the
6016 proper maintenance and repair of existing facilities for
6017 projects approved by the State Board of Education. However, in
6018 any fiscal year in which funds from this source are authorized
6019 for operating expense other than approved maintenance and repair
6020 projects, the allocation of Florida Community College System
6021 institution program funds shall be reduced by an amount equal to
6022 the sum used for such operating expense for that Florida
6023 Community College System institution that year, and that amount
6024 shall not be released or allocated among the other Florida
6025 Community College System institutions that year.

6026 (2) DETERMINING THE AMOUNT TO BE INCLUDED FOR CAPITAL
6027 OUTLAY AND DEBT SERVICE.—The amount included for capital outlay
6028 and debt service shall be as determined and provided in s. 18,
6029 Art. XII of the State Constitution of 1885, as adopted by s.
6030 9(d), Art. XII of the 1968 revised State Constitution and State
6031 Board of Education rules.

6032 (3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

Page 208 of 247

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581-01304-18

2018540c1

6033 (a) By December 15 of each year, the State Board of
 6034 Community Colleges ~~Department of Education~~ shall estimate the
 6035 annual enrollment of each Florida Community College System
 6036 institution for the current fiscal year and for the 3 subsequent
 6037 fiscal years. These estimates shall be based upon prior years'
 6038 enrollments, upon the initial fall term enrollments for the
 6039 current fiscal year for each college, and upon each college's
 6040 estimated current enrollment and demographic changes in the
 6041 respective Florida Community College System institution
 6042 districts. Upper-division enrollment shall be estimated
 6043 separately from lower-division enrollment.

6044 (b) The apportionment to each Florida Community College
 6045 System institution from the Florida Community College System
 6046 Program Fund shall be determined annually in the General
 6047 Appropriations Act. In determining each college's apportionment,
 6048 the Legislature shall consider the following components:

6049 1. Base budget, which includes the state appropriation to
 6050 the Florida Community College System Program Fund in the current
 6051 year plus the related student tuition and out-of-state fees
 6052 assigned in the current General Appropriations Act.

6053 2. The cost-to-continue allocation, which consists of
 6054 incremental changes to the base budget, including salaries,
 6055 price levels, and other related costs allocated through a
 6056 funding model approved by the Legislature which may recognize
 6057 differing economic factors arising from the individual
 6058 educational approaches of the various Florida Community College
 6059 System institutions, including, but not limited to:

6060 a. Direct Instructional Funding, including class size,
 6061 faculty productivity factors, average faculty salary, ratio of

Page 209 of 247

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581-01304-18

2018540c1

6062 full-time to part-time faculty, costs of programs, and
 6063 enrollment factors.

6064 b. Academic Support, including small colleges factor,
 6065 multicampus factor, and enrollment factor.

6066 c. Student Services Support, including headcount of
 6067 students as well as FTE count and enrollment factors.

6068 d. Library Support, including volume and other
 6069 materials/audiovisual requirements.

6070 e. Special Projects.

6071 f. Operations and Maintenance of Plant, including square
 6072 footage and utilization factors.

6073 g. District Cost Differential.

6074 3. Students enrolled in a recreation and leisure program
 6075 and students enrolled in a lifelong learning program who may not
 6076 be counted as full-time equivalent enrollments for purposes of
 6077 enrollment workload adjustments.

6078 4. Operating costs of new facilities adjustments, which
 6079 shall be provided, from funds available, for each new facility
 6080 that is owned by the college and is recommended in accordance
 6081 with s. 1013.31.

6082 5. New and improved program enhancements, which shall be
 6083 determined by the Legislature.

6084
 6085 Student fees in the base budget plus student fee revenues
 6086 generated by increases in fee rates shall be deducted from the
 6087 sum of the components determined in subparagraphs 1.-5. The
 6088 amount remaining shall be the net annual state apportionment to
 6089 each college.

6090 (c) ~~A~~ A Florida Community College System institution may

Page 210 of 247

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581-01304-18

2018540c1

6091 ~~not shall~~ commit funds for the employment of personnel or
6092 resources in excess of those required to continue the same level
6093 of support for either the previously approved enrollment or the
6094 revised enrollment, whichever is lower.

6095 (d) The apportionment to each Florida Community College
6096 System institution district for capital outlay and debt service
6097 shall be the amount determined in accordance with subsection
6098 (2). This amount, less any amount determined as necessary for
6099 administrative expense by the State Board of Education and any
6100 amount necessary for debt service on bonds issued by the State
6101 Board of Education, shall be transmitted to the Florida
6102 Community College System institution board of trustees to be
6103 expended in a manner prescribed by rules of the State Board of
6104 Education.

6105 (e) If at any time the unencumbered balance in the general
6106 fund of the Florida Community College System institution board
6107 of trustees approved operating budget goes below 5 percent, the
6108 president shall provide written notification to the State Board
6109 of Education.

6110 (f) Expenditures for apprenticeship programs must shall be
6111 reported separately.

6112 (g) Expenditures for upper-division enrollment in a Florida
6113 Community College System institution that grants baccalaureate
6114 degrees must shall be reported separately from expenditures for
6115 lower-division enrollment, in accordance with law and State
6116 Board of Education rule.

6117 (4) EXPENDITURE OF ALLOCATED FUNDS.—Any funds allocated
6118 herein to any Florida Community College System institution must
6119 ~~shall~~ be expended only for the purpose of supporting that

Page 211 of 247

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581-01304-18

2018540c1

6120 Florida Community College System institution.

6121 (5) REPORT OF DEVELOPMENTAL EDUCATION.—Each Florida
6122 Community College System institution board of trustees shall
6123 report, as a separate item in its annual cost accounting system,
6124 the volume and cost of developmental education options provided
6125 to help students attain the communication and computation skills
6126 that are essential for college-level work pursuant to s.
6127 1008.30.

6128 Section 104. Section 1011.85, Florida Statutes, is amended
6129 to read:

6130 1011.85 Dr. Philip Benjamin Matching Grant Program for
6131 Florida Community College System Institutions.—

6132 (1) There is created the Dr. Philip Benjamin Matching Grant
6133 Program for Florida Community College System Institutions as a
6134 single matching gifts program that encompasses the goals
6135 originally set out in the Academic Improvement Program, the
6136 Scholarship Matching Program, and the Health Care Education
6137 Quality Enhancement Challenge Grant. The program shall be
6138 administered according to rules of the State Board of Community
6139 Colleges Education and used to encourage private support in
6140 enhancing Florida Community College System institutions by
6141 providing the Florida Community College System with the
6142 opportunity to receive and match challenge grants. Funds
6143 received prior to the effective date of this act for each of the
6144 three programs shall be retained in the separate account for
6145 which it was designated.

6146 (2) Each Florida Community College System institution board
6147 of trustees receiving state appropriations under this program
6148 shall approve each gift to ensure alignment with the unique

Page 212 of 247

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581-01304-18

2018540c1

6149 mission of the Florida Community College System institution. The
 6150 board of trustees must link all requests for a state match to
 6151 the goals and mission statement. The Florida Community College
 6152 System Institution Foundation Board receiving state
 6153 appropriations under this program shall approve each gift to
 6154 ensure alignment with its goals and mission statement. Funds
 6155 received from community events and festivals are not eligible
 6156 for state matching funds under this program.

6157 (3) Upon approval by the Florida Community College System
 6158 institution board of trustees and the State Board of Community
 6159 Colleges Education, the ordering of donations for priority
 6160 listing of unmatched gifts should be determined by the
 6161 submitting Florida Community College System institution.

6162 (4) Each year, eligible contributions received by a Florida
 6163 Community College System institution's foundation or the State
 6164 Board of Community Colleges Education by February 1 shall be
 6165 eligible for state matching funds.

6166 (a) Each Florida Community College System institution board
 6167 of trustees and, when applicable, the Florida Community College
 6168 System Institution Foundation Board, receiving state
 6169 appropriations under this program shall also certify in an
 6170 annual report to the State Board of Community Colleges Education
 6171 the receipt of eligible cash contributions that were previously
 6172 unmatched by the state. The State Board of Education shall adopt
 6173 rules providing all Florida Community College System
 6174 institutions with an opportunity to apply for excess funds
 6175 before the awarding of such funds.

6176 (b) Florida Community College System institutions must
 6177 submit to the State Board of Community Colleges Education an

Page 213 of 247

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581-01304-18

2018540c1

6178 annual expenditure report tracking the use of all matching
 6179 funds.

6180 (c) The audit of each foundation receiving state funds from
 6181 this program must include a certification of accuracy in the
 6182 amount reported for matching funds.

6183 (5) The matching ratio for donations that are specifically
 6184 designated to support scholarships, including scholarships for
 6185 first-generation-in-college students, student loans, or need-
 6186 based grants shall be \$1 of state funds to \$1 of local private
 6187 funds.

6188 (6) Otherwise, funds ~~must shall~~ be proportionately
 6189 allocated to the Florida Community College System institutions
 6190 on the basis of matching each \$6 of local or private funds with
 6191 \$4 of state funds. To be eligible, a minimum of \$4,500 must be
 6192 raised from private sources.

6193 (7) The Florida Community College System institution board
 6194 of trustees, in conjunction with the donor, shall determine ~~make~~
 6195 ~~the determination of~~ whether scholarships established pursuant
 6196 to this program are endowed.

6197 (8) (a) Funds sufficient to provide the match shall be
 6198 transferred from the state appropriations to the local Florida
 6199 Community College System institution foundation or the statewide
 6200 Florida Community College System institution foundation upon
 6201 notification that a proportionate amount has been received and
 6202 deposited by a Florida Community College System institution in
 6203 its own trust fund.

6204 (b) If state funds appropriated for the program are
 6205 insufficient to match contributions, the amount allocated must
 6206 ~~shall~~ be reduced in proportion to its share of the total

Page 214 of 247

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581-01304-18 2018540c1

6207 eligible contributions. However, in making proportional
 6208 reductions, every Florida Community College System institution
 6209 shall receive a minimum of \$75,000 in state matching funds if
 6210 its eligible contributions would have generated an amount at
 6211 least equal to \$75,000. All unmet contributions ~~must shall~~ be
 6212 eligible for state matching funds in subsequent fiscal years.

6213 (9) Each Florida Community College System institution
 6214 entity shall establish its own matching grant program fund as a
 6215 depository for the private contributions and matching state
 6216 funds provided under this section. Florida Community College
 6217 System institution foundations are responsible for the
 6218 maintenance, investment, and administration of their matching
 6219 grant program funds.

6220 (10) The State Board of Community Colleges ~~Education~~ may
 6221 receive submissions of requests for matching funds and
 6222 documentation relating to those requests, may approve requests
 6223 for matching funds, and may allocate such funds to the Florida
 6224 Community College System institutions.

6225 (11) The board of trustees of the Florida Community College
 6226 System institution and the State Board of Community Colleges
 6227 ~~Education~~ are responsible for determining the uses for the
 6228 proceeds of their respective trust funds. Such use of the
 6229 proceeds shall include, but not be limited to, expenditure of
 6230 the funds for:

- 6231 (a) Scientific and technical equipment.
- 6232 (b) Scholarships, loans, or need-based grants.
- 6233 (c) Other activities that will benefit future students as
 6234 well as students currently enrolled at the Florida Community
 6235 College System institution, will improve the quality of

Page 215 of 247

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581-01304-18 2018540c1

6236 education at the Florida Community College System institution,
 6237 or will enhance economic development in the community.

6238 (12) Each Florida Community College System institution
 6239 shall notify all donors of private funds of a substantial delay
 6240 in the availability of state matching funds for this program.

6241 (13) Effective July 1, 2011, state matching funds are
 6242 temporarily suspended for donations received for this program on
 6243 or after June 30, 2011. Existing eligible donations remain
 6244 eligible for future matching funds. The program may be restarted
 6245 after \$200 million of the backlog for programs under this
 6246 section and ss. 1011.32, 1011.94, and 1013.79 have been matched.

6247 Section 105. Subsection (1) of section 1012.01, Florida
 6248 Statutes, is amended to read:

6249 1012.01 Definitions.—As used in this chapter, the following
 6250 terms have the following meanings:

6251 (1) SCHOOL OFFICERS.—The officers of the state system of
 6252 public K-12 ~~and Florida College System institution~~ education
 6253 shall be the Commissioner of Education and the members of the
 6254 State Board of Education; for the Florida Community College
 6255 System, the officers shall be the Chancellor of the Florida
 6256 Community College System and the members of the State Board of
 6257 Community Colleges; for each district school system, the
 6258 officers shall be the district school superintendent and members
 6259 of the district school board; and for each Florida Community
 6260 College System institution, the officers shall be the Florida
 6261 Community College System institution president and members of
 6262 the Florida Community College System institution board of
 6263 trustees.

6264 Section 106. Paragraph (a) of subsection (1) of section

Page 216 of 247

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581-01304-18 2018540c1

6265 1012.80, Florida Statutes, is amended to read:
 6266 1012.80 Participation by employees in disruptive activities
 6267 at public postsecondary educational institutions; penalties.—
 6268 (1) (a) Any person who accepts the privilege extended by the
 6269 laws of this state of employment at any Florida Community
 6270 College System institution shall, by working at such
 6271 institution, be deemed to have given his or her consent to the
 6272 policies of that institution, the policies of the State Board of
 6273 Community Colleges Education, and the laws of this state. Such
 6274 policies shall include prohibition against disruptive activities
 6275 at Florida Community College System institutions.
 6276 Section 107. Subsection (1) of section 1012.81, Florida
 6277 Statutes, is amended to read:
 6278 1012.81 Personnel records.—
 6279 (1) The State Board of Community Colleges Education shall
 6280 adopt rules prescribing the content and custody of limited-
 6281 access records that a Florida Community College System
 6282 institution may maintain on its employees. Limited-access
 6283 employee records are confidential and exempt from ~~the provisions~~
 6284 ~~of~~ s. 119.07(1). Limited-access records include only the
 6285 following:
 6286 (a) Records containing information reflecting academic
 6287 evaluations of employee performance; however, the employee and
 6288 officials of the institution responsible for supervision of the
 6289 employee shall have access to such records.
 6290 (b) Records maintained for the purposes of any
 6291 investigation of employee misconduct, including, but not limited
 6292 to, a complaint against an employee and all information obtained
 6293 pursuant to the investigation of such complaint; however, these

Page 217 of 247

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581-01304-18 2018540c1

6294 records become public after the investigation ceases to be
 6295 active or when the institution provides written notice to the
 6296 employee who is the subject of the complaint that the
 6297 institution has either:
 6298 1. Concluded the investigation with a finding not to
 6299 proceed with disciplinary action;
 6300 2. Concluded the investigation with a finding to proceed
 6301 with disciplinary action; or
 6302 3. Issued a letter of discipline.
 6303
 6304 For the purpose of this paragraph, an investigation shall be
 6305 considered active as long as it is continuing with a reasonable,
 6306 good faith anticipation that a finding will be made in the
 6307 foreseeable future. An investigation shall be presumed to be
 6308 inactive if no finding is made within 90 days after the
 6309 complaint is filed.
 6310 (c) Records maintained for the purposes of any disciplinary
 6311 proceeding brought against an employee; however, these records
 6312 shall be open to inspection by the employee and shall become
 6313 public after a final decision is made in the proceeding.
 6314 (d) Records maintained for the purposes of any grievance
 6315 proceeding brought by an employee for enforcement of a
 6316 collective bargaining agreement or contract; however, these
 6317 records shall be open to inspection by the employee and by
 6318 officials of the institution conducting the grievance proceeding
 6319 and shall become public after a final decision is made in the
 6320 proceeding.
 6321 Section 108. Subsection (1) of section 1012.83, Florida
 6322 Statutes, is amended to read:

Page 218 of 247

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581-01304-18 2018540c1

6323 1012.83 Contracts with administrative and instructional
 6324 staff.-

6325 (1) Each person employed in an administrative or
 6326 instructional capacity in a Florida Community College System
 6327 institution shall be entitled to a contract as provided by rules
 6328 of the State Board of Community Colleges Education.

6329 Section 109. Section 1012.855, Florida Statutes, is amended
 6330 to read:

6331 1012.855 Employment of Florida Community College System
 6332 institution personnel; discrimination in granting salary
 6333 prohibited.-

6334 (1) (a) Employment of all personnel in each Florida
 6335 Community College System institution shall be upon
 6336 recommendation of the president, subject to rejection for cause
 6337 by the Florida Community College System institution board of
 6338 trustees; to the rules of the State Board of Community Colleges
 6339 ~~Education~~ relative to certification, tenure, leaves of absence
 6340 of all types, including sabbaticals, remuneration, and such
 6341 other conditions of employment as the State Board of Community
 6342 Colleges Education deems necessary and proper; and to policies
 6343 of the Florida Community College System institution board of
 6344 trustees not inconsistent with law.

6345 (b) Any internal auditor employed by a Florida Community
 6346 College System institution shall be hired by the Florida
 6347 Community College System institution board of trustees and shall
 6348 report directly to the board.

6349 (2) Each Florida Community College System institution board
 6350 of trustees shall undertake a program to eradicate any
 6351 discrimination on the basis of gender, race, or physical

Page 219 of 247

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581-01304-18 2018540c1

6352 handicap in the granting of salaries to employees.

6353 Section 110. Section 1012.86, Florida Statutes, is amended
 6354 to read:

6355 1012.86 Florida Community College System institution
 6356 employment equity accountability program.-

6357 (1) Each Florida Community College System institution shall
 6358 include in its annual equity update a plan for increasing the
 6359 representation of women and minorities in senior-level
 6360 administrative positions and in full-time faculty positions, and
 6361 for increasing the representation of women and minorities who
 6362 have attained continuing-contract status. Positions shall be
 6363 defined in the personnel data element directory of the
 6364 Department of Education. The plan must include specific
 6365 measurable goals and objectives, specific strategies and
 6366 timelines for accomplishing these goals and objectives, and
 6367 comparable national standards as provided by the Department of
 6368 Education. The goals and objectives shall be based on meeting or
 6369 exceeding comparable national standards and shall be reviewed
 6370 and recommended by the State Board of Community Colleges
 6371 ~~Education~~ as appropriate. Such plans shall be maintained until
 6372 appropriate representation has been achieved and maintained for
 6373 at least 3 consecutive reporting years.

6374 (2) (a) On or before May 1 of each year, each Florida
 6375 Community College System institution president shall submit an
 6376 annual employment accountability plan to the Chancellor of the
 6377 Florida Community College System and the State Board of
 6378 Community Colleges ~~Commissioner of Education and the State Board~~
 6379 ~~of Education~~. The accountability plan must show faculty and
 6380 administrator employment data according to requirements

Page 220 of 247

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581-01304-18 2018540c1

6381 specified on the federal Equal Employment Opportunity (EEO-6)
 6382 report.
 6383 (b) The plan must show the following information for those
 6384 positions including, but not limited to:
 6385 1. Job classification title.
 6386 2. Gender.
 6387 3. Ethnicity.
 6388 4. Appointment status.
 6389 5. Salary information. At each Florida Community College
 6390 System institution, salary information shall also include the
 6391 salary ranges in which new hires were employed compared to the
 6392 salary ranges for employees with comparable experience and
 6393 qualifications.
 6394 6. Other comparative information including, but not limited
 6395 to, composite information regarding the total number of
 6396 positions within the particular job title classification for the
 6397 Florida Community College System institution by race, gender,
 6398 and salary range compared to the number of new hires.
 6399 7. A statement certifying diversity and balance in the
 6400 gender and ethnic composition of the selection committee for
 6401 each vacancy, including a brief description of guidelines used
 6402 for ensuring balanced and diverse membership on selection and
 6403 review committees.
 6404 (c) The annual employment accountability plan shall also
 6405 include an analysis and an assessment of the Florida Community
 6406 College System institution's attainment of annual goals and of
 6407 long-range goals for increasing the number of women and
 6408 minorities in faculty and senior-level administrative positions,
 6409 and a corrective action plan for addressing underrepresentation.

Page 221 of 247

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581-01304-18 2018540c1

6410 (d) Each Florida Community College System institution's
 6411 employment accountability plan must also include:
 6412 1. The requirements for receiving a continuing contract.
 6413 2. A brief description of the process used to grant
 6414 continuing-contract status.
 6415 3. A brief description of the process used to annually
 6416 apprise each eligible faculty member of progress toward
 6417 attainment of continuing-contract status.
 6418 (3) Florida Community College System institution presidents
 6419 and the heads of each major administrative division shall be
 6420 evaluated annually on the progress made toward meeting the goals
 6421 and objectives of the Florida Community College System
 6422 institution's employment accountability plan.
 6423 (a) The Florida Community College System institution
 6424 presidents, or the presidents' designees, shall annually
 6425 evaluate each department chairperson, dean, provost, and vice
 6426 president in achieving the annual and long-term goals and
 6427 objectives. A summary of the results of such evaluations shall
 6428 be reported annually by the Florida Community College System
 6429 institution president to the Florida Community College System
 6430 institution board of trustees. Annual budget allocations by the
 6431 Florida Community College System institution board of trustees
 6432 for positions and funding must take into consideration these
 6433 evaluations.
 6434 (b) Florida Community College System institution boards of
 6435 trustees shall annually evaluate the performance of the Florida
 6436 Community College System institution presidents in achieving the
 6437 annual and long-term goals and objectives. A summary of the
 6438 results of such evaluations shall be reported to the State Board

Page 222 of 247

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581-01304-18

2018540c1

6439 ~~of Community Colleges Commissioner of Education and the State~~
 6440 ~~Board of Education~~ as part of the Florida Community College
 6441 System institution's annual employment accountability plan, and
 6442 to the Legislature as part of the annual equity progress report
 6443 submitted by the State Board of Community Colleges Education.

6444 (4) The State Board of Community Colleges Education shall
 6445 submit an annual equity progress report to the President of the
 6446 Senate and the Speaker of the House of Representatives on or
 6447 before January 1 of each year.

6448 (5) Each Florida Community College System institution shall
 6449 develop a budgetary incentive plan to support and ensure
 6450 attainment of the goals developed pursuant to this section. The
 6451 plan shall specify, at a minimum, how resources shall be
 6452 allocated to support the achievement of goals and the
 6453 implementation of strategies in a timely manner. After prior
 6454 review and approval by the Florida Community College System
 6455 institution president and the Florida Community College System
 6456 institution board of trustees, the plan shall be submitted as
 6457 part of the annual employment accountability plan submitted by
 6458 each Florida Community College System institution to the State
 6459 Board of Community Colleges Education.

6460 (6) Subject to available funding, the Legislature shall
 6461 provide an annual appropriation to the State Board of Community
 6462 Colleges Education to be allocated to Florida Community College
 6463 System institution presidents, faculty, and administrative
 6464 personnel to further enhance equity initiatives and related
 6465 priorities that support the mission of colleges and departments
 6466 in recognition of the attainment of the equity goals and
 6467 objectives.

Page 223 of 247

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581-01304-18

2018540c1

6468 Section 111. Subsection (3) of section 1013.01, Florida
 6469 Statutes, is amended to read:

6470 1013.01 Definitions.—The following terms shall be defined
 6471 as follows for the purpose of this chapter:

6472 (3) "Board," unless otherwise specified, means a district
 6473 school board, a Florida Community College System institution
 6474 board of trustees, a university board of trustees, and the Board
 6475 of Trustees for the Florida School for the Deaf and the Blind.
 6476 The term "board" does not include the State Board of Education,
 6477 ~~or the Board of Governors, or the State Board of Community~~
 6478 Colleges.

6479 Section 112. Subsection (2) of section 1013.02, Florida
 6480 Statutes, is amended to read:

6481 1013.02 Purpose; rules and regulations.—

6482 (2) (a) The State Board of Education shall adopt rules
 6483 pursuant to ss. 120.536(1) and 120.54 to implement ~~the~~
 6484 ~~provisions of this chapter for school districts and Florida~~
 6485 ~~College System institutions~~.

6486 (b) The Board of Governors shall adopt regulations pursuant
 6487 to its regulation development procedure to implement ~~the~~
 6488 ~~provisions of this chapter for state universities~~.

6489 (c) The State Board of Community Colleges shall adopt rules
 6490 pursuant to ss. 120.536(1) and 120.54 to implement this chapter
 6491 for Florida Community College System institutions.

6492 Section 113. Section 1013.03, Florida Statutes, is amended
 6493 to read:

6494 1013.03 Functions of the department, the State Board of
 6495 Community Colleges, and the Board of Governors.—The functions of
 6496 the Department of Education as it pertains to educational

Page 224 of 247

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581-01304-18

2018540c1

6497 facilities of school districts, of the State Board of Community
 6498 Colleges as it pertains to educational facilities of ~~and~~ Florida
 6499 Community College System institutions, and of the Board of
 6500 Governors as it pertains to educational facilities of state
 6501 universities shall include, but not be limited to, the
 6502 following:

6503 (1) Establish recommended minimum and maximum square
 6504 footage standards for different functions and areas and
 6505 procedures for determining the gross square footage for each
 6506 educational facility to be funded in whole or in part by the
 6507 state, including public broadcasting stations but excluding
 6508 postsecondary special purpose laboratory space. The gross square
 6509 footage determination standards may be exceeded when the core
 6510 facility space of an educational facility is constructed or
 6511 renovated to accommodate the future addition of classrooms to
 6512 meet projected increases in student enrollment. The department,
 6513 the State Board of Community Colleges, and the Board of
 6514 Governors shall encourage multiple use of facilities and spaces
 6515 in educational plants.

6516 (2) Establish, for the purpose of determining need,
 6517 equitably uniform utilization standards for all types of like
 6518 space, regardless of the level of education. These standards
 6519 shall also establish, for postsecondary education classrooms, a
 6520 minimum room utilization rate of 40 hours per week and a minimum
 6521 station utilization rate of 60 percent. These rates shall be
 6522 subject to increase based on national norms for utilization of
 6523 postsecondary education classrooms.

6524 (3) Require boards to submit other educational plant
 6525 inventories data and statistical data or information relevant to

Page 225 of 247

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581-01304-18

2018540c1

6526 construction, capital improvements, and related costs.

6527 (4) Require each board and other appropriate agencies to
 6528 submit complete and accurate financial data as to the amounts of
 6529 funds from all sources that are available and spent for
 6530 construction and capital improvements. The commissioner shall
 6531 prescribe the format and the date for the submission of this
 6532 data and any other educational facilities data. If any district
 6533 does not submit the required educational facilities fiscal data
 6534 by the prescribed date, the Commissioner of Education shall
 6535 notify the district school board of this fact and, if
 6536 appropriate action is not taken to immediately submit the
 6537 required report, the district school board shall be directed to
 6538 proceed pursuant to s. 1001.42(13)(b). If any Florida Community
 6539 College System institution or university does not submit the
 6540 required educational facilities fiscal data by the prescribed
 6541 date, the same policy prescribed in this subsection for school
 6542 districts shall be implemented.

6543 (5) Administer, under the supervision of the Commissioner
 6544 of Education, the Public Education Capital Outlay and Debt
 6545 Service Trust Fund and the School District and Community College
 6546 District Capital Outlay and Debt Service Trust Fund.

6547 (6) Develop, review, update, revise, and recommend a
 6548 mandatory portion of the Florida Building Code for educational
 6549 facilities construction and capital improvement by Florida
 6550 Community College System institution boards and district school
 6551 boards.

6552 (7) Provide training, technical assistance, and building
 6553 code interpretation for requirements of the mandatory Florida
 6554 Building Code for the educational facilities construction and

Page 226 of 247

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581-01304-18

2018540c1

6555 capital improvement programs of ~~the Florida College System~~
 6556 ~~institution boards~~ and district school boards and, upon request,
 6557 approve phase III construction documents for remodeling,
 6558 renovation, or new construction of educational plants or
 6559 ancillary facilities, except that Florida Community College
 6560 System institutions and university boards of trustees shall
 6561 approve specifications and construction documents for their
 6562 respective institutions pursuant to guidelines of the Board of
 6563 Governors or State Board of Community Colleges, as applicable.
 6564 The Department of Management Services may, upon request, provide
 6565 similar services for the Florida School for the Deaf and the
 6566 Blind and shall use the Florida Building Code and the Florida
 6567 Fire Prevention Code.

6568 (8) Provide minimum criteria, procedures, and training to
 6569 boards to conduct educational plant surveys and document the
 6570 determination of future needs.

6571 (9) Make available to boards technical assistance,
 6572 awareness training, and research and technical publications
 6573 relating to lifesafety, casualty, sanitation, environmental,
 6574 maintenance, and custodial issues; and, as needed, technical
 6575 assistance for survey, planning, design, construction,
 6576 operation, and evaluation of educational and ancillary
 6577 facilities and plants, facilities administrative procedures
 6578 review, and training for new administrators.

6579 (10) (a) Review and validate surveys proposed or amended by
 6580 the boards and recommend to the Commissioner of Education, the
 6581 Chancellor of the Florida Community College System, or the
 6582 Chancellor of the State University System, as appropriate, for
 6583 approval, surveys that meet the requirements of this chapter.

Page 227 of 247

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581-01304-18

2018540c1

6584 1. The term "validate" as applied to surveys by school
 6585 districts means to review inventory data as submitted to the
 6586 department by district school boards; provide for review and
 6587 inspection, where required, of student stations and aggregate
 6588 square feet of inventory changed from satisfactory to
 6589 unsatisfactory or changed from unsatisfactory to satisfactory;
 6590 compare new school inventory to allocation limits provided by
 6591 this chapter; review cost projections for conformity with cost
 6592 limits set by s. 1013.64(6); compare total capital outlay full-
 6593 time equivalent enrollment projections in the survey with the
 6594 department's projections; review facilities lists to verify that
 6595 student station and auxiliary facility space allocations do not
 6596 exceed the limits provided by this chapter and related rules;
 6597 review and confirm the application of uniform facility
 6598 utilization factors, where provided by this chapter or related
 6599 rules; use ~~utilize~~ the documentation of programs offered per
 6600 site, as submitted by the board, to analyze facility needs;
 6601 confirm that need projections for career and adult educational
 6602 programs comply with needs documented by the Department of
 6603 Education; and confirm the assignment of full-time student
 6604 stations to all space except auxiliary facilities, which, for
 6605 purposes of exemption from student station assignment, include
 6606 the following:
 6607 a. Cafeterias.
 6608 b. Multipurpose dining areas.
 6609 c. Media centers.
 6610 d. Auditoriums.
 6611 e. Administration.
 6612 f. Elementary, middle, and high school resource rooms, up

Page 228 of 247

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581-01304-18

2018540c1

6613 to the number of such rooms recommended for the applicable
 6614 occupant and space design capacity of the educational plant in
 6615 the State Requirements for Educational Facilities, beyond which
 6616 student stations must be assigned.

6617 g. Elementary school skills labs, up to the number of such
 6618 rooms recommended for the applicable occupant and space design
 6619 capacity of the educational plant in the State Requirements for
 6620 Educational Facilities, beyond which student stations must be
 6621 assigned.

6622 h. Elementary school art and music rooms.

6623

6624 The Commissioner of Education may grant a waiver from the
 6625 requirements of this subparagraph if a district school board
 6626 determines that such waiver will make possible a substantial
 6627 savings of funds or will be advantageous to the welfare of the
 6628 educational system. The district school board shall present a
 6629 full statement to the commissioner which sets forth the facts
 6630 that warrant the waiver. If the commissioner denies a request
 6631 for a waiver, the district school board may appeal such decision
 6632 to the State Board of Education.

6633 2. The term "validate" as applied to surveys by Florida
 6634 Community College System institutions and universities means to
 6635 review and document the approval of each new site and official
 6636 designation, where applicable; review the inventory database as
 6637 submitted by each board to the department, including noncareer,
 6638 and total capital outlay full-time equivalent enrollment
 6639 projections per site and per college; provide for the review and
 6640 inspection, where required, of student stations and aggregate
 6641 square feet of space changed from satisfactory to

Page 229 of 247

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581-01304-18

2018540c1

6642 unsatisfactory; use ~~utilize~~ and review the documentation of
 6643 programs offered per site submitted by the boards as accurate
 6644 for analysis of space requirements and needs; confirm that needs
 6645 projected for career and adult educational programs comply with
 6646 needs documented by the Department of Education; compare new
 6647 facility inventory to allocations limits as provided in this
 6648 chapter; review cost projections for conformity with state
 6649 averages or limits designated by this chapter; compare student
 6650 enrollment projections in the survey to the department's
 6651 projections; review facilities lists to verify that area
 6652 allocations and space factors for generating space needs do not
 6653 exceed the limits as provided by this chapter and related rules;
 6654 confirm the application of facility utilization factors as
 6655 provided by this chapter and related rules; and review, as
 6656 submitted, documentation of how survey recommendations will
 6657 implement the detail of current campus master plans and
 6658 integrate with local comprehensive plans and development
 6659 regulations.

6660 (b) Recommend priority of projects to be funded.

6661 (11) Prepare the commissioner's comprehensive fixed capital
 6662 outlay legislative budget request and provide annually an
 6663 estimate of the funds available for developing required 3-year
 6664 priority lists. This amount shall be based upon the average
 6665 percentage for the 5 prior years of funds appropriated by the
 6666 Legislature for fixed capital outlay to each level of public
 6667 education: public schools, Florida Community College System
 6668 institutions, and universities.

6669 (12) Perform any other functions that may be involved in
 6670 educational facilities construction and capital improvement

Page 230 of 247

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581-01304-18 2018540c1

6671 which shall ensure that the intent of the Legislature is
6672 implemented.

6673 Section 114. Section 1013.28, Florida Statutes, is amended
6674 to read:

6675 1013.28 Disposal of property.—

6676 (1) REAL PROPERTY.—

6677 (a) Subject to rules of the State Board of Education, a
6678 district school board ~~or~~ the Board of Trustees for the Florida
6679 School for the Deaf and the Blind, ~~or a Florida College System~~
6680 ~~institution board of trustees~~ may dispose of any land or real
6681 property to which the board holds title which is, by resolution
6682 of the board, determined to be unnecessary for educational
6683 purposes as recommended in an educational plant survey. A
6684 district school board ~~or~~ the Board of Trustees for the Florida
6685 School for the Deaf and the Blind, ~~or a Florida College System~~
6686 ~~institution board of trustees~~ shall take diligent measures to
6687 dispose of educational property only in the best interests of
6688 the public. However, appraisals may be obtained by the district
6689 school board ~~or~~ the Board of Trustees for the Florida School
6690 for the Deaf and the Blind before, ~~or the Florida College System~~
6691 ~~institution board of trustees prior to~~ or simultaneously with
6692 the receipt of bids.

6693 (b) Subject to regulations of the Board of Governors, a
6694 state university board of trustees may dispose of any land or
6695 real property to which it holds valid title which is, by
6696 resolution of the state university board of trustees, determined
6697 to be unnecessary for educational purposes as recommended in an
6698 educational plant survey. A state university board of trustees
6699 shall take diligent measures to dispose of educational property

Page 231 of 247

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581-01304-18 2018540c1

6700 only in the best interests of the public. However, appraisals
6701 may be obtained by the state university board of trustees prior
6702 to or simultaneously with the receipt of bids.

6703 (c) Subject to rules of the State Board of Community
6704 Colleges, a Florida Community College System institution board
6705 of trustees may dispose of any land or real property to which it
6706 holds valid title which is, by resolution of the Florida
6707 Community College System institution board of trustees,
6708 determined to be unnecessary for educational purposes as
6709 recommended in an educational plant survey. A Florida Community
6710 College System institution board of trustees shall take diligent
6711 measures to dispose of educational property only in the best
6712 interests of the public. However, appraisals may be obtained by
6713 the Florida Community College System institution board of
6714 trustees prior to or simultaneously with the receipt of bids.

6715 (2) TANGIBLE PERSONAL PROPERTY.—

6716 (a) Tangible personal property that has been properly
6717 classified as surplus by a district school board ~~or Florida~~
6718 ~~College System institution board of trustees~~ shall be disposed
6719 of in accordance with the procedure established by chapter 274.
6720 However, the provisions of chapter 274 shall not be applicable
6721 to a motor vehicle used in driver education to which title is
6722 obtained for a token amount from an automobile dealer or
6723 manufacturer. In such cases, the disposal of the vehicle shall
6724 be as prescribed in the contractual agreement between the
6725 automotive agency or manufacturer and the board.

6726 (b) Tangible personal property that has been properly
6727 classified as surplus by a state university board of trustees
6728 shall be disposed of in accordance with the procedure

Page 232 of 247

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581-01304-18 2018540c1

6729 established by chapter 273.

6730 (c) Tangible personal property that has been properly
 6731 classified as surplus by a Florida Community College System
 6732 institution board of trustees shall be disposed of in accordance
 6733 with the procedure established by chapter 274.

6734 Section 115. Subsection (1) of section 1013.31, Florida
 6735 Statutes, is amended to read:

6736 1013.31 Educational plant survey; localized need
 6737 assessment; PECO project funding.-

6738 (1) At least every 5 years, each board shall arrange for an
 6739 educational plant survey, to aid in formulating plans for
 6740 housing the educational program and student population, faculty,
 6741 administrators, staff, and auxiliary and ancillary services of
 6742 the district or campus, including consideration of the local
 6743 comprehensive plan. The Department of Education, for school
 6744 districts, and the State Board of Community Colleges, for the
 6745 Florida Community College System, shall document the need for
 6746 additional career and adult education programs and the
 6747 continuation of existing programs before facility construction
 6748 or renovation related to career or adult education may be
 6749 included in the educational plant survey of a school district or
 6750 Florida Community College System institution that delivers
 6751 career or adult education programs. Information used by the
 6752 Department of Education or State Board of Community Colleges to
 6753 establish facility needs must include, but need not be limited
 6754 to, labor market data, needs analysis, and information submitted
 6755 by the school district or Florida Community College System
 6756 institution.

6757 (a) Survey preparation and required data.-Each survey shall

Page 233 of 247

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581-01304-18 2018540c1

6758 be conducted by the board or an agency employed by the board.
 6759 Surveys shall be reviewed and approved by the board, and a file
 6760 copy shall be submitted to the Department of Education, the
 6761 Chancellor of the Florida Community College System, or the
 6762 Chancellor of the State University System, as appropriate. The
 6763 survey report shall include at least an inventory of existing
 6764 educational and ancillary plants, including safe access
 6765 facilities; recommendations for existing educational and
 6766 ancillary plants; recommendations for new educational or
 6767 ancillary plants, including the general location of each in
 6768 coordination with the land use plan and safe access facilities;
 6769 campus master plan update and detail for Florida Community
 6770 College System institutions; the use ~~utilization~~ of school
 6771 plants based on an extended school day or year-round operation;
 6772 and such other information as may be required by the Department
 6773 of Education. This report may be amended, if conditions warrant,
 6774 at the request of the department or commissioner.

6775 (b) Required need assessment criteria for district, Florida
 6776 Community College System institution, state university, and
 6777 Florida School for the Deaf and the Blind plant surveys.-
 6778 Educational plant surveys must use uniform data sources and
 6779 criteria specified in this paragraph. Each revised educational
 6780 plant survey and each new educational plant survey supersedes
 6781 previous surveys.

6782 1. The school district's survey must be submitted as a part
 6783 of the district educational facilities plan defined in s.
 6784 1013.35. To ensure that the data reported to the Department of
 6785 Education as required by this section is correct, the department
 6786 shall annually conduct an onsite review of 5 percent of the

Page 234 of 247

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581-01304-18

2018540c1

6787 facilities reported for each school district completing a new
 6788 survey that year. If the department's review finds the data
 6789 reported by a district is less than 95 percent accurate, within
 6790 1 year from the time of notification by the department the
 6791 district must submit revised reports correcting its data. If a
 6792 district fails to correct its reports, the commissioner may
 6793 direct that future fixed capital outlay funds be withheld until
 6794 such time as the district has corrected its reports so that they
 6795 are not less than 95 percent accurate.

6796 2. Each survey of a special facility, joint-use facility,
 6797 or cooperative career education facility must be based on
 6798 capital outlay full-time equivalent student enrollment data
 6799 prepared by the department for school districts and Florida
 6800 Community College System institutions and by the Chancellor of
 6801 the State University System for universities. A survey of space
 6802 needs of a joint-use facility shall be based upon the respective
 6803 space needs of the school districts, Florida Community College
 6804 System institutions, and universities, as appropriate.
 6805 Projections of a school district's facility space needs may not
 6806 exceed the norm space and occupant design criteria established
 6807 by the State Requirements for Educational Facilities.

6808 3. Each Florida Community College System institution's
 6809 survey must reflect the capacity of existing facilities as
 6810 specified in the inventory maintained and validated by the
 6811 Chancellor of the Florida Community College System ~~by the~~
 6812 ~~Department of Education~~. Projections of facility space needs
 6813 must comply with standards for determining space needs as
 6814 specified by rule of the State Board of Community Colleges
 6815 ~~Education~~. The 5-year projection of capital outlay student

Page 235 of 247

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581-01304-18

2018540c1

6816 enrollment must be consistent with the annual report of capital
 6817 outlay full-time student enrollment prepared by the Department
 6818 of Education.

6819 4. Each state university's survey must reflect the capacity
 6820 of existing facilities as specified in the inventory maintained
 6821 and validated by the Chancellor of the State University System.
 6822 Projections of facility space needs must be consistent with
 6823 standards for determining space needs as specified by regulation
 6824 of the Board of Governors. The projected capital outlay full-
 6825 time equivalent student enrollment must be consistent with the
 6826 5-year planned enrollment cycle for the State University System
 6827 approved by the Board of Governors.

6828 5. The district educational facilities plan of a school
 6829 district and the educational plant survey of a Florida Community
 6830 College System institution, state university, or the Florida
 6831 School for the Deaf and the Blind may include space needs that
 6832 deviate from approved standards for determining space needs if
 6833 the deviation is justified by the district or institution and
 6834 approved by the department, the State Board of Community
 6835 Colleges, or the Board of Governors, as appropriate, as
 6836 necessary for the delivery of an approved educational program.

6837 (c) *Review and validation.*—The Department of Education
 6838 shall review and validate the surveys of school districts, the
 6839 Chancellor of the Florida Community College System shall review
 6840 and validate the surveys of ~~and~~ Florida Community College System
 6841 institutions, and the Chancellor of the State University System
 6842 shall review and validate the surveys of universities, and any
 6843 amendments thereto for compliance with the requirements of this
 6844 chapter and shall recommend those in compliance for approval by

Page 236 of 247

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581-01304-18

2018540c1

6845 the State Board of Education, the State Board of Community
 6846 Colleges, or the Board of Governors, as appropriate. Annually,
 6847 the department shall perform an in-depth analysis of a
 6848 representative sample of each survey of recommended needs for
 6849 five districts selected by the commissioner from among districts
 6850 with the largest need-to-revenue ratio. For the purpose of this
 6851 subsection, the need-to-revenue ratio is determined by dividing
 6852 the total 5-year cost of projects listed on the district survey
 6853 by the total 5-year fixed capital outlay revenue projections
 6854 from state and local sources as determined by the department.
 6855 The commissioner may direct fixed capital outlay funds to be
 6856 withheld from districts until such time as the survey accurately
 6857 projects facilities needs.

6858 (d) *Periodic update of Florida Inventory of School Houses.*—
 6859 School districts shall periodically update their inventory of
 6860 educational facilities as new capacity becomes available and as
 6861 unsatisfactory space is eliminated. The State Board of Education
 6862 shall adopt rules to determine the timeframe in which districts
 6863 must provide a periodic update.

6864 Section 116. Subsections (1) and (3) of section 1013.36,
 6865 Florida Statutes, are amended to read:

6866 1013.36 Site planning and selection.—

6867 (1) Before acquiring property for sites, each district
 6868 school board and Florida Community College System institution
 6869 board of trustees shall determine the location of proposed
 6870 educational centers or campuses. In making this determination,
 6871 the board shall consider existing and anticipated site needs and
 6872 the most economical and practicable locations of sites. The
 6873 board shall coordinate with the long-range or comprehensive

Page 237 of 247

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581-01304-18

2018540c1

6874 plans of local, regional, and state governmental agencies to
 6875 assure the consistency of such plans. Boards are encouraged to
 6876 locate district educational facilities proximate to urban
 6877 residential areas to the extent possible, and shall seek to
 6878 collocate district educational facilities with other public
 6879 facilities, such as parks, libraries, and community centers, to
 6880 the extent possible and to encourage using elementary schools as
 6881 focal points for neighborhoods.

6882 (3) Sites recommended for purchase or purchased must meet
 6883 standards prescribed in law and such supplementary standards as
 6884 the State Board of Education or State Board of Community
 6885 Colleges, as appropriate, prescribes to promote the educational
 6886 interests of the students. Each site must be well drained and
 6887 suitable for outdoor educational purposes as appropriate for the
 6888 educational program or collocated with facilities to serve this
 6889 purpose. As provided in s. 333.03, the site must not be located
 6890 within any path of flight approach of any airport. Insofar as is
 6891 practicable, the site must not adjoin a right-of-way of any
 6892 railroad or through highway and must not be adjacent to any
 6893 factory or other property from which noise, odors, or other
 6894 disturbances, or at which conditions, would be likely to
 6895 interfere with the educational program. To the extent
 6896 practicable, sites must be chosen which will provide safe access
 6897 from neighborhoods to schools.

6898 Section 117. Subsections (3) and (4) of section 1013.37,
 6899 Florida Statutes, are amended to read:

6900 1013.37 State uniform building code for public educational
 6901 facilities construction.—

6902 (3) REVIEW PROCEDURE.—The Commissioner of Education and the

Page 238 of 247

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581-01304-18

2018540c1

6903 Chancellor of the Florida Community College System, as
 6904 appropriate, shall cooperate with the Florida Building
 6905 Commission in addressing all questions, disputes, or
 6906 interpretations involving the provisions of the Florida Building
 6907 Code which govern the construction of public educational and
 6908 ancillary facilities, and any objections to decisions made by
 6909 the inspectors or the department must be submitted in writing.

6910 (4) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.—The
 6911 department, for school districts, and the State Board of
 6912 Community Colleges, for Florida Community College System
 6913 institutions, shall biennially review and recommend to the
 6914 Florida Building Commission updates and revisions to the
 6915 provisions of the Florida Building Code which govern the
 6916 construction of public educational and ancillary facilities. The
 6917 department, for school districts, and the State Board of
 6918 Community Colleges, for Florida Community College System
 6919 institutions, shall publish and make available to each board at
 6920 no cost copies of the State Requirements for Educational
 6921 Facilities and each amendment and revision thereto. The
 6922 department and state board shall make additional copies
 6923 available to all interested persons at a price sufficient to
 6924 recover costs.

6925 Section 118. Section 1013.40, Florida Statutes, is amended
 6926 to read:

6927 1013.40 Planning and construction of Florida Community
 6928 College System institution facilities; property acquisition.—

6929 (1) The need for Florida Community College System
 6930 institution facilities shall be established by a survey
 6931 conducted pursuant to this chapter. The facilities recommended

Page 239 of 247

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581-01304-18

2018540c1

6932 by such survey must be approved by the State Board of Community
 6933 Colleges Education, and the projects must be constructed
 6934 according to the provisions of this chapter and State Board of
 6935 Community Colleges Education rules.

6936 (2) A ~~No~~ Florida Community College System institution may
 6937 not expend public funds for the acquisition of additional
 6938 property without the specific approval of the Legislature.

6939 (3) A ~~No~~ facility may not be acquired or constructed by a
 6940 Florida Community College System institution or its direct-
 6941 support organization if such facility requires general revenue
 6942 funds for operation or maintenance upon project completion or in
 6943 subsequent years of operation, unless prior approval is received
 6944 from the Legislature.

6945 (4) The campus of a Florida Community College System
 6946 institution within a municipality designated as an area of
 6947 critical state concern, as defined in s. 380.05, and having a
 6948 comprehensive plan and land development regulations containing a
 6949 building permit allocation system that limits annual growth, may
 6950 construct dormitories for up to 300 beds for Florida Community
 6951 College System institution students. Such dormitories are exempt
 6952 from the building permit allocation system and may be
 6953 constructed up to 45 feet in height if the dormitories are
 6954 otherwise consistent with the comprehensive plan, the Florida
 6955 Community College System institution has a hurricane evacuation
 6956 plan that requires all dormitory occupants to be evacuated 48
 6957 hours in advance of tropical force winds, and transportation is
 6958 provided for dormitory occupants during an evacuation. State
 6959 funds and tuition and fee revenues may not be used for
 6960 construction, debt service payments, maintenance, or operation

Page 240 of 247

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581-01304-18 2018540c1

6961 of such dormitories. Additional dormitory beds constructed after
6962 July 1, 2016, may not be financed through the issuance of bonds.

6963 Section 119. Section 1013.47, Florida Statutes, is amended
6964 to read:

6965 1013.47 Substance of contract; contractors to give bond;
6966 penalties.—Each board shall develop contracts consistent with
6967 this chapter and statutes governing public facilities. Such a
6968 contract must contain the drawings and specifications of the
6969 work to be done and the material to be furnished, the time limit
6970 in which the construction is to be completed, the time and
6971 method by which payments are to be made upon the contract, and
6972 the penalty to be paid by the contractor for a failure to comply
6973 with the terms of the contract. The board may require the
6974 contractor to pay a penalty for any failure to comply with the
6975 terms of the contract and may provide an incentive for early
6976 completion. Upon accepting a satisfactory bid, the board shall
6977 enter into a contract with the party or parties whose bid has
6978 been accepted. The contractor shall furnish the board with a
6979 performance and payment bond as set forth in s. 255.05. A board
6980 or other public entity may not require a contractor to secure a
6981 surety bond under s. 255.05 from a specific agent or bonding
6982 company. A person, firm, or corporation that constructs any part
6983 of any educational plant, or addition thereto, on the basis of
6984 any unapproved plans or in violation of any plans approved in
6985 accordance with the provisions of this chapter and rules of the
6986 State Board of Education or State Board of Community Colleges or
6987 regulations of the Board of Governors relating to building
6988 standards or specifications is subject to forfeiture of the
6989 surety bond and unpaid compensation in an amount sufficient to

Page 241 of 247

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581-01304-18 2018540c1

6990 reimburse the board for any costs that will need to be incurred
6991 in making any changes necessary to assure that all requirements
6992 are met and is also guilty of a misdemeanor of the second
6993 degree, punishable as provided in s. 775.082 or s. 775.083, for
6994 each separate violation.

6995 Section 120. Section 1013.52, Florida Statutes, is amended
6996 to read:

6997 1013.52 Cooperative development and joint use of facilities
6998 by two or more boards.—

6999 (1) Two or more boards, including district school boards,
7000 Florida Community College System institution boards of trustees,
7001 the Board of Trustees for the Florida School for the Deaf and
7002 the Blind, and university boards of trustees, desiring to
7003 cooperatively establish a common educational facility to
7004 accommodate students shall:

7005 (a) Jointly request a formal assessment by the Commissioner
7006 of Education, ~~or~~ the Chancellor of the State University System,
7007 or the Chancellor of the State Board of Community Colleges, as
7008 appropriate, of the academic program need and the need to build
7009 new joint-use facilities to house approved programs. Completion
7010 of the assessment and approval of the project by the State Board
7011 of Education, the State Board of Community Colleges, the
7012 Chancellor of the Florida Community College System, the Board of
7013 Governors, the Chancellor of the State University System, or the
7014 Commissioner of Education, as appropriate, should be done prior
7015 to conducting an educational facilities survey.

7016 (b) Demonstrate the need for construction of new joint-use
7017 facilities involving postsecondary institutions by those
7018 institutions presenting evidence of the presence of sufficient

Page 242 of 247

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

581-01304-18

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7019 actual full-time equivalent enrollments in the locale in leased,
 7020 rented, or borrowed spaces to justify the requested facility for
 7021 the programs identified in the formal assessment rather than
 7022 using projected or anticipated future full-time equivalent
 7023 enrollments as justification. If the decision is made to
 7024 construct new facilities to meet this demonstrated need, then
 7025 building plans should consider full-time equivalent enrollment
 7026 growth facilitated by this new construction and subsequent new
 7027 program offerings made possible by the existence of the new
 7028 facilities.

7029 (c) Adopt and submit to the Commissioner of Education, the
 7030 Chancellor of the Florida Community College System, or ~~and~~ the
 7031 Chancellor of the State University System, as appropriate, if
 7032 the joint request involves a state university, a joint
 7033 resolution of the participating boards indicating their
 7034 commitment to the utilization of the requested facility and
 7035 designating the locale of the proposed facility. The joint
 7036 resolution shall contain a statement of determination by the
 7037 participating boards that alternate options, including the use
 7038 of leased, rented, or borrowed space, were considered and found
 7039 less appropriate than construction of the proposed facility. The
 7040 joint resolution shall contain assurance that the development of
 7041 the proposed facility has been examined in conjunction with the
 7042 programs offered by neighboring public educational facilities
 7043 offering instruction at the same level. The joint resolution
 7044 also shall contain assurance that each participating board shall
 7045 provide for continuity of educational progression. All joint
 7046 resolutions shall be submitted by August 1 for consideration of
 7047 funding by the subsequent Legislature.

Page 243 of 247

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2018540c1

7048 (d) Submit requests for funding of joint-use facilities
 7049 projects involving state universities and Florida Community
 7050 College System institutions for approval by the Chancellor of
 7051 the Florida Community College System ~~Commissioner of Education~~
 7052 and the Chancellor of the State University System. The
 7053 Chancellor of the Florida Community College System ~~Commissioner~~
 7054 ~~of Education~~ and the Chancellor of the State University System
 7055 shall jointly determine the priority for funding these projects
 7056 in relation to the priority of all other capital outlay projects
 7057 under their consideration. To be eligible for funding from the
 7058 Public Education Capital Outlay and Debt Service Trust Fund
 7059 under the provisions of this section, projects involving both
 7060 state universities and Florida Community College System
 7061 institutions shall appear on the 3-year capital outlay priority
 7062 lists of Florida Community College System institutions and of
 7063 universities required by s. 1013.64. Projects involving a state
 7064 university, a Florida Community College System institution, and
 7065 a public school, and in which the larger share of the proposed
 7066 facility is for the use of the state university or the Florida
 7067 Community College System institution, shall appear on the 3-year
 7068 capital outlay priority lists of the Florida Community College
 7069 System institutions or of the universities, as applicable.

7070 (e) Include in their joint resolution for the joint-use
 7071 facilities, comprehensive plans for the operation and management
 7072 of the facility upon completion. Institutional responsibilities
 7073 for specific functions shall be identified, including
 7074 designation of one participating board as sole owner of the
 7075 facility. Operational funding arrangements shall be clearly
 7076 defined.

Page 244 of 247

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2018540c1

7077 (2) An educational plant survey must be conducted within 90
 7078 days after submission of the joint resolution and substantiating
 7079 data describing the benefits to be obtained, the programs to be
 7080 offered, and the estimated cost of the proposed project. Upon
 7081 completion of the educational plant survey, the participating
 7082 boards may include the recommended projects in their plan as
 7083 provided in s. 1013.31. Upon approval of the project by the
 7084 commissioner, the Chancellor of the Florida Community College
 7085 System, or the Chancellor of the State University System, as
 7086 appropriate, 25 percent of the total cost of the project, or the
 7087 pro rata share based on space utilization of 25 percent of the
 7088 cost, must be included in the department's legislative capital
 7089 outlay budget request as provided in s. 1013.60 for educational
 7090 plants. The participating boards must include in their joint
 7091 resolution a commitment to finance the remaining funds necessary
 7092 to complete the planning, construction, and equipping of the
 7093 facility. Funds from the Public Education Capital Outlay and
 7094 Debt Service Trust Fund may not be expended on any project
 7095 unless specifically authorized by the Legislature.

7096 (3) Included in all proposals for joint-use facilities must
 7097 be documentation that the proposed new campus or new joint-use
 7098 facility has been reviewed by the State Board of Education, the
 7099 State Board of Community Colleges, or the Board of Governors, as
 7100 appropriate, and has been formally requested for authorization
 7101 by the Legislature.

7102 (4) ~~A~~ A district school board, Florida Community College
 7103 System institution, or state university may not ~~shall~~ receive
 7104 funding for more than one approved joint-use facility per campus
 7105 in any 3-year period.

Page 245 of 247

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581-01304-18

2018540c1

7106 Section 121. Subsection (1) of section 1013.65, Florida
 7107 Statutes, is amended to read:

7108 1013.65 Educational and ancillary plant construction funds;
 7109 Public Education Capital Outlay and Debt Service Trust Fund;
 7110 allocation of funds.—

7111 (1) The commissioner, through the department, shall
 7112 administer the Public Education Capital Outlay and Debt Service
 7113 Trust Fund. The commissioner shall allocate or reallocate funds
 7114 as authorized by the Legislature. Copies of each allocation or
 7115 reallocation shall be provided to members of the State Board of
 7116 Education, the State Board of Community Colleges, and the Board
 7117 of Governors and to the chairs of the House of Representatives
 7118 and Senate appropriations committees. The commissioner shall
 7119 provide for timely encumbrances of funds for duly authorized
 7120 projects. Encumbrances may include proceeds to be received under
 7121 a resolution approved by the State Board of Education
 7122 authorizing the issuance of public education capital outlay
 7123 bonds pursuant to s. 9(a)(2), Art. XII of the State
 7124 Constitution, s. 215.61, and other applicable law. The
 7125 commissioner shall provide for the timely disbursement of moneys
 7126 necessary to meet the encumbrance authorizations of the boards.
 7127 Records shall be maintained by the department to identify
 7128 legislative appropriations, allocations, encumbrance
 7129 authorizations, disbursements, transfers, investments, sinking
 7130 funds, and revenue receipts by source. The Department of
 7131 Education shall pay the administrative costs of the Public
 7132 Education Capital Outlay and Debt Service Trust Fund from the
 7133 funds which comprise the trust fund.

7134 Section 122. The Division of Law Revision and Information

Page 246 of 247

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581-01304-18

2018540c1

7135 is directed to prepare a reviser's bill for the 2019 Regular
7136 Session to substitute the term "Florida Community College
7137 System" for "Florida College System" and the term "Florida
7138 Community College System institution" for "Florida College
7139 System institution" wherever those terms appear in the Florida
7140 Statutes.

7141 Section 123. Except as otherwise expressly provided in this
7142 act and except for this section, which shall take effect upon
7143 becoming a law, this act shall take effect October 1, 2018.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Education, *Chair*
Appropriations Subcommittee on the
Environment and Natural Resources, *Vice Chair*
Regulated Industries, *Vice Chair*
Agriculture
Environmental Preservation and Conservation
Health Policy
Transportation

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR DOROTHY L. HUKILL

14th District

January 17, 2018

The Honorable Rob Bradley
414 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Re: CS/SB 540; Postsecondary Education

Dear Chairman Bradley:

CS/SB 540, relating to Postsecondary Education, has been referred to the Senate Committee on Appropriations. I respectfully request that CS/SB 540 be placed on the committee agenda at your earliest possible convenience.

Should you need any additional information, please do not hesitate to contact my office.

Thank you for your consideration.

Sincerely,

Dorothy L. Hukill
State Senator, District 14

Cc: Mike Hansen, Staff Director, Senate Committee on Appropriations
Alicia Weiss, Committee Administrative Assistant, Senate Committee on Appropriations

REPLY TO:

- 209 Dunlawton Avenue, Unit 17, Port Orange, Florida 32127 (386) 304-7630 FAX: (888) 263-3818
- 434 Delannoy Avenue, Suite 204, Cocoa, Florida 32922 (321) 634-3549
- 406 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5014

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-24-18

Meeting Date

CS & SB540

Bill Number (if applicable)

Topic Higher Education

Amendment Barcode (if applicable)

Name Jacobi Bedensfield

Job Title President of Florida College System SGA / Student

Address 3205 NW 83rd Street

Phone 352-262-5632

Street

Gainesville

City

FL

State

32606

Zip

Email president@pcssga.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida College System Student Government Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/18

Meeting Date

SB 540

Bill Number (if applicable)

Topic SB 540- Education

Amendment Barcode (if applicable)

Name Madeline Pumariega

Job Title Chancellor

Address 325 W. Gaines Street

Phone 850-245-9633

Street

Tallahassee

FL

32399

Email Madeline.Pumariega@fldoe.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Department of Education

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/18
Meeting Date

540
Bill Number (if applicable)

Topic Colleges Bill

Amendment Barcode (if applicable)

Name Marshall G. Johnson

Job Title Exec. Director

Address 115 N. Calhoun St., Ste 6

Phone (850) 224-8200

Street
Tallahassee FL 32301

Email marshall.g.johnson@floridacolleges.org

City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing United Faculty of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Jan 24, 2018
Meeting Date

CS-540
Bill Number (if applicable)

Topic Higher Education

Amendment Barcode (if applicable)

Name Nancy Anne Teems

Job Title Nurse Manager

Address 1800 Miccosukee Rd
Street

Phone 431-4980

Tall FL 32308
City State Zip

Email nancy.teems@tmh.us

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing TMH

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/18

Meeting Date

CS/540

Bill Number (if applicable)

Topic Higher Education

Amendment Barcode (if applicable)

Name Annie Dorough

Job Title Registered Nurse / Student

Address 2909 Tynon Circle

Phone 570-6071

Street

Tallahassee FL 32309

City

State

Zip

Email sadorough@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Tallahassee Community College

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Jan. 24, 2018
Meeting Date

CS/540
Bill Number (if applicable)

Topic Florida College System (Higher Education)

Amendment Barcode (if applicable)

Name Liliana Valdes-Camboa

Job Title student

Address 500 Chapel Dr.
Street

Phone 786-250-9301

Tall. FL 32304
City State Zip

Email lilianavaldes6@
gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing MIAMI Dade College

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/18

Meeting Date

SB 540

Bill Number (if applicable)

Topic SB 540- Education

Amendment Barcode (if applicable)

Name Pam Stewart

Job Title Commissioner

Address 325 W. Gaines Street

Phone 850-245-9663

Street

Tallahassee

FL

32399

Email Pam.Stewart.fldoe.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Department of Education

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/18
Meeting Date

CS For 540
Bill Number (if applicable)

Topic Florida Colleges

Amendment Barcode (if applicable)

Name Michael Brewer

Job Title CEO

Address 1725 Mahan Dr
Street

Phone 850 222 3222

JLH FL 12
City State Zip

Email MBrewer@myafchome.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Association of Florida Colleges

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1.24.18

Meeting Date

ABCS/540

Bill Number (if applicable)

Topic Higher Education

Amendment Barcode (if applicable)

Name Desmond Maxwell

Job Title Student

Address 25 north Egret St
Street

Phone 850-728-3704

City

State

Zip

Email media5036@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing TCC

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/18
Meeting Date

SB 540
Bill Number (if applicable)

Topic Florida Colleges - 4 year programs

Amendment Barcode (if applicable)

Name Dr. Ana Ciereszko

Job Title Legislative Director

Address 11420 N. Kendall Drive

Phone 305 321 0016

Street

Miami

City

FL

State

33176

Zip

Email aciereszko@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing United Faculty of Miami Dade College

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: PCS/SB 622 (452688)

INTRODUCER: Appropriations Subcommittee on Health and Human Services and Senator Grimsley

SUBJECT: Health Care Facility Regulation

DATE: January 23, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Looke</u>	<u>Stovall</u>	<u>HP</u>	Favorable
2.	<u>Kidd</u>	<u>Williams</u>	<u>AHS</u>	Recommend: Fav/CS
3.	<u>Kidd</u>	<u>Hansen</u>	<u>AP</u>	Pre-meeting
4.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 622 amends numerous provisions related to the regulation of health care facilities by the Agency for Health Care Administration (AHCA or agency). The bill's provisions include, but are not limited to:

- Eliminating obsolete language and terms such as mobile surgical facility and provisions related to specialty definitions for rural hospitals, and certificate of need requirements for hospitals wanting to add adult open-heart services.
- Eliminating the requirement that health care facility risk managers be licensed by the state.
- Amending various statutes related to home health agencies, nurse registries, assisted living facilities (ALF), and general licensing requirements.
- Exempting certain hospitals from volume requirements needed to provide Level I adult cardiovascular services (ACS).
- Specifying training that staff must have in hospitals providing ACS if the experience was not obtained in a hospital with a surgical center.
- Repealing the subscriber assistance program.
- Repealing state licensure of clinical laboratories in favor of deferring to federal requirements.
- Eliminating both statewide and district Ombudsman Committees.

The bill will reduce state revenues by approximately \$2.05 million annually as a result of the elimination of the risk manager application fees and the clinical laboratory licensing fees. This

includes reductions of \$1.6 million from the Health Care Trust Fund in ACHA, \$0.3 million from the Grants and Donations Trust Fund in the Department of Health and \$0.15 million from the General Revenue Fund.

The bill becomes effective on July 1, 2018.

II. Present Situation:

The Agency for Health Care Administration (AHCA) is created in s. 20.42, F.S., as the chief health policy and planning entity for the state and is responsible for, among other things, health facility licensure, inspection, and regulatory enforcement. AHCA licenses or certifies and regulates 40 different types of health care providers, including hospitals, nursing homes, ALFs, and home health agencies. In total, the agency licenses, certifies, regulates or provides exemptions for more than 42,000 providers.¹

Generally applicable provisions of health care provider licensure are addressed in the Health Care Licensing Procedures Act in part II of ch. 408, F.S. Additional chapters or sections in the Florida Statutes provide specific licensure or regulatory requirements pertaining to health care providers in this state.²

Due to the many diverse issues addressed by the bill, pertinent background is provided within the **Effect of Proposed Changes** portion of this analysis for the reader's convenience.

III. Effect of Proposed Changes:

This bill amends numerous statutes related to the AHCA.

Public Health Trust Facilities

Section 2 creates s. 154.13, F.S., to specify that any designated facility owned or operated by a public health trust and located within the boundaries of a municipality is under the exclusive jurisdiction of the county creating the public health trust and not within the municipality's jurisdiction. The Public Health Trust of Miami-Dade County is the only public health trust that owns/operates health care providers. Jackson Health System consists of three hospitals: Jackson Memorial, Jackson North Medical Center and Jackson South Community Hospital. These are the only hospitals owned by a public health trust, Public Health Trust of Miami-Dade County. According to the license information, there is also a nursing home, Jackson Memorial Perdue Medical Center and five hospital-based clinical laboratories that are part of Jackson Health System.³

¹ See the Agency for Health Care Administration, *Division of Health Quality Assurance*, available at: <http://ahca.myflorida.com/MCHQ/index.shtml> (last visited Nov. 29, 2017).

² See s. 408.802, F.S., for the health care provider types and applicable licensure statutes.

³ Agency for Health Care Administration, *Senate Bill 622 Analysis* (Nov. 15, 2017) (on file with the Senate Committee on Health Policy.)

Birth Centers

Section 16 amends s. 383.313, F.S., to require that any birthing center that performs laboratory tests on its patients must be federally certified by the Federal Centers for Medicare and Medicaid Services (CMS) under the federal Clinical Laboratory Improvement Amendments (CLIA) and federal rules adopted thereunder. Currently, birthing centers are exempt from the requirement to be licensed as a clinical laboratory under part I of ch. 483, F.S.,⁴ if the birth center has no more than five physicians and the tests are conducted exclusively for the diagnosis and treatment of clients of the birth center.

Section 18 repeals s. 383.335, F.S., which provides obsolete exemptions to certain rules related to birth centers. Currently, no providers meet these exemptions.⁵

Mobile Surgical Facilities

Sections 22, 23, 24, 27, 28, 60, and 122 amend ss. 395.001, 395.002, 395.003, 395.0161, 395.0163, 408.036, and 766.118, F.S., respectively, to repeal obsolete provisions related to mobile surgical facilities. No license has been issued for a mobile surgical facility and none are anticipated. The Florida Department of Corrections operates one hospital: Reception and Medical Center Hospital in Lake Butler. The hospital does not offer surgical services directly to its inmates, but contracts with U.S. Medical Group, Inc., via its licensed Ambulatory Surgical Center, Modular Freestanding Surgery Center. This Ambulatory Surgical Center has been licensed since September 24, 2002, and is stationary on the premises of the correctional facility. A separate license type is not needed in order to meet the surgical needs of the inmate population.⁶

Alternate-Site Testing

Section 26 creates s. 395.0091, F.S., to define the term “alternate-site testing” to mean any laboratory testing done under the administrative control of a hospital, but performed out of the physical or administrative confines of the hospital’s central laboratory. This section also requires the AHCA, in consultation with the Board of Clinical Laboratory Personnel, to adopt rules for criteria for alternate-site testing. The section establishes minimum criteria the rules must address and requires alternate-site testing locations to register when the associated hospital applies to renew its license. This change will keep the requirements in place for alternate-site testing after the repeal of provisions related to clinical laboratory state licensure.⁷

Deregulation of Risk Managers

Current law requires every hospital, ambulatory surgical center, and Health Maintenance Organization providing direct services to employ a state licensed health care risk manager to oversee the facility’s risk management program. No other state requires licensure of risk managers. Other Florida licensed facilities such as nursing homes are not required to employ a

⁴ Part I of ch. 483, F.S., is repealed in this bill.

⁵ Supra note 3

⁶ Supra note 3

⁷ Supra note 3

licensed risk manager and can employ anyone meeting the facility's qualifications for their risk manager positions.

The health care risk manager licensure requirements have multiple pathways, including being licensed as a health care professional such as a nurse, respiratory therapist, physical therapist or emergency medical technician. Physician assistants and other professions licensed by the Florida Department of Health may not qualify unless they also meet another pathway. There are no licensure examinations, no continuing education requirements, and no method for the agency to determine a licensee's continued competency in health care risk management. Licensees are required to renew their license biennially. As there are no requalification requirements to renew a license, the process involves verification of contact information, employment, if applicable, and background screening status. Professional certification is available through the American Society for Healthcare Risk Management, but is not required for licensure.

The agency currently licenses 2,458 health care risk managers, of which only 602 (24.5 percent) report working in a licensed capacity for at least one hospital or ambulatory surgical center. A licensed health care risk manager may also appoint an unlicensed delegate to assist with risk management functions. On-the-job training is a common pathway to licensure. On average for the past 5 years, approximately 174 initial applications are received and 181 licensees fail to renew each year. Roughly 50 of the 1,200 applications (initial and renewal) reviewed each year are withdrawn from consideration because the applicant does not submit all of the required documentation.⁸

Sections 29, 34, 92, and 115 amend ss. 395.0197, 395.10973, 458.307, and 641.55, F.S., respectively and **sections 32, 33, 35, and 36** repeal ss. 395.10971, 395.10972, 395.10974, and 395.10975, F.S., respectively, to eliminate the requirement that health care facility risk managers be licensed by the state. The bill continues to require risk managers and that risk managers demonstrate competence in specified areas, as determined by each health care facility. The bill eliminates all provisions related to licensure of risk managers by the AHCA but continues to require the AHCA to develop a model risk management program for health care facilities that will satisfy the requirements of s. 395.0197, F.S.

Complaint Investigation Procedures

Section 30 repeals s. 395.1046, F.S., relating to the complaint investigation procedures for alleged violation of the emergency access to care provisions found in s. 395.1041, F.S. The state's emergency access to care provisions are similar to the federal Emergency Medical Treatment and Labor Act, commonly known as EMTALA.⁹ The agency enforces the emergency access to care requirements through the uniform complaint investigation procedure used for all

⁸ Supra note 3

⁹ EMTALA, also known as the patient antidumping statute, was passed in 1986 as part of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), Public Law 99-272. Section 1867 of the Act sets forth requirements for medical screening examinations for individuals who come to the emergency department of a hospital and request examination or treatment for an emergency medical condition, regardless of ability to pay. The statute further provides that, if a hospital finds that such an individual has an emergency medical condition, it is obligated to provide that individual with either necessary stabilizing treatment or an appropriate transfer to another medical facility. See the CMS.gov website at: <https://www.cms.gov/Regulations-and-Guidance/Legislation/EMTALA/index.html> (last visited Dec. 1, 2017).

license types and these complaints are given top priority. Section 395.1046, F.S., duplicates the complaint investigation procedures found in the general licensing provisions in part II of ch. 408, F.S. Also, s. 395.1046, F.S., provides confidentiality protections and a public records exemption for the results in the investigation report, which the agency proposes is an unnecessary level of confidentiality.¹⁰

AHCA Rules for Certain Healthcare Services

Section 31 amends s. 395.1055, F.S., to require the agency to adopt rules to ensure that all hospitals providing organ transplantation, neonatal intensive care services, inpatient psychiatric services, inpatient substance abuse services, or comprehensive medical rehabilitation meet the minimum licensure requirements adopted by the agency. The licensure requirement must include quality of care, nurse staffing, physician staffing, physical plant, equipment, emergency transportation, and data reporting standards. The section also requires the AHCA to mandate level 2 background screening for personnel of distinct part nursing units of hospitals.

Repealing Obsolete Provisions Relating to Rural Hospitals

Section 37 amends s. 395.602, F.S., relating to rural hospitals, to remove the definitions of “emergency care hospital,” “essential access community hospital,” “inactive rural hospital bed,” and “rural primary care hospital.” These definitions relate to obsolete rural hospital programs that are no longer available or applicable to rural hospitals. Hospitals are authorized to make changes to their bed inventory at will so there is no longer a need to maintain an inventory of inactive rural hospital beds for CON purposes.¹¹ Additionally, this section amends the definition of “rural hospital” to limit the number of beds to 175 that a hospital classified as a sole community hospital under 42 C.F.R. s. 412.92 may have in order to be considered a rural hospital. Current law classifies a sole community hospital as a rural hospital regardless of the number of beds.¹²

Section 38 amends s. 395.603, F.S., to remove provisions relating to the deactivation of general hospital beds in order to seek licensure for programs that are now obsolete.

Section 39 repeals s. 395.604, F.S., relating to licensing hospitals for these obsolete programs.

Section 40 repeals s. 395.605, F.S., relating to licensing emergency care hospitals, which is now an obsolete program.

Hospital Annual Assessments

Sections 41 and 64 amend ss. 395.701 and 408.20, F.S., relating to hospital assessments on inpatient and outpatient services. Current law excludes hospitals operated by the agency or the

¹⁰ Supra note 3

¹¹ Supra note 3

¹² Currently, no rural hospital has over 100 beds. See Florida Health Finder list of rural hospitals, available at <http://www.floridahealthfinder.gov/facilitylocator/ListFacilities.aspx>, (last visited on Dec. 1, 2017).

DOC. The bill expands the exclusion to any hospital operated by a state agency, to specifically exclude hospitals operated by the Department of Children and Families.¹³

Nursing Homes

Section 43 amends s. 400.0625, F.S., to delete language that required a nursing home to accept clinical laboratory tests performed by a clinical laboratory prior to admission in lieu of routine examinations and any clinical laboratory tests ordered by a physician as required upon admission. This section also conforms provisions to the repeal of part I of ch. 483, F.S.

Section 44 amends s. 400.191, F.S., to require the AHCA to post nursing home survey and deficiency information that is older than 30 months in its nursing home guide.

Home Health Agencies

Home health agencies are health care providers that provide skilled services (by nurses, therapists, and social workers) and/or unskilled services (by home health aides, certified nursing assistants, homemaker, and companions) to patients in their homes. A home health agency may also provide staffing to health care facilities on a temporary basis.¹⁴

Section 45 amends s. 400.464, F.S., to require that any license issued for a home health agency on or after July 1, 2018, must specify the services that the home health agency is authorized to perform. Any advertising or provision of services by the home health agency that the home health agency is not licensed to perform constitutes unlicensed activity. The section eliminates a 10-day grace period for the cessation of unlicensed activity after receiving notification of such from the AHCA and ties penalties for unlicensed activity to s. 408.812, F.S.¹⁵ The section also authorizes a voluntary process for applying for a certificate of exemption from licensure for a person providing home health services who is exempt from licensure as a home health agency. The agency may charge a fee of \$100 or the actual cost of processing this certificate. The certificate of exemption is valid for up to 2 years.

Section 46 amends s. 400.471, F.S., to require application for a change of ownership or for the addition of skilled services. Applicants for license renewal no longer need to provide volume data. Under this section, evidence of contingency funding refers to the general licensing provisions in part II of ch. 408, F.S., to eliminate an inconsistency between the two chapters. Under current law, a home health agency that is not Medicare or Medicaid certified and does not provide skilled care is exempt from providing proof of accreditation. This section provides the exemption only if the home health agency does not provide skilled care. The section further clarifies that the accrediting organization must be recognized by the agency, the survey must demonstrate compliance with Florida laws pertaining to home health agencies and must be continuously maintained.

¹³ Supra note 3.

¹⁴ Home Health Agencies, AHCA webpage, available at http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Home_Care/HHA/index.shtml, (last visited on Nov. 29, 2017).

¹⁵ Section 408.812, F.S., prohibits unlicensed activity and provides penalties for violations including fines of up to \$1,000 a day, injunctive relief, and potential application of licensure violations as if the operator were licensed.

Sections 46 and 47 amend ss. 400.471 and 400.474, F.S., respectively, to clarify that a licensed home health agency must provide the services specified in the written agreement with the patient except in emergency situations that are beyond the provider's control that make it impossible to provide the services.

Section 48 amends s. 400.476, F.S., to require a home health agency that provides skilled nursing care to have a director of nursing. Current law exempts a home health agency from this requirement if it is Medicare or Medicaid certified or provides only physical, occupational, or speech therapy. This exemption is repealed.

Section 49 amends s. 400.484, F.S., renaming deficiencies as violations with respect to providing care by home health agencies and tying these violations to the general licensing provisions for health care facilities in part II of ch. 408, F.S.

Nurse Registries

As of October 1, 2017, there were 593 nurse registries licensed by the agency responsible for securing health-care-related contracts for private duty (in home) or health care facility staffing services by independently contracted caregivers within Florida.

In accordance with s. 400.506(5)(a), F.S., the continued operation of an unlicensed nurse registry for more than 10 days after agency notification is considered a second degree misdemeanor. Each day of continued non-compliance is considered a separate offense, with each offense carrying the potential for imprisonment of up to 60 days. In addition to the criminal actions, s. 400.506(5)(b), F.S., authorizes the agency to impose a \$500 fine for each day of continued non-compliance. While it does not make unlicensed activity a criminal offense, the Health Care Licensing Procedures Act of Chapter 408, Part II, F.S., prevails over s. 400.506, F.S., and authorizes the agency to impose a \$1000 per day fine for each day of continued operation after agency notification.

Agency records show that 37 complaints alleging nurse registry unlicensed activity were filed between January 1, 2012, and present. Upon investigation, 11 of the complaints were substantiated. Of the 11 substantiated complaints, the agency imposed an administrative fine of \$46,000 for one unlicensed nurse registry that failed to discontinue operations after notification.

Nurse registries are not eligible for participation in the Medicare program and are only authorized to participate in Florida Medicaid through the Long Term Care Waiver program. Currently, s. 400.506, F.S., specifically prohibits licensed nurse registries who bill Florida Medicaid or the Medicare program from giving remuneration to certain named parties who are involved in the discharge of patients from health care facilities such as hospitals and nursing homes from which the registry receives referrals. Likewise, a nurse registry is prohibited from giving remuneration to physicians, physicians' office staff members, and immediate family members of physicians if the nurse registry received a referral from the physician or his or her office within the previous 12 months.¹⁶

¹⁶ Supra note 3

Section 51 amends s. 400.506, F.S., to eliminate a 10-day grace period for the cessation of unlicensed activity after receiving notification of such from the AHCA, and ties penalties for unlicensed activity to s. 408.812, F.S.¹⁷ In addition, the section removes the prohibitions on a nurse registry providing remuneration to a case manager, discharge planner, facility based staff member, third party vendor, physician, member of the physician's office staff, or an immediate family member of a physician for referrals. Current law exempts nurse registries from this prohibition if they do not bill Medicare or Medicaid or share a controlling interest with any entity that bills Medicare or Medicaid. In addition to s. 400.506, F.S., s. 817.505(1)(a), F.S., makes it unlawful for any health care provider or health care facility, including nurse registries, to "offer or pay a commission, benefit, bonus, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement whatsoever, to induce the referral of a patient or patronage to or from a health care provider or health care facility."¹⁸ The bill also clarifies that a nurse registry may not monitor, supervise, manage or train a caregiver or a registered nurse, licensed practical nurse, certified nursing assistant, companion or homemaker or home health aide referred for contract under this chapter.

Hospices

Section 52 amends s. 400.606, F.S., to eliminate the requirement that applicants for hospice licensure that are existing health care providers submit a profit-loss statement and the most recent licensure inspection report. The requirement to provide a profit-loss statement is duplicative of general health care licensing statutes that require uniform proof of financial ability to operate and the requirement to provide an inspection report is unnecessary since all inspection reports are available to the public online.¹⁹

Home Medical Equipment Providers

Section 53 amends s. 400.925, F.S., to make technical clarifying changes to the definition of home medical equipment.

Section 54 amends s. 400.931, F.S., to require a licensed home medical equipment provider to notify the AHCA of a change in the general manager within the timeframes established in part II of ch. 408, F.S., which is 21 days, rather than the 45-day timeframe provided in this section of law.

Health Care Service Pools

Section 56 amends s. 400.980, F.S., to require changes of information contained on the original registration application to be submitted to the agency within the timeframes established in part II of ch. 408, F.S., rather than 14 days prior to the change as required in this section of law.

¹⁷ Supra note 3

¹⁸ Supra note 3

¹⁹ Supra note 3

Health Care Clinic Exemptions

Section 58 amends s. 400.9935, F.S., to make certificates of exemption from licensure valid for up to 2 years. Currently, such exemptions are valid indefinitely. This change is intended to improve the integrity of the exemption process.²⁰

Adult Cardiovascular Services

Hospitals are regulated by the AHCA under ch. 395, F.S., and the general licensure provisions of part II of ch. 408, F.S. Hospitals are subject to the certificate of need (CON) provisions in part I of ch. 408, F.S. A CON is a written statement issued by the AHCA evidencing community need for a new, converted, expanded, or otherwise significantly modified health care facility or health service.²¹

Adult cardiovascular services (ACS), including percutaneous coronary intervention (PCI), were previously regulated through the CON program.²² However, in 2004, the Legislature established a licensure process for adult interventional cardiology services (the predecessor terminology for ACS), dependent upon rulemaking, in lieu of the CON procedure.²³ Among other things, that law required the rules to establish two hospital program licensure levels: a Level I program authorizing the performance of adult primary PCI for emergency patients without onsite cardiac surgery, and a Level II program authorizing the performance of PCI with onsite cardiac surgery.²⁴ Additionally the rules must require compliance with the most recent guidelines of the American College of Cardiology and American Heart Association guidelines for staffing, physician training and experience, operating procedures, equipment, physical plant, and patient-selection criteria to ensure quality and safety.²⁵ Current law requires that a hospital seeking a Level I program must demonstrate that it has, in the most recent 12-month period, provided a minimum of 300 adult inpatient and outpatient diagnostic cardiac catheterizations or discharged at least 300 patients with the principal diagnosis of ischemic heart disease and has a transfer agreement with a Level II hospital within 60 minutes transfer time.

The AHCA adopted rules for Level I ACS²⁶ and Level II ACS.²⁷ Staffing rules for both levels require the nursing and technical catheterization laboratory staff to meet the following:

- Be experienced in handling acutely ill patients requiring intervention or balloon pump;
- Have at least 500 hours of previous experience in dedicated cardiac interventional laboratories at a hospital with a Level II ACS program;²⁸

²⁰ Supra note 3

²¹ Section 408.032(3), F.S.

²² See s. 408.036(3)(m) and (n), F.S., allowing for an exemption from the full review process for certain adult open-heart services and PCI services.

²³ Chapter 2004-383, s. 7, Laws of Fla.

²⁴ Level I and Level II ACS programs may also perform adult diagnostic cardiac catheterization in accordance with Rule 59A-3.2085(13), F.A.C. Adult diagnostic cardiac catheterization involves the insertion of a catheter into one or more heart chambers for the purpose of diagnosing cardiovascular diseases.

²⁵ See s. 408.0361(3), F.S.

²⁶ Rule 59A-3.2085(16), F.A.C.

²⁷ Rule 59A-3.2085(17), F.A.C.

²⁸ The standard in the CON exemption in s. 408.036(3)(n), F.S., for providing PCI in a hospital without an approved adult open-heart-surgery program required previous experience in dedicated interventional laboratories or surgical centers.

- Be skilled in all aspects of interventional cardiology equipment; and
- Participate in a 24-hour-per-day, 365 day-per-year call schedule.

One of the authoritative sources referenced in the AHCA's rulemaking is The American College of Cardiology/American Heart Association Task Force on Practice Guidelines' report: ACC/AHA/SCAI 2005 Guideline Update for PCI.²⁹ Table 15 in that report provides criteria for the performance of primary PCI at hospitals without onsite cardiac surgery. It states:

The nursing and technical catheterization laboratory staff must be experienced in handling acutely ill patients and must be comfortable with interventional equipment. They must have acquired experience in dedicated interventional laboratories at a surgical center.

In 2014, the Society for Cardiovascular Angiography and Interventions, the American College of Cardiology Foundation, and the American Heart Association, Inc., issued the SCAI/ACC/AHA Expert Consensus Document: 2014 Update on PCI Without On-Site Surgical Backup.³⁰ That report acknowledged advances and best practices in PCI performed in hospitals without onsite surgery. Table IV in that report addresses personnel requirements for PCI programs without onsite surgery. It recommends the program have experienced nursing and technical laboratory staff with training in interventional laboratories. The report does not reference a requirement that the training or experience should occur in a dedicated interventional laboratory at a surgical center.

As of October 31, 2017, there are 56 Florida hospitals providing Level I ACS services and 79 Florida hospitals providing Level II ACS services.³¹

Section 60 amends s. 408.036, F.S., to remove the exemption from certificate of need for hospitals wanting to add adult open-heart services. This exemption is no longer necessary due to the creation of licensure standards in 2004.

Section 61 amends s. 408.0361, F.S., to exempt a hospital located more than 100 road miles from the closest Level II ACS from the requirement to meet ischemic heart disease diagnosis volume requirements if the hospital demonstrates that it has, for the most recent 12-month period as reported to the agency, provided a minimum of 100 adult inpatient and outpatient diagnostic cardiac catheterizations or that, for the most recent 12-month period, it has discharged or

²⁹ Smith SC Jr, Feldman TE, Hirshfeld JW Jr, Jacobs AK, Kern MJ, King SB III, Morrison DA, O'Neill WW, Schaff HV, Whitlow PL, Williams DO. *ACC/AHA/SCAI 2005 guideline update for percutaneous coronary intervention: a report of the American College of Cardiology/American Heart Association Task Force on Practice Guidelines (ACC/AHA/SCAI Writing Committee to Update the 2001 Guidelines for Percutaneous Coronary Intervention). the Society for Cardiovascular Angiography and Interventions* (2005), available at http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0ahUKEwizrYy2zubKAhUBfSYKHafZCiAQFggvMAI&url=http%3A%2F%2Fwww.scai.org%2Fasset.axd%3Fid%3Da1d96b40-b6c7-42e7-9b71-1090e581b58c%26t%3D634128854999430000&usq=AFQjCNF0t0334L9yMm_XLA5rl0pXoCvPDw (last visited Nov. 29, 2017).

³⁰ Gregory J. Dehmer, et.al, available at <http://circ.ahajournals.org/content/129/24/2610.full.pdf+html> (last visited Nov. 29, 2017).

³¹ See The AHCA FloridaHealthFinder.gov available at <http://www.floridahealthfinder.gov/facilitylocator/FacilitySearch.aspx>, (last visited Nov. 29, 2017).

transferred at least 300 patients with the principal diagnosis of ischemic heart disease. This change will allow Lower Keys Medical Center to become a Level I provider.³²

The section also requires AHCA licensure rules for hospitals providing ACS to include, at a minimum, a requirement that all nursing and technical staff have demonstrated experience in handling acutely ill patients requiring PCI in dedicated cardiac interventional laboratories or surgical centers. Currently, pursuant to AHCA rules, the experience must have been acquired in a hospital with a surgical center. The section states that, if a staff member's previous experience was in a dedicated cardiac interventional laboratory at a hospital that did not have an approved adult open-heart-surgery program, the laboratory must meet the following criteria in order for the staff member's experience to qualify. The laboratory must have:

- Had an annual volume of 500 or more PCI procedures;
- Achieved a demonstrated success rate of 95 percent or higher for PCI;
- Experienced a complication rate of less than 5 percent for PCI; and
- Performed diverse cardiac procedures, including, but not limited to, balloon angioplasty and stenting, rotational atherectomy, cutting balloon atheroma remodeling, and procedures relating to left ventricular support capability.

Subscriber Assistance Program

The subscriber assistance panel (SAP) was created in 1985 to assist members of managed care entities whose grievances or appeals were not satisfactorily resolved by the managed care entity upon exhaustion of the managed care entity's internal grievance and appeal process. Under the federal Patient Protection and Affordable Care Act (PPACA),³³ managed care entities were given an option to either comply with the state's external review requirement or opt-out and participate in the federal external review program. The majority of health plans in Florida elected to use the federal program and the SAP program experienced a significant decrease in the number of cases being reviewed by the panel.³⁴

The SAP is currently available to members of managed care entities with coverage by: Statewide Medicaid Managed Care, Healthy Kids, Prepaid Health Clinics, or grandfathered policies³⁵ that have not elected to have all of their health insurance policies subject to an external review process by independent review organization(s). Medicaid recipients in managed care can file for

³² Id.

³³ Pub. Law No. 111-148 (Mar. 23, 2010) amended by Pub. Law. No. 111-152 (Mar. 30, 2010).

³⁴ According to the agency, between FY 2011-2012 and FY 2012-2013, when the majority of plans opted to use the federal external review program, the number of cases received by the SAP dropped from 415 to 213. The number of cases heard by the SAP dropped from 74 to 17. There was an uptick in both number of cases received by the subscriber assistance program and the number of cases heard by the panel for FY 2014-2015 and FY 2015-2016; however, FY 2016-2017 showed a decline in the number of cases received and heard from 350 to 253 and 53 to 28, respectively. The predominant outcome of the cases in FY 2016-2017 was a determination of non-jurisdiction (165), followed by submission of an incomplete application (24) and resolved prior to panel hearing (26). See the chart prepared by the agency for activity since FY 2009-2010 at supra note 1.

³⁵ A grandfathered health plan is a plan that existed on March 23, 2010, the date that the PPACA was enacted, and that at least one person had been continuously covered for 1 year. Plans or policies may lose their "grandfathered" status if they make certain significant changes that reduce benefits or increase costs to consumers. See Healthcare.gov, *Grandfathered Health Plans*, <https://www.healthcare.gov/glossary/grandfathered-health-plan/> (last visited Nov. 28, 2017).

an external review through a Medicaid Fair Hearing and members with grandfathered commercial policies may appeal through independent review organizations.³⁶

Repeal of the SAP eliminates this program as an external appeal option for members in Healthy Kids and Prepaid Health Clinics, although according to the agency, no Prepaid Health Clinic members have used the SAP. At this time, these members do not have another avenue in which to file an external appeal.³⁷

Section 65 repeals s. 408.7056, F.S., relating to the subscriber assistance program.

General Licensing Provisions

Section 67 amends s. 408.803, F.S., to add a definition of “relative.” This addition is to clarify the meaning of the term when used in the newly created s. 408.810(1), F.S., (see Section 70, below).

Section 68 amends s. 408.806, F.S., to authorize a licensee that holds a license for multiple providers licensed by the agency to request alignment of all license expiration dates. In order to accomplish this, the agency is authorized to issue a license for an abbreviated licensure period with a prorated licensure fee.

Section 69 amends s. 408.809, F.S., to apply background screening provisions to all controlling interests in a health care facility. Current law only requires background screening of controlling interests if the AHCA has reason to believe that such a person has been convicted of a prohibited offense. The section also requires background screening for contractors with a licensee or provider who work for 20 hours or more per week and have access to client funds, personal property, or living areas.

Section 70 amends s. 408.810, F.S., to exempt an applicant for a change of ownership from submitting proof of financial ability to operate, if the provider has been licensed for at least 5 years and the change is the result of a corporate reorganization under which the controlling interest is unchanged or solely due to the death of a controlling interest, and the surviving controlling interest continue to hold at least 51 percent of the ownership.

The agency is authorized to adopt rules to address the circumstances under which a controlling interest, an administrator, an employee, a contractor, or a representative thereof who is not a relative of the patient or client may act as a legal representative, agent, health care surrogate, power of attorney, or guardian of a patient or client. According to the agency, licensure regulations are currently inconsistent in this area. Due to the vulnerability of persons receiving health or custodial care, allowing the paid caregiver to control finances or health care decisions of the patient can result in exploitation or abuse. In some cases, the facility has a surety bond, but this is not required for all provider types.³⁸

³⁶ Supra note 3.

³⁷ *Id.*

³⁸ Supra note 1.

The section also requires that the licensee must ensure that no person holds any ownership interest who has a disqualifying offense³⁹ or who holds any ownership interest in a provider that had a license revoked or application denied. This provision does not apply to shareholders in a publicly traded corporation.

Section 71 amends s. 408.812, F.S., relating to unlicensed activity, to specify that unlicensed activity constitutes abuse and neglect, as defined in s. 415.102, F.S.⁴⁰ The section removes the requirement that a person or entity must apply for a license after receiving notification from the agency that the person or entity is engaging in unlicensed activity. If a controlling interest or licensee has more than one provider and fails to license all providers that require licensure, the agency may impose a fine, regardless of correction, as one of the authorized sanctions.

Background Screening

Sections 74 and 87 amend ss. 409.907 and 435.04, F.S., respectively, to move certain disqualifying offenses from the Medicaid requirements into background screening standards. This move allows Medicaid applicants to apply for an exemption to a disqualifying offense in the same manner as other persons required to be screened under these provisions.⁴¹ The section also provides more specificity as to which offenses are disqualifying.

Section 87 also amends s. 435.04, F.S., to disqualify persons from employment as a health care worker who have been arrested for and are awaiting final disposition of an offense related to domestic violence. This change conforms to the language used in subsection (2) disqualifying persons from employment for all other enumerated offenses.

Assisted Living Facilities

ALFs provide full-time living arrangements in the least restrictive and most home-like setting. Facilities can include individual apartments or rooms that a resident has alone or shares with another person. These facilities can also range in size from one resident to several hundred residents.

The basic services provided by an ALF include, but are not limited to:

- Housing, nutritional meals, and special diets;
- Personal care (help with bathing, dressing, eating, walking, physical transfer);
- Give medications (by a nurse employed at the facility or arranged by contract) or help residents give themselves medications;
- Supervise residents;
- Arrange for health care services;
- Provide or arrange for transportation to health care services;

³⁹ Pursuant to s. 408.809, F.S.

⁴⁰ In summary, s. 415.102, F.S., defines “abuse” as any willful act or threatened act by a relative, caregiver, or household member which causes or is likely to cause significant impairment to a vulnerable adult’s physical, mental, or emotional health; and that abuse includes acts and omissions. “Neglect” is defined as the failure or omission on the part of the caregiver or vulnerable adult to provide the care, supervision, and services necessary to maintain the physical and mental health of the vulnerable adult. Refer to s. 415.102(16), F.S., for additional acts that constitute neglect.

⁴¹ Supra n. 3

- Health monitoring;
- Respite care;
- Social and leisure activities; and
- Mental Health services.

Section 78 amends s. 429.04, F.S., relating to exemptions from licensure, to clarify and expand the exemptions to include facilities licensed by the Agency for Persons with Disabilities, mental health facilities, licensed hospitals, nursing homes, inpatient hospices, homes for special services,⁴² intermediate care facilities, or transitional living facilities. Additionally, the section assigns the burden of providing documentation substantiating an exemption to the person or entity asserting an exemption in response to an agency investigation of unlicensed activity.

A current exemption includes any person who provides housing, meals, or one or more personal services on a 24-hour basis in the person's own home to not more than two adults who do not receive optional state supplementation. The section specifies that in addition to owning or renting the home, the person who provides these services must have established the home as the person's permanent residence. If the person holds a homestead exemption at a different address, a presumption exists that the person has not established permanent residence as required by this section. Furthermore, the section provides that the exemption does not apply to a person or entity who previously held licensure issued by the agency and such license was revoked or licensure renewal was denied by final order, or when the license was voluntarily relinquished during agency enforcement proceedings.

Section 79 amends s. 429.08, F.S., relating to unlicensed facilities, to clarify and create a felony of the third degree penalty for renting or otherwise maintaining a building or property that operates or maintains an unlicensed ALF. This section now provides that any person who owns, operates, or maintains an unlicensed ALF after receiving notice from the agency that licensure is required and to cease such operation commits a felony of the third degree. Current law provides a 6-month window after a statutory or rule change takes place if the change placed the person in the position of violating this provision before the violation occurs. This 6-month timeframe is repealed in the bill.

Section 80 amends s. 429.176, F.S., to prohibit an ALF from operating for more than 120 consecutive days without an administrator who has completed the core educational requirements.

Section 82 amends s. 429.24, F.S., to specify that new services added to a resident's contract for which the resident was not previously charged do not require a 30-day written notice of rate increase.

Section 83 amends s. 429.28, F.S., to specify that residents in an ALF have the right to "assistance with" obtaining access to adequate and appropriate health care. Current law provides the resident with the right to "access to adequate and appropriate health care." The section further specifies that "adequate and appropriate health care" includes management of

⁴² Homes for special services is defined in s. 400.801, F.S., as a site licensed by the agency prior to January 1, 2006, where specialized health care services are provided, including personal and custodial care, but not continuous nursing services.

medications, assistance in making appointments for health care services, the provision of or arrangement of transportation to health care appointments, and the performance of health care services in accordance with s. 429.255, F.S.⁴³

Sections 83 and 85 amend ss. 429.28 and 429.34, F.S., to strike provisions from the “resident’s bill of rights” section that are related to AHCA inspections of ALFs and move the provisions into the section related to AHCA right of entry and inspection powers.

Section 84 amends s. 429.294, F.S., to conform the requirement that ALFs provide copies of medical records to the provisions requiring nursing homes to provide such records. Current law requires ALFs to provide the records within 10 days while nursing homes have 30 days to provide the records.⁴⁴

Section 86 amends s. 429.52, F.S., to specify that an ALF administrator must complete staff training, including passing the competency test, within 90 days of the date of employment.

Clinical Laboratories

The CMS regulates all laboratory testing (except research) performed on humans in the U.S. through the Clinical Laboratory Improvement Amendments (CLIA).⁴⁵ Facilities that provide clinical laboratory services are required to be certified by the CMS CLIA laboratory certification program, which operates in conjunction with the Food and Drug Administration (FDA) and the Centers for Disease Control and Prevention (CDC). Certain laboratories may qualify as a waived testing laboratory and receive a CLIA Certificate of Waiver.⁴⁶

Clinical laboratories in the state performing non-waived tests must also obtain a state license from the AHCA and comply with part I of ch. 483, F.S., relating to clinical laboratories, and the general licensing provisions in part II of ch. 408, F.S. This requirement also applies to a clinical laboratory operated by one or more practitioners such as physicians, chiropractors, podiatrists, optometrists, or dentists, exclusively in connection with the diagnosis and treatment of their own patients.⁴⁷

As of July 1, 2017, the agency licenses 3,904 clinical laboratories and collects an average of \$1,540,000 per year in recurring licensure fees and an average of \$321,900 per year in recurring biennial assessments required by s. 408.033, F.S. In addition, the CLIA program certifies another

⁴³ Section 429.255, F.S., specifies the types of care that may be provided by various staff in an ALF, including nursing and medical staff, and includes provisions for emergency situations.

⁴⁴ See s. 400.145, F.S.

⁴⁵ CMS.gov, *Clinical Laboratory Improvement Amendments (CLIA)* (April 5, 2017) <https://www.cms.gov/Regulations-and-Guidance/Legislation/CLIA/index.html?redirect=/CLIA> (last visited Nov. 29, 2017).

⁴⁶ Waived testing laboratories: employ methodologies that are so simple and accurate as to render the likelihood of erroneous results negligible, pose no reasonable risk of harm to the patient if the test is performed incorrectly, use tests that are cleared by the FDA for home use, and conduct testing that is considered non-technical requiring little or no difficulty. See Agency for Health Care Administration, Waived Laboratories:

http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Laboratory_Licensure/waived_apps.shtml (last visited Nov. 29, 2017).

⁴⁷ Section 483.035(1), F.S.

18,446 Florida based laboratories that only perform “waived” testing and therefore, are exempt from state licensure requirements.⁴⁸

Section 89 amends s. 456.054, F.S., to move anti-kickback language for clinical laboratories from s. 483.245, F.S., which is being repealed, into the general provisions for healthcare practitioners.

Section 95 repeals part I of ch. 483, F.S., relating to the licensure and regulation of clinical laboratories by the agency. Part I includes ss. 483.011 - 483.26, F.S. Laboratories will continue to be certified by, or receive a certificate of waiver from, the CMS under the CLIA. Included within the repeal is a requirement that laboratory results must be reported directly to the licensed practitioner or other authorized person who requested it, and the authorization for a laboratory to disclose the results without a patient’s consent to other health care practitioners and providers involved in the care or treatment of the patient as specified in s. 456.057(7)(a), F.S.

Section 97 amends s. 483.801, F.S., to exempt from licensure persons engaged in testing performed by laboratories that are wholly owned and operated by one or more practitioners who are licensed under Florida law as allopathic or osteopathic physicians, chiropractors, podiatrists, optometrists, or dentists and who practice in the same group practice, and in which no clinical laboratory work is performed for patients referred by a health care provider who is not a member of the same group.

Managed Care Ombudsman Committees

The Statewide Managed Care Ombudsman Committee (statewide committee) and the district managed care ombudsman committees (district committees) were established in 1996.⁴⁹ The statewide committee is created within the agency as a consumer protection and advocacy organization on behalf of managed care subscribers. The statewide committee has administrative authority over the district committees and consists of the chairpersons of the district committees.

A district committee is created in s. 641.65, F.S., in each district of the agency that has staff assigned for the regulation of managed care programs. Each district committee must have no fewer than nine members or more than 16 members, including at least four physicians, one licensed under each of chs. 458, 459, 460, and 461; one psychologist; one registered nurse; one clinical social worker; one attorney; and one consumer.⁵⁰

According to the agency, due to the very stringent committee composition requirements, the majority of districts could not form district committees. The first committee was established in 1999 and only three other districts were able to meet committee requirements. The last activity on record was in 2010, and there are currently no active committees.⁵¹

Sections 116-121 repeal ss. 641.60, 641.65, 641.67, 641.68, 641.70, and 641.75, F.S., to eliminate the statewide and district Managed Care Ombudsman Committees.

⁴⁸ Supra note 3.

⁴⁹ Chapter 96-391, Laws of Fla.

⁵⁰ Section 641.65(2), F.S.

⁵¹ Supra note 3

Miscellaneous Provision

Section 62 amends s. 408.061, F.S., relating to data collection by the agency from health care facilities, to conform cross-references and to exclude hospitals operated by state agencies from the requirement to submit certain financial reports.

Technical and Conforming Sections

The following sections make technical changes to the Florida statutes to conform its provisions to other changes made by this bill:

Section 55 amends s. 400.933, F.S., to make a technical change specifying that it is the Department of Business and Professional Regulation, not the DOH, that issues medical oxygen retail establishment permits.

Section 77 amends s. 492.02, F.S., to make technical grammatical changes to the section.

Sections 1, 3-15, 17, 19, 20-22, 25, 42, 50, 57, 59, 63, 66, 72, 73, 75-76, 81, 88, 90-94, 96, 98-115, and 122-126

These sections amend ss. 20.43, 220.1845, 376.30781, 376.86, 381.0031, 381.0034, 381.004, 381.0405, 383.14, 383.30, 383.301, 383.302, 383.305, 383.309, 383.33, 384.31, 385.211, 394.4787, 395.001, 395.009, 395.7015, 400.497, 400.9905, 408.033, 408.07, 408.802, 408.820, 409.905, 409.9116, 409.975, 429.19, 456.001, 456.057, 456.076, 458.307, 458.345, 459.021, 483.294, 483.803, 483.813, 483.823, 491.003, 627.351, 627.602, 627.6406, 627.64194, 627.6513, 627.6574, 641.185, 641.31, 641.312, 641.3154, 641.51, 641.511, 641.515, 641.55, 766.118, 766.202, 945.36, 1009.65, and 1011.52, F.S., respectively.

Effective Date

Section 127 provides the bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Repealing the licensure requirement for health care risk managers will save each risk manager the cost of the licensure fee, which is \$104.54 for initial applicants and \$52.78 for renewal applicants.⁵²

Repealing clinical laboratory licensure will save each clinical laboratory that was required to be licensed and is accredited \$100 biennially. If not accredited the fee is between \$400 - \$3,919 biennially, depending upon the annual volume of non-waived tests performed.⁵³

C. Government Sector Impact:***State Revenues***

With the elimination of the risk manager application fees and the laboratory licensure application fees, overall revenue to the state will decrease by approximately \$2.05 million annually. This includes reductions of \$1.6 million from the Health Care Trust Fund in ACHA, \$0.3 million from the Grants and Donations Trust Fund in the Department of Health and \$0.15 million from the General Revenue Fund.

Of the \$2.05 million reductions noted above, \$64,866 per year is attributable to the elimination of the risk manager application fees and \$1,540,000 per year is attributable to the laboratory licensure application fees.⁵⁴ The AHCA collects assessments pursuant to s. 408.033, F.S., and transfers these assessments to the Grants and Donations Trust Fund within the Department of Health (DOH) to fund the Local Health Councils. The estimated reduction to the transfer to DOH associated with the laboratory assessments is \$304,950. The estimated reduction to General Revenue is \$152,785 relating to the General Revenue surcharge in s. 215.20, F.S.

State Expenditures

The bill reduces the workload on AHCA staff relating to the licensure of clinical laboratories. The AHCA anticipates reallocating such resources to other areas of AHCA providing regulatory functions.

⁵² See the Application checklist available at: http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Hospital_Outpatient/risk_manager.shtml (last visited Nov. 29, 2017).

⁵³ See AHCA Clinical laboratory fees, available at: http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Laboratory_Licensure/fees.shtml (last visited Nov. 29, 2017).

⁵⁴ Supra n. 3

VI. Technical Deficiencies:

The title of the bill does not include language stricken from s. 400.0625, F.S., on lines 1182-1186.

The bill amends s. 408.0361, F.S., to mandate the establishment of rules to require nursing and technical staff in hospitals performing adult cardiovascular services to have specified experience. This change appears to apply to both hospitals providing Level I and Level II services, however, this is placed within a statutory paragraph only relating to a hospital seeking a Level I program license. As such, it is unclear whether the staff training requirement applies to both hospitals providing Level I and Level II services or only to hospitals providing Level I services. The bill may need to be amended to clearly indicate to which hospitals the requirement applies.

The bill amends s. 491.003, F.S., to make technical grammatical changes to the bill. Line 2941 eliminates parentheses around the phrase “mental dysfunctions or disorders (whether cognitive, affective, or behavioral).” This phrase is part of a list and as such, the list should also be amended to use semicolons rather than commas in order to adequately distinguish the individual parts of the list from the phrase within the deleted parentheses. Additionally, the parenthetical phrase is used on lines 2838-2839, 2847-2848, 2882, 2893-2894, and 2951-2952 and these instances have not been amended. The bill should be amended to be consistent in its usage throughout the section.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.43, 220.1845, 376.30781, 376.86, 381.0031, 381.0034, 381.004, 381.0405, 383.14, 383.30, 383.301, 383.302, 383.305, 383.309, 383.313, 383.33, 384.31, 385.211, 394.4787, 395.001, 395.002, 395.003, 395.009, 395.0161, 395.0163, 395.0197, 395.1055, 395.10973, 395.602, 395.603, 395.701, 395.7015, 400.0625, 400.191, 400.464, 400.471, 400.474, 400.476, 400.484, 400.497, 400.506, 400.606, 400.925, 400.931, 400.933, 400.980, 400.9905, 400.9935, 408.033, 408.036, 408.0361, 408.061, 408.07, 408.20, 408.7056, 408.802, 408.803, 408.806, 408.809, 408.810, 408.812, 408.820, 409.905, 409.907, 409.9116, 409.975, 429.02, 429.04, 429.08, 429.176, 429.19, 429.24, 429.28, 429.294, 429.34, 429.52, 435.04, 456.001, 456.054, 456.057, 456.076, 458.307, 458.345, 459.021, 483.294, 483.801, 483.803, 483.813, 483.823, 491.003, 627.351, 627.602, 627.6406, 627.64194, 627.6513, 627.6574, 641.185, 641.31, 641.312, 641.3154, 641.51, 641.511, 641.515, 641.55, 766.118, 766.202, 945.36, 1009.65, and 1011.52.

This bill creates the following sections of the Florida Statutes: 154.13 and 395.0091.

This bill repeals the following sections of the Florida Statutes: 383.335, 395.1046, 395.10971, 395.10972, 395.10974, 395.10975, 395.604, 395.605, 483.011, 483.021, 483.031, 483.035, 483.041, 483.051, 483.061, 483.091, 483.101, 483.111, 483.172, 483.181, 483.191, 483.201, 483.221, 483.23, 483.245, 483.26, 641.60, 641.65, 641.67, 641.68, 641.70, and 641.75.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on Health and Human Services on January 10, 2018:

The committee substitute clarifies the duties of nurse registries, removes obsolete language related to adult open-heart surgery certificate of need requirements, and removes section 88 of the bill relating to background screening.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



324104

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Grimsley) recommended the following:

Senate Amendment

Delete lines 1013 - 1014
and insert:
42 C.F.R. s. 412.92, regardless of the number of licensed beds;



571910

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Grimsley) recommended the following:

Senate Amendment (with directory amendment)

Between lines 1538 and 1539

insert:

(d) A registered nurse, licensed practical nurse, certified nursing assistant, companion or homemaker, or home health aide referred for contract under this chapter by a nurse registry is deemed an independent contractor and not an employee of the nurse registry under any chapter regardless of the obligations imposed on a nurse registry under this chapter or chapter 408.



571910

11
12 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====
13 And the directory clause is amended as follows:
14 Delete line 1523
15 and insert:
16 Section 51. Subsection (5), paragraphs (d) and (e) of
17 subsection



576-02006A-18

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to health care facility regulation;
creating s. 154.13, F.S.; providing that a designated
facility owned or operated by a public health trust
and located within the boundaries of a municipality is
under the exclusive jurisdiction of the county
creating the public health trust; amending ss.
381.0031, 381.004, 384.31, 395.009, 400.0625, and
409.905, F.S.; eliminating state licensure
requirements for clinical laboratories; requiring
clinical laboratories to be federally certified;
amending s. 383.313, F.S.; requiring a birth center to
be federally certified and meet specified requirements
to perform certain laboratory tests; repealing s.
383.335, F.S., relating to partial exemptions from
licensure requirements for certain facilities that
provide obstetrical and gynecological surgical
services; amending s. 395.002, F.S.; revising and
deleting definitions to remove the term "mobile
surgical facility"; conforming a cross-reference;
creating s. 395.0091, F.S.; requiring the Agency for
Health Care Administration, in consultation with the
Board of Clinical Laboratory Personnel, to adopt rules
establishing criteria for alternate-site laboratory
testing; requiring specifications to be included in
the criteria; defining the term "alternate-site
testing"; amending ss. 395.0161 and 395.0163, F.S.;



576-02006A-18

deleting licensure and inspection requirements for
mobile surgical facilities to conform to changes made
by the act; amending s. 395.0197, F.S.; requiring the
manager of a hospital or ambulatory surgical center
internal risk management program to demonstrate
competence in specified administrative and health care
service areas; conforming provisions to changes made
by the act; repealing s. 395.1046, F.S., relating to
hospital complaint investigation procedures; amending
s. 395.1055, F.S.; requiring hospitals that provide
specified services to meet agency licensure
requirements; providing standards to be included in
licensure requirements; conforming a provision to
changes made by the act; requiring a level 2
background screening for personnel of distinct part
nursing units; repealing ss. 395.10971 and 395.10972,
F.S., relating to the purpose and the establishment of
the Health Care Risk Manager Advisory Council,
respectively; amending s. 395.10973, F.S.; removing
requirements relating to agency standards for health
care risk managers to conform provisions to changes
made by the act; repealing s. 395.10974, F.S.,
relating to licensure of health care risk managers,
qualifications, licensure, and fees; repealing s.
395.10975, F.S., relating to grounds for denial,
suspension, or revocation of a health care risk
manager's license and an administrative fine; amending
s. 395.602, F.S.; deleting definitions for the terms
"emergency care hospital", "essential access community



452688

576-02006A-18

57 hospital," "inactive rural hospital bed", and "rural
58 primary care hospital"; amending s. 395.603, F.S.;
59 deleting provisions relating to deactivation of
60 general hospital beds by certain rural and emergency
61 care hospitals; repealing s. 395.604, F.S., relating
62 to other rural hospital programs; repealing s.
63 395.605, F.S., relating to emergency care hospitals;
64 amending s. 395.701, F.S.; revising the definition of
65 the term "hospital" to exclude hospitals operated by a
66 state agency; amending s. 400.191, F.S.; removing the
67 30-month reporting timeframe for the Nursing Home
68 Guide; amending s. 400.464, F.S.; requiring that a
69 license issued to a home health agency on or after a
70 specified date specify the services the organization
71 is authorized to perform and whether the services
72 constitute skilled care; providing that the provision
73 or advertising of certain services constitutes
74 unlicensed activity under certain circumstances;
75 authorizing certain persons, entities or organizations
76 providing home health services to voluntarily apply
77 for a certificate of exemption from licensure by
78 providing certain information to the agency; providing
79 that the certificate is valid for a specified time and
80 is nontransferable; authorizing the agency to charge a
81 fee for the certificate; amending s. 400.471, F.S.;
82 revising home health agency licensure requirements;
83 providing requirements for proof of accreditation for
84 home health agencies applying for change of ownership
85 or the addition of skilled care services; removing a



452688

576-02006A-18

86 provision prohibiting the agency from issuing a
87 license to a home health agency that fails to satisfy
88 the requirements of a Medicare certification survey
89 from the agency; amending s. 400.474, F.S.; revising
90 conditions for the imposition of a fine against a home
91 health agency; amending s. 400.476, F.S.; requiring a
92 home health agency providing skilled nursing care to
93 have a director of nursing; amending s. 400.484, F.S.;
94 imposing administrative fines on home health agencies
95 for specified classes of violations; amending s.
96 400.497, F.S.; requiring the agency to adopt, publish,
97 and enforce rules establishing standards for
98 certificates of exemption; amending s. 400.506, F.S.;
99 specifying a criminal penalty for any person who owns,
100 operates, or maintains an unlicensed nurse registry
101 that fails to cease operation immediately and apply
102 for a license after notification from the agency;
103 revising provisions authorizing the agency to impose a
104 fine on a nurse registry that fails to cease operation
105 after agency notification; revising circumstances
106 under which the agency is authorized to deny, suspend,
107 or revoke a license or impose a fine on a nurse
108 registry; prohibiting a nurse registry from
109 monitoring, supervising, managing, or training a
110 certain caregiver who is an independent contractor;
111 amending s. 400.606, F.S.; removing a requirement that
112 an existing licensed health care provider's hospice
113 licensure application be accompanied by a copy of the
114 most recent profit-loss statement and licensure



576-02006A-18

115 inspection report; amending s. 400.925, F.S.; revising
116 the definition of the term "home medical equipment";
117 amending s. 400.931, F.S.; requiring a home medical
118 equipment provider to notify the agency of certain
119 personnel changes within a specified timeframe;
120 amending s. 400.933, F.S.; requiring the agency to
121 accept the submission of a valid medical oxygen retail
122 establishment permit issued by the Department of
123 Business and Professional Regulation in lieu of an
124 agency inspection for licensure; amending s. 400.980,
125 F.S.; revising the timeframe within which a health
126 care services pool registrant must provide the agency
127 with certain changes of information; amending s.
128 400.9935, F.S.; specifying that a voluntary
129 certificate of exemption may be valid for up to 2
130 years; amending s. 408.036, F.S.; conforming
131 provisions to changes made by the act; deleting
132 obsolete provisions relating to certificate of need
133 requirements for specified services; amending s.
134 408.0361, F.S.; providing an exception for a hospital
135 to become a Level I Adult Cardiovascular provider if
136 certain requirements are met; amending s. 408.061,
137 F.S.; excluding hospitals operated by state agencies
138 from certain financial reporting requirements;
139 conforming a cross-reference; amending s. 408.07,
140 F.S.; deleting the definition for the term "clinical
141 laboratory"; amending s. 408.20, F.S.; exempting
142 hospitals operated by any state agency from
143 assessments against the Health Care Trust Fund to fund



576-02006A-18

144 certain agency activities; repealing s. 408.7056,
145 F.S., relating to the Subscriber Assistance Program;
146 amending s. 408.803, F.S.; defining the term
147 "relative" for purposes of the Health Care Licensing
148 Procedures Act; amending s. 408.806, F.S.; authorizing
149 licensees who hold licenses for multiple providers to
150 request that the agency align related license
151 expiration dates; authorizing the agency to issue
152 licenses for an abbreviated licensure period and to
153 charge a prorated licensure fee; amending s. 408.809,
154 F.S.; expanding the scope of persons subject to a
155 level 2 background screening to include any employee
156 of a licensee who is a controlling interest and
157 certain part-time contractors; amending s. 408.810,
158 F.S.; providing that an applicant for change of
159 ownership licensure is exempt from furnishing proof of
160 financial ability to operate if certain conditions are
161 met; authorizing the agency to adopt rules governing
162 circumstances under which a controlling interest may
163 act in certain legal capacities on behalf of a patient
164 or client; requiring a licensee to ensure that certain
165 persons do not hold an ownership interest if the
166 licensee is not organized as or owned by a publicly
167 traded corporation; defining the term "publicly traded
168 corporation"; amending s. 408.812, F.S.; providing
169 that certain unlicensed activity by a provider
170 constitutes abuse and neglect; clarifying that the
171 agency may impose a fine or penalty, as prescribed in
172 an authorizing statute, if an unlicensed provider who



576-02006A-18

173 has received notification fails to cease operation;
174 authorizing the agency to revoke all licenses and
175 impose a fine or penalties upon a controlling interest
176 or licensee who has an interest in more than one
177 provider and who fails to license a provider rendering
178 services that require licensure in certain
179 circumstances; amending s. 408.820, F.S.; deleting
180 certain exemptions from part II of ch. 408, F.S., for
181 specified providers to conform provisions to changes
182 made by the act; amending s. 409.907, F.S.; removing
183 the agency's authority to consider certain factors in
184 determining whether to enter into, and in maintaining,
185 a Medicaid provider agreement; amending s. 429.02,
186 F.S.; revising definitions of the terms "assisted
187 living facility" and "personal services"; amending s.
188 429.04, F.S.; providing additional exemptions from
189 licensure as an assisted living facility; requiring a
190 person or entity asserting the exemption to provide
191 documentation that substantiates the claim upon agency
192 investigation of unlicensed activity; amending s.
193 429.08, F.S.; providing criminal penalties and fines
194 for a person who rents or otherwise maintains a
195 building or property used as an unlicensed assisted
196 living facility; providing criminal penalties and
197 fines for a person who owns, operates, or maintains an
198 unlicensed assisted living facility after receiving
199 notice from the agency; amending s. 429.176, F.S.;
200 prohibiting an assisted living facility from operating
201 for more than a specified time without an



576-02006A-18

202 administrator who has completed certain educational
203 requirements; amending s. 429.24, F.S.; providing that
204 30-day written notice of rate increase for residency
205 in an assisted living facility is not required in
206 certain situations; amending s. 429.28, F.S.; revising
207 the assisted living facility resident bill of rights
208 to include assistance with obtaining access to
209 adequate and appropriate health care; defining the
210 term "adequate and appropriate health care"; deleting
211 a requirement that the agency conduct at least one
212 monitoring visit under certain circumstances; deleting
213 provisions authorizing the agency to conduct periodic
214 followup inspections and complaint investigations
215 under certain circumstances; amending s. 429.294,
216 F.S.; deleting the specified timeframe within which an
217 assisted living facility must provide complete copies
218 of a resident's records in an investigation of
219 resident's rights; amending s. 429.34, F.S.;
220 authorizing the agency to inspect and investigate
221 assisted living facilities as necessary to determine
222 compliance with certain laws; removing a provision
223 requiring the agency to inspect each licensed assisted
224 living facility at least biennially; authorizing the
225 agency to conduct monitoring visits of each facility
226 cited for prior violations under certain
227 circumstances; amending s. 429.52, F.S.; requiring an
228 assisted living facility administrator to complete
229 required training and education within a specified
230 timeframe; amending s. 435.04, F.S.; providing that



452688

576-02006A-18

231 security background investigations must ensure that a
232 person has not been arrested for, and is not awaiting
233 final disposition of, certain offenses; requiring that
234 security background investigations for purposes of
235 participation in the Medicaid program screen for
236 violations of federal or state law, rule, or
237 regulation governing any state Medicaid program, the
238 Medicare program, or any other publicly funded federal
239 or state health care or health insurance program;
240 specifying offenses under federal law or any state law
241 that the security background investigations must
242 screen for; amending s. 456.054, F.S.; prohibiting any
243 person or entity from paying or receiving a kickback
244 for referring patients to a clinical laboratory;
245 prohibiting a clinical laboratory from providing
246 personnel to perform certain functions or duties in a
247 health care practitioner's office or dialysis
248 facility; providing an exception; prohibiting a
249 clinical laboratory from leasing space in any part of
250 a health care practitioner's office or dialysis
251 facility; repealing part I of ch. 483, F.S., relating
252 to clinical laboratories; amending s. 483.294, F.S.;
253 removing a requirement that the agency inspect
254 multiphasic health testing centers at least once
255 annually; amending s. 483.801, F.S.; providing an
256 exemption from regulation for certain persons employed
257 by certain laboratories; amending s. 483.803, F.S.;
258 revising definitions of the terms "clinical
259 laboratory", and "clinical laboratory examination";



452688

576-02006A-18

260 removing a cross-reference; amending s. 641.511, F.S.;
261 revising health maintenance organization subscriber
262 grievance reporting requirements; repealing s. 641.60,
263 F.S., relating to the Statewide Managed Care Ombudsman
264 Committee; repealing s. 641.65, F.S., relating to
265 district managed care ombudsman committees; repealing
266 s. 641.67, F.S., relating to a district managed care
267 ombudsman committee, exemption from public records
268 requirements, and exceptions; repealing s. 641.68,
269 F.S., relating to a district managed care ombudsman
270 committee and exemption from public meeting
271 requirements; repealing s. 641.70, F.S., relating to
272 agency duties relating to the Statewide Managed Care
273 Ombudsman Committee and the district managed care
274 ombudsman committees; repealing s. 641.75, F.S.,
275 relating to immunity from liability and limitation on
276 testimony; amending s. 945.36, F.S.; authorizing law
277 enforcement personnel to conduct drug tests on certain
278 inmates and releasees; amending ss. 20.43, 220.1845,
279 376.30781, 376.86, 381.0034, 381.0405, 383.14, 383.30,
280 383.301, 383.302, 383.305, 383.309, 383.33, 385.211,
281 394.4787, 395.001, 395.003, 395.7015, 400.9905,
282 408.033, 408.802, 409.9116, 409.975, 429.19, 456.001,
283 456.057, 456.076, 458.307, 458.345, 459.021, 483.813,
284 483.823, 491.003, 627.351, 627.602, 627.6406,
285 627.64194, 627.6513, 627.6574, 641.185, 641.31,
286 641.312, 641.3154, 641.51, 641.515, 641.55, 766.118,
287 766.202, 1009.65, and 1011.52, F.S.; conforming
288 provisions to changes made by the act; providing an



576-02006A-18

289 effective date.

290

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

292

293 Section 1. Paragraph (g) of subsection (3) of section

294 20.43, Florida Statutes, is amended to read:

295 20.43 Department of Health.—There is created a Department
296 of Health.

297 (3) The following divisions of the Department of Health are
298 established:

299 (g) Division of Medical Quality Assurance, which is
300 responsible for the following boards and professions established
301 within the division:

302 1. The Board of Acupuncture, created under chapter 457.

303 2. The Board of Medicine, created under chapter 458.

304 3. The Board of Osteopathic Medicine, created under chapter
305 459.

306 4. The Board of Chiropractic Medicine, created under
307 chapter 460.

308 5. The Board of Podiatric Medicine, created under chapter
309 461.

310 6. Naturopathy, as provided under chapter 462.

311 7. The Board of Optometry, created under chapter 463.

312 8. The Board of Nursing, created under part I of chapter
313 464.

314 9. Nursing assistants, as provided under part II of chapter
315 464.

316 10. The Board of Pharmacy, created under chapter 465.

317 11. The Board of Dentistry, created under chapter 466.



576-02006A-18

318 12. Midwifery, as provided under chapter 467.

319 13. The Board of Speech-Language Pathology and Audiology,
320 created under part I of chapter 468.

321 14. The Board of Nursing Home Administrators, created under
322 part II of chapter 468.

323 15. The Board of Occupational Therapy, created under part
324 III of chapter 468.

325 16. Respiratory therapy, as provided under part V of
326 chapter 468.

327 17. Dietetics and nutrition practice, as provided under
328 part X of chapter 468.

329 18. The Board of Athletic Training, created under part XIII
330 of chapter 468.

331 19. The Board of Orthotists and Prosthetists, created under
332 part XIV of chapter 468.

333 20. Electrolysis, as provided under chapter 478.

334 21. The Board of Massage Therapy, created under chapter
335 480.

336 22. The Board of Clinical Laboratory Personnel, created
337 under part ~~III~~ II of chapter 483.

338 23. Medical physicists, as provided under part IV of
339 chapter 483.

340 24. The Board of Opticianry, created under part I of
341 chapter 484.

342 25. The Board of Hearing Aid Specialists, created under
343 part II of chapter 484.

344 26. The Board of Physical Therapy Practice, created under
345 chapter 486.

346 27. The Board of Psychology, created under chapter 490.



452688

576-02006A-18

347 28. School psychologists, as provided under chapter 490.
348 29. The Board of Clinical Social Work, Marriage and Family
349 Therapy, and Mental Health Counseling, created under chapter
350 491.
351 30. Emergency medical technicians and paramedics, as
352 provided under part III of chapter 401.
353 Section 2. Section 154.13, Florida Statutes, is created to
354 read:
355 154.13 Designated facilities; jurisdiction.—Any designated
356 facility owned or operated by a public health trust and located
357 within the boundaries of a municipality is under the exclusive
358 jurisdiction of the county creating the public health trust and
359 is not within the jurisdiction of the municipality.
360 Section 3. Paragraph (k) of subsection (2) of section
361 220.1845, Florida Statutes, is amended to read:
362 220.1845 Contaminated site rehabilitation tax credit.—
363 (2) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.—
364 (k) In order to encourage the construction and operation of
365 a new health care facility as defined in s. 408.032 or s.
366 408.07, or a health care provider as defined in s. 408.07 ~~or s.~~
367 ~~408.7056~~, on a brownfield site, an applicant for a tax credit
368 may claim an additional 25 percent of the total site
369 rehabilitation costs, not to exceed \$500,000, if the applicant
370 meets the requirements of this paragraph. In order to receive
371 this additional tax credit, the applicant must provide
372 documentation indicating that the construction of the health
373 care facility or health care provider by the applicant on the
374 brownfield site has received a certificate of occupancy or a
375 license or certificate has been issued for the operation of the



452688

576-02006A-18

376 health care facility or health care provider.
377 Section 4. Paragraph (f) of subsection (3) of section
378 376.30781, Florida Statutes, is amended to read:
379 376.30781 Tax credits for rehabilitation of drycleaning-
380 solvent-contaminated sites and brownfield sites in designated
381 brownfield areas; application process; rulemaking authority;
382 revocation authority.—
383 (3) (f) In order to encourage the construction and operation
384 of a new health care facility or a health care provider, as
385 defined in s. 408.032 ~~or~~ s. 408.07, ~~or s. 408.7056~~, on a
386 brownfield site, an applicant for a tax credit may claim an
387 additional 25 percent of the total site rehabilitation costs,
388 not to exceed \$500,000, if the applicant meets the requirements
389 of this paragraph. In order to receive this additional tax
390 credit, the applicant must provide documentation indicating that
391 the construction of the health care facility or health care
392 provider by the applicant on the brownfield site has received a
393 certificate of occupancy or a license or certificate has been
394 issued for the operation of the health care facility or health
395 care provider.
396 Section 5. Subsection (1) of section 376.86, Florida
397 Statutes, is amended to read:
398 376.86 Brownfield Areas Loan Guarantee Program.—
399 (1) The Brownfield Areas Loan Guarantee Council is created
400 to review and approve or deny, by a majority vote of its
401 membership, the situations and circumstances for participation
402 in partnerships by agreements with local governments, financial
403 institutions, and others associated with the redevelopment of
404 brownfield areas pursuant to the Brownfields Redevelopment Act



452688

576-02006A-18

405 for a limited state guaranty of up to 5 years of loan guarantees
406 or loan loss reserves issued pursuant to law. The limited state
407 loan guaranty applies only to 50 percent of the primary lenders
408 loans for redevelopment projects in brownfield areas. If the
409 redevelopment project is for affordable housing, as defined in
410 s. 420.0004, in a brownfield area, the limited state loan
411 guaranty applies to 75 percent of the primary lender's loan. If
412 the redevelopment project includes the construction and
413 operation of a new health care facility or a health care
414 provider, as defined in s. 408.032 or s. 408.07, ~~or s.~~
415 ~~408.7056~~, on a brownfield site and the applicant has obtained
416 documentation in accordance with s. 376.30781 indicating that
417 the construction of the health care facility or health care
418 provider by the applicant on the brownfield site has received a
419 certificate of occupancy or a license or certificate has been
420 issued for the operation of the health care facility or health
421 care provider, the limited state loan guaranty applies to 75
422 percent of the primary lender's loan. A limited state guaranty
423 of private loans or a loan loss reserve is authorized for
424 lenders licensed to operate in the state upon a determination by
425 the council that such an arrangement would be in the public
426 interest and the likelihood of the success of the loan is great.

427 Section 6. Subsection (2) of section 381.0031, Florida
428 Statutes, is amended to read:

429 381.0031 Epidemiological research; report of diseases of
430 public health significance to department.-

431 (2) Any practitioner licensed in this state to practice
432 medicine, osteopathic medicine, chiropractic medicine,
433 naturopathy, or veterinary medicine; any hospital licensed under



452688

576-02006A-18

434 part I of chapter 395; or any laboratory appropriately certified
435 by the Centers for Medicare and Medicaid Services under the
436 federal Clinical Laboratory Improvement Amendments and the
437 federal rules adopted thereunder which licensed under chapter
438 ~~483~~ that diagnoses or suspects the existence of a disease of
439 public health significance shall immediately report the fact to
440 the Department of Health.

441 Section 7. Subsection (3) of section 381.0034, Florida
442 Statutes, is amended to read:

443 381.0034 Requirement for instruction on HIV and AIDS.-

444 (3) The department shall require, as a condition of
445 granting a license under chapter 467 or part II ~~III~~ of chapter
446 483, that an applicant making initial application for licensure
447 complete an educational course acceptable to the department on
448 human immunodeficiency virus and acquired immune deficiency
449 syndrome. Upon submission of an affidavit showing good cause, an
450 applicant who has not taken a course at the time of licensure
451 shall be allowed 6 months to complete this requirement.

452 Section 8. Paragraph (c) of subsection (4) of section
453 381.004, Florida Statutes, is amended to read:

454 381.004 HIV testing.-

455 (4) HUMAN IMMUNODEFICIENCY VIRUS TESTING REQUIREMENTS;
456 REGISTRATION WITH THE DEPARTMENT OF HEALTH; EXEMPTIONS FROM
457 REGISTRATION.-No county health department and no other person in
458 this state shall conduct or hold themselves out to the public as
459 conducting a testing program for acquired immune deficiency
460 syndrome or human immunodeficiency virus status without first
461 registering with the Department of Health, reregistering each
462 year, complying with all other applicable provisions of state



452688

576-02006A-18

463 law, and meeting the following requirements:

464 (c) The program shall have all laboratory procedures
465 performed in a laboratory appropriately certified by the Centers
466 for Medicare and Medicaid Services under the federal Clinical
467 Laboratory Improvement Amendments and the federal rules adopted
468 thereunder licensed under the provisions of chapter 483.

469 Section 9. Paragraph (f) of subsection (4) of section
470 381.0405, Florida Statutes, is amended to read:

471 381.0405 Office of Rural Health.—

472 (4) COORDINATION.—The office shall:

473 (f) Assume responsibility for state coordination of the
474 Rural Hospital Transition Grant Program, ~~the Essential Access~~
475 ~~Community Hospital Program~~, and other federal rural health care
476 programs.

477 Section 10. Paragraph (a) of subsection (2) of section
478 383.14, Florida Statutes, is amended to read:

479 383.14 Screening for metabolic disorders, other hereditary
480 and congenital disorders, and environmental risk factors.—

481 (2) RULES.—

482 (a) After consultation with the Genetics and Newborn
483 Screening Advisory Council, the department shall adopt and
484 enforce rules requiring that every newborn in this state shall:

485 1. Before becoming 1 week of age, be subjected to a test
486 for phenylketonuria;

487 2. Be tested for any condition included on the federal
488 Recommended Uniform Screening Panel which the council advises
489 the department should be included under the state's screening
490 program. After the council recommends that a condition be
491 included, the department shall submit a legislative budget



452688

576-02006A-18

492 request to seek an appropriation to add testing of the condition
493 to the newborn screening program. The department shall expand
494 statewide screening of newborns to include screening for such
495 conditions within 18 months after the council renders such
496 advice, if a test approved by the United States Food and Drug
497 Administration or a test offered by an alternative vendor ~~which~~
498 ~~is compatible with the clinical standards established under part~~
499 ~~I of chapter 483~~ is available. If such a test is not available
500 within 18 months after the council makes its recommendation, the
501 department shall implement such screening as soon as a test
502 offered by the United States Food and Drug Administration or by
503 an alternative vendor is available; and

504 3. At the appropriate age, be tested for such other
505 metabolic diseases and hereditary or congenital disorders as the
506 department may deem necessary from time to time.

507 Section 11. Section 383.30, Florida Statutes, is amended to
508 read:

509 383.30 Birth Center Licensure Act; short title.—Sections
510 ~~383.30-383.332~~ ~~383.30-383.335~~ shall be known and may be cited as
511 the "Birth Center Licensure Act."

512 Section 12. Section 383.301, Florida Statutes, is amended
513 to read:

514 383.301 Licensure and regulation of birth centers;
515 legislative intent.—It is the intent of the Legislature to
516 provide for the protection of public health and safety in the
517 establishment, maintenance, and operation of birth centers by
518 providing for licensure of birth centers and for the
519 development, establishment, and enforcement of minimum standards
520 with respect to birth centers. The requirements of part II of



452688

576-02006A-18

521 chapter 408 shall apply to the provision of services that
522 require licensure pursuant to ss. ~~383.30-383.332~~ ~~383.30-383.335~~
523 and part II of chapter 408 and to entities licensed by or
524 applying for such licensure from the Agency for Health Care
525 Administration pursuant to ss. ~~383.30-383.332~~ ~~383.30-383.335~~. A
526 license issued by the agency is required in order to operate a
527 birth center in this state.

528 Section 13. Section 383.302, Florida Statutes, is amended
529 to read:

530 383.302 Definitions of terms used in ss. ~~383.30-383.332~~
531 ~~383.30-383.335~~.-As used in ss. ~~383.30-383.332~~ ~~383.30-383.335~~,
532 the term:

533 (1) "Agency" means the Agency for Health Care
534 Administration.

535 (2) "Birth center" means any facility, institution, or
536 place, which is not an ambulatory surgical center or a hospital
537 or in a hospital, in which births are planned to occur away from
538 the mother's usual residence following a normal, uncomplicated,
539 low-risk pregnancy.

540 (3) "Clinical staff" means individuals employed full time
541 or part time by a birth center who are licensed or certified to
542 provide care at childbirth.

543 (4) "Consultant" means a physician licensed pursuant to
544 chapter 458 or chapter 459 who agrees to provide advice and
545 services to a birth center and who either:

546 (a) Is certified or eligible for certification by the
547 American Board of Obstetrics and Gynecology, or

548 (b) Has hospital obstetrical privileges.

549 (5) "Governing body" means any individual, group,



452688

576-02006A-18

550 corporation, or institution which is responsible for the overall
551 operation and maintenance of a birth center.

552 (6) "Governmental unit" means the state or any county,
553 municipality, or other political subdivision or any department,
554 division, board, or other agency of any of the foregoing.

555 (7) "Licensed facility" means a facility licensed in
556 accordance with s. 383.305.

557 (8) "Low-risk pregnancy" means a pregnancy which is
558 expected to result in an uncomplicated birth, as determined
559 through risk criteria developed by rule of the department, and
560 which is accompanied by adequate prenatal care.

561 (9) "Person" means any individual, firm, partnership,
562 corporation, company, association, institution, or joint stock
563 association and means any legal successor of any of the
564 foregoing.

565 (10) "Premises" means those buildings, beds, and facilities
566 located at the main address of the licensee and all other
567 buildings, beds, and facilities for the provision of maternity
568 care located in such reasonable proximity to the main address of
569 the licensee as to appear to the public to be under the dominion
570 and control of the licensee.

571 Section 14. Subsection (1) of section 383.305, Florida
572 Statutes, is amended to read:

573 383.305 Licensure; fees.-

574 (1) In accordance with s. 408.805, an applicant or a
575 licensee shall pay a fee for each license application submitted
576 under ss. ~~383.30-383.332~~ ~~383.30-383.335~~ and part II of chapter
577 408. The amount of the fee shall be established by rule.

578 Section 15. Subsection (1) of section 383.309, Florida



452688

576-02006A-18

579 Statutes, is amended to read:

580 383.309 Minimum standards for birth centers; rules and
581 enforcement.-

582 (1) The agency shall adopt and enforce rules to administer
583 ss. ~~383.30-383.332~~ ~~383.30-383.335~~ and part II of chapter 408,
584 which rules shall include, but are not limited to, reasonable
585 and fair minimum standards for ensuring that:

586 (a) Sufficient numbers and qualified types of personnel and
587 occupational disciplines are available at all times to provide
588 necessary and adequate patient care and safety.

589 (b) Infection control, housekeeping, sanitary conditions,
590 disaster plan, and medical record procedures that will
591 adequately protect patient care and provide safety are
592 established and implemented.

593 (c) Licensed facilities are established, organized, and
594 operated consistent with established programmatic standards.

595 Section 16. Subsection (1) of section 383.313, Florida
596 Statutes, is amended to read:

597 383.313 Performance of laboratory and surgical services;
598 use of anesthetic and chemical agents.-

599 (1) LABORATORY SERVICES.-A birth center may collect
600 specimens for those tests that are requested under protocol. A
601 birth center must obtain and continuously maintain certification
602 by the Centers for Medicare and Medicaid Services under the
603 federal Clinical Laboratory Improvement Amendments and the
604 federal rules adopted thereunder in order to may perform simple
605 laboratory tests specified, as defined by rule of the agency,
606 and which are appropriate to meet the needs of the patient is
607 exempt from the requirements of chapter 483, provided no more



452688

576-02006A-18

608 ~~than five physicians are employed by the birth center and~~
609 ~~testing is conducted exclusively in connection with the~~
610 ~~diagnosis and treatment of clients of the birth center.~~

611 Section 17. Subsection (1) and paragraph (a) of subsection
612 (2) of section 383.33, Florida Statutes, are amended to read:

613 383.33 Administrative penalties; moratorium on admissions.-
614 (1) In addition to the requirements of part II of chapter
615 408, the agency may impose an administrative fine not to exceed
616 \$500 per violation per day for the violation of any provision of
617 ss. ~~383.30-383.332~~ ~~383.30-383.335~~, part II of chapter 408, or
618 applicable rules.

619 (2) In determining the amount of the fine to be levied for
620 a violation, as provided in this section, the following factors
621 shall be considered:

622 (a) The severity of the violation, including the
623 probability that death or serious harm to the health or safety
624 of any person will result or has resulted; the severity of the
625 actual or potential harm; and the extent to which ~~the provisions~~
626 ~~of~~ ss. ~~383.30-383.332~~ ~~383.30-383.335~~, part II of chapter 408, or
627 applicable rules were violated.

628 Section 18. Section 383.335, Florida Statutes, is repealed.

629 Section 19. Section 384.31, Florida Statutes, is amended to
630 read:

631 384.31 Testing of pregnant women; duty of the attendant.-
632 Every person, including every physician licensed under chapter
633 458 or chapter 459 or midwife licensed under part I of chapter
634 464 or chapter 467, attending a pregnant woman for conditions
635 relating to pregnancy during the period of gestation and
636 delivery shall cause the woman to be tested for sexually



452688

576-02006A-18

637 transmissible diseases, including HIV, as specified by
638 department rule. Testing shall be performed by a laboratory
639 appropriately certified by the Centers for Medicare and Medicaid
640 Services under the federal Clinical Laboratory Improvement
641 Amendments and the federal rules adopted thereunder approved for
642 such purposes ~~under part I of chapter 483~~. The woman shall be
643 informed of the tests that will be conducted and of her right to
644 refuse testing. If a woman objects to testing, a written
645 statement of objection, signed by the woman, shall be placed in
646 the woman's medical record and no testing shall occur.

647 Section 20. Subsection (2) of section 385.211, Florida
648 Statutes, is amended to read:

649 385.211 Refractory and intractable epilepsy treatment and
650 research at recognized medical centers.—

651 (2) Notwithstanding chapter 893, medical centers recognized
652 pursuant to s. 381.925, or an academic medical research
653 institution legally affiliated with a licensed children's
654 specialty hospital as defined in s. 395.002(27) ~~s. 395.002(28)~~
655 that contracts with the Department of Health, may conduct
656 research on cannabidiol and low-THC cannabis. This research may
657 include, but is not limited to, the agricultural development,
658 production, clinical research, and use of liquid medical
659 derivatives of cannabidiol and low-THC cannabis for the
660 treatment for refractory or intractable epilepsy. The authority
661 for recognized medical centers to conduct this research is
662 derived from 21 C.F.R. parts 312 and 316. Current state or
663 privately obtained research funds may be used to support the
664 activities described in this section.

665 Section 21. Subsection (7) of section 394.4787, Florida



452688

576-02006A-18

666 Statutes, is amended to read:

667 394.4787 Definitions; ss. 394.4786, 394.4787, 394.4788, and
668 394.4789.—As used in this section and ss. 394.4786, 394.4788,
669 and 394.4789:

670 (7) "Specialty psychiatric hospital" means a hospital
671 licensed by the agency pursuant to s. 395.002(27) ~~s. 395.002(28)~~
672 and part II of chapter 408 as a specialty psychiatric hospital.

673 Section 22. Section 395.001, Florida Statutes, is amended
674 to read:

675 395.001 Legislative intent.—It is the intent of the
676 Legislature to provide for the protection of public health and
677 safety in the establishment, construction, maintenance, and
678 operation of hospitals and, ambulatory surgical centers, ~~and~~
679 ~~mobile surgical facilities~~ by providing for licensure of same
680 and for the development, establishment, and enforcement of
681 minimum standards with respect thereto.

682 Section 23. Present subsections (22) through (33) of
683 section 395.002, Florida Statutes, are redesignated as
684 subsections (21) through (32), respectively, and subsections (3)
685 and (16) of that section and present subsections (21) and (23)
686 of that section are amended, to read:

687 395.002 Definitions.—As used in this chapter:

688 (3) "Ambulatory surgical center" ~~or "mobile surgical~~
689 ~~facility"~~ means a facility the primary purpose of which is to
690 provide elective surgical care, in which the patient is admitted
691 to and discharged from such facility within the same working day
692 and is not permitted to stay overnight, and which is not part of
693 a hospital. However, a facility existing for the primary purpose
694 of performing terminations of pregnancy, an office maintained by



576-02006A-18

695 a physician for the practice of medicine, or an office
696 maintained for the practice of dentistry ~~may shall~~ not be
697 construed to be an ambulatory surgical center, provided that any
698 facility or office which is certified or seeks certification as
699 a Medicare ambulatory surgical center shall be licensed as an
700 ambulatory surgical center pursuant to s. 395.003. ~~Any structure~~
701 ~~or vehicle in which a physician maintains an office and~~
702 ~~practices surgery, and which can appear to the public to be a~~
703 ~~mobile office because the structure or vehicle operates at more~~
704 ~~than one address, shall be construed to be a mobile surgical~~
705 ~~facility.~~

706 (16) "Licensed facility" means a hospital ~~or~~ ambulatory
707 surgical center, ~~or mobile surgical facility~~ licensed in
708 accordance with this chapter.

709 ~~(21) "Mobile surgical facility" is a mobile facility in~~
710 ~~which licensed health care professionals provide elective~~
711 ~~surgical care under contract with the Department of Corrections~~
712 ~~or a private correctional facility operating pursuant to chapter~~
713 ~~957 and in which inmate patients are admitted to and discharged~~
714 ~~from said facility within the same working day and are not~~
715 ~~permitted to stay overnight. However, mobile surgical facilities~~
716 ~~may only provide health care services to the inmate patients of~~
717 ~~the Department of Corrections, or inmate patients of a private~~
718 ~~correctional facility operating pursuant to chapter 957, and not~~
719 ~~to the general public.~~

720 ~~(22)(23)~~ "Premises" means those buildings, beds, and
721 equipment located at the address of the licensed facility and
722 all other buildings, beds, and equipment for the provision of
723 hospital ~~or~~ ambulatory surgical, ~~or mobile surgical~~ care



576-02006A-18

724 located in such reasonable proximity to the address of the
725 licensed facility as to appear to the public to be under the
726 dominion and control of the licensee. For any licensee that is a
727 teaching hospital as defined in s. 408.07 ~~s. 408.07(45)~~,
728 reasonable proximity includes any buildings, beds, services,
729 programs, and equipment under the dominion and control of the
730 licensee that are located at a site with a main address that is
731 within 1 mile of the main address of the licensed facility; and
732 all such buildings, beds, and equipment may, at the request of a
733 licensee or applicant, be included on the facility license as a
734 single premises.

735 Section 24. Paragraphs (a) and (b) of subsection (1) and
736 paragraph (b) of subsection (2) of section 395.003, Florida
737 Statutes, are amended to read:

738 395.003 Licensure; denial, suspension, and revocation.—

739 (1) (a) The requirements of part II of chapter 408 apply to
740 the provision of services that require licensure pursuant to ss.
741 395.001-395.1065 and part II of chapter 408 and to entities
742 licensed by or applying for such licensure from the Agency for
743 Health Care Administration pursuant to ss. 395.001-395.1065. A
744 license issued by the agency is required in order to operate a
745 hospital ~~or~~ ambulatory surgical center, ~~or mobile surgical~~
746 ~~facility~~ in this state.

747 (b)1. It is unlawful for a person to use or advertise to
748 the public, in any way or by any medium whatsoever, any facility
749 as a "hospital," ~~or~~ "ambulatory surgical center," ~~or "mobile~~
750 ~~surgical facility"~~ unless such facility has first secured a
751 license under ~~the provisions of~~ this part.

752 2. This part does not apply to veterinary hospitals or to



452688

576-02006A-18

753 commercial business establishments using the word "hospital," or
754 "ambulatory surgical center," or ~~"mobile surgical facility"~~ as a
755 part of a trade name if no treatment of human beings is
756 performed on the premises of such establishments.

757 (2) (b) The agency shall, at the request of a licensee that
758 is a teaching hospital as defined in s. 408.07 ~~s. 408.07(45)~~,
759 issue a single license to a licensee for facilities that have
760 been previously licensed as separate premises, provided such
761 separately licensed facilities, taken together, constitute the
762 same premises as defined in s. 395.002 ~~s. 395.002(23)~~. Such
763 license for the single premises shall include all of the beds,
764 services, and programs that were previously included on the
765 licenses for the separate premises. The granting of a single
766 license under this paragraph may ~~shall~~ not in any manner reduce
767 the number of beds, services, or programs operated by the
768 licensee.

769 Section 25. Subsection (1) of section 395.009, Florida
770 Statutes, is amended to read:

771 395.009 Minimum standards for clinical laboratory test
772 results and diagnostic X-ray results; prerequisite for issuance
773 or renewal of license.—

774 (1) As a requirement for issuance or renewal of its
775 license, each licensed facility shall require that all clinical
776 laboratory tests performed by or for the licensed facility be
777 performed by a clinical laboratory appropriately certified by
778 the Centers for Medicare and Medicaid Services under the federal
779 Clinical Laboratory Improvement Amendments and the federal rules
780 adopted thereunder ~~licensed under the provisions of chapter 483.~~

781 Section 26. Section 395.0091, Florida Statutes, is created



452688

576-02006A-18

782 to read:

783 395.0091 Alternate-site testing.—The agency, in
784 consultation with the Board of Clinical Laboratory Personnel,
785 shall adopt by rule the criteria for alternate-site testing to
786 be performed under the supervision of a clinical laboratory
787 director. At a minimum, the criteria must address hospital
788 internal needs assessment; a protocol for implementation,
789 including the identification of tests to be performed and who
790 will perform them; selection of the method of testing to be used
791 for alternate-site testing; minimum training and education
792 requirements for those who will perform alternate-site testing,
793 such as documented training, licensure, certification, or other
794 medical professional background not limited to laboratory
795 professionals; documented inservice training and initial and
796 ongoing competency validation; an appropriate internal and
797 external quality control protocol; an internal mechanism for the
798 central laboratory to identify and track alternate-site testing;
799 and recordkeeping requirements. Alternate-site testing locations
800 must register when the hospital applies to renew its license.
801 For purposes of this section, the term "alternate-site testing"
802 includes any laboratory testing done under the administrative
803 control of a hospital, but performed out of the physical or
804 administrative confines of the central laboratory.

805 Section 27. Paragraph (f) of subsection (1) of section
806 395.0161, Florida Statutes, is amended to read:

807 395.0161 Licensure inspection.—

808 (1) In addition to the requirement of s. 408.811, the
809 agency shall make or cause to be made such inspections and
810 investigations as it deems necessary, including:



452688

576-02006A-18

811 ~~(f) Inspections of mobile surgical facilities at each time~~
812 ~~a facility establishes a new location, prior to the admission of~~
813 ~~patients. However, such inspections shall not be required when a~~
814 ~~mobile surgical facility is moved temporarily to a location~~
815 ~~where medical treatment will not be provided.~~

816 Section 28. Subsection (3) of section 395.0163, Florida
817 Statutes, is amended to read:

818 395.0163 Construction inspections; plan submission and
819 approval; fees.—

820 ~~(3) In addition to the requirements of s. 408.811, the~~
821 ~~agency shall inspect a mobile surgical facility at initial~~
822 ~~licensure and at each time the facility establishes a new~~
823 ~~location, prior to admission of patients. However, such~~
824 ~~inspections shall not be required when a mobile surgical~~
825 ~~facility is moved temporarily to a location where medical~~
826 ~~treatment will not be provided.~~

827 Section 29. Subsection (2), paragraph (c) of subsection
828 (6), and subsections (16) and (17) of section 395.0197, Florida
829 Statutes, are amended to read:

830 395.0197 Internal risk management program.—

831 (2) The internal risk management program is the
832 responsibility of the governing board of the health care
833 facility. Each licensed facility shall hire a risk manager,
834 ~~licensed under s. 395.10974,~~ who is responsible for
835 implementation and oversight of the such facility's internal
836 risk management program and who demonstrates competence, through
837 education or experience, in all of the following areas:

- 838 (a) Applicable standards of health care risk management.
839 (b) Applicable federal, state, and local health and safety



452688

576-02006A-18

840 laws and rules.

841 (c) General risk management administration.

842 (d) Patient care.

843 (e) Medical care.

844 (f) Personal and social care.

845 (g) Accident prevention.

846 (h) Departmental organization and management.

847 (i) Community interrelationships.

848 (j) Medical terminology as required by this section. A risk
849 manager must not be made responsible for more than four internal
850 risk management programs in separate licensed facilities, unless
851 the facilities are under one corporate ownership or the risk
852 management programs are in rural hospitals.

853 (6) (c) The report submitted to the agency must shall also
854 contain the name and license number of the risk manager of the
855 licensed facility, a copy of its policy and procedures which
856 govern the measures taken by the facility and its risk manager
857 to reduce the risk of injuries and adverse incidents, and the
858 results of such measures. The annual report is confidential and
859 is not available to the public pursuant to s. 119.07(1) or any
860 other law providing access to public records. The annual report
861 is not discoverable or admissible in any civil or administrative
862 action, except in disciplinary proceedings by the agency or the
863 appropriate regulatory board. The annual report is not available
864 to the public as part of the record of investigation for and
865 prosecution in disciplinary proceedings made available to the
866 public by the agency or the appropriate regulatory board.
867 However, the agency or the appropriate regulatory board shall
868 make available, upon written request by a health care



452688

576-02006A-18

869 professional against whom probable cause has been found, any
870 such records which form the basis of the determination of
871 probable cause.

872 (16) There shall be no monetary liability on the part of,
873 and no cause of action for damages shall arise against, any risk
874 manager, ~~licensed under s. 395.10974,~~ for the implementation and
875 oversight of the internal risk management program in a facility
876 licensed under this chapter or chapter 390 as required by this
877 section, for any act or proceeding undertaken or performed
878 within the scope of the functions of such internal risk
879 management program if the risk manager acts without intentional
880 fraud.

881 (17) A privilege against civil liability is hereby granted
882 to any ~~licensed~~ risk manager or licensed facility with regard to
883 information furnished pursuant to this chapter, unless the
884 ~~licensed~~ risk manager or facility acted in bad faith or with
885 malice in providing such information.

886 Section 30. Section 395.1046, Florida Statutes, is
887 repealed.

888 Section 31. Subsections (2) and (3) of section 395.1055,
889 Florida Statutes, are amended, and paragraph (i) is added to
890 subsection (1), to read:

891 395.1055 Rules and enforcement.—

892 (1) The agency shall adopt rules pursuant to ss. 120.536(1)
893 and 120.54 to implement the provisions of this part, which shall
894 include reasonable and fair minimum standards for ensuring that:

895 (i) All hospitals providing organ transplantation, neonatal
896 intensive care services, inpatient psychiatric services,
897 inpatient substance abuse services, or comprehensive medical



452688

576-02006A-18

898 rehabilitation meet the minimum licensure requirements adopted
899 by the agency. Such licensure requirements must include quality
900 of care, nurse staffing, physician staffing, physical plant,
901 equipment, emergency transportation, and data reporting
902 standards.

903 (2) Separate standards may be provided for general and
904 specialty hospitals, ambulatory surgical centers, ~~mobile~~
905 ~~surgical facilities,~~ and statutory rural hospitals as defined in
906 s. 395.602.

907 (3) The agency shall adopt rules with respect to the care
908 and treatment of patients residing in distinct part nursing
909 units of hospitals which are certified for participation in
910 Title XVIII (Medicare) and Title XIX (Medicaid) of the Social
911 Security Act skilled nursing facility program. Such rules shall
912 take into account the types of patients treated in hospital
913 skilled nursing units, including typical patient acuity levels
914 and the average length of stay in such units, and shall be
915 limited to the appropriate portions of the Omnibus Budget
916 Reconciliation Act of 1987 (Pub. L. No. 100-203) (December 22,
917 1987), Title IV (Medicare, Medicaid, and Other Health-Related
918 Programs), Subtitle C (Nursing Home Reform), as amended. The
919 agency shall require level 2 background screening as specified
920 in s. 408.809(1)(e) pursuant to s. 408.809 and chapter 435 for
921 personnel of distinct part nursing units.

922 Section 32. Section 395.10971, Florida Statutes, is
923 repealed.

924 Section 33. Section 395.10972, Florida Statutes, is
925 repealed.

926 Section 34. Section 395.10973, Florida Statutes, is amended



452688

576-02006A-18

927 to read:

928 395.10973 Powers and duties of the agency.—It is the
929 function of the agency to:

930 (1) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
931 implement ~~the provisions of~~ this part and part II of chapter 408
932 conferring duties upon it.

933 ~~(2) Develop, impose, and enforce specific standards within~~
934 ~~the scope of the general qualifications established by this part~~
935 ~~which must be met by individuals in order to receive licenses as~~
936 ~~health care risk managers. These standards shall be designed to~~
937 ~~ensure that health care risk managers are individuals of good~~
938 ~~character and otherwise suitable and, by training or experience~~
939 ~~in the field of health care risk management, qualified in~~
940 ~~accordance with the provisions of this part to serve as health~~
941 ~~care risk managers, within statutory requirements.~~

942 ~~(3) Develop a method for determining whether an individual~~
943 ~~meets the standards set forth in s. 395.10974.~~

944 ~~(4) Issue licenses to qualified individuals meeting the~~
945 ~~standards set forth in s. 395.10974.~~

946 ~~(5) Receive, investigate, and take appropriate action with~~
947 ~~respect to any charge or complaint filed with the agency to the~~
948 ~~effect that a certified health care risk manager has failed to~~
949 ~~comply with the requirements or standards adopted by rule by the~~
950 ~~agency or to comply with the provisions of this part.~~

951 ~~(6) Establish procedures for providing periodic reports on~~
952 ~~persons certified or disciplined by the agency under this part.~~

953 (2)(7) Develop a model risk management program for health
954 care facilities which will satisfy the requirements of s.
955 395.0197.



452688

576-02006A-18

956 ~~(3)(8)~~ Enforce the special-occupancy provisions of the
957 Florida Building Code which apply to hospitals, intermediate
958 residential treatment facilities, and ambulatory surgical
959 centers in conducting any inspection authorized by this chapter
960 and part II of chapter 408.

961 Section 35. Section 395.10974, Florida Statutes, is
962 repealed.

963 Section 36. Section 395.10975, Florida Statutes, is
964 repealed.

965 Section 37. Subsection (2) of section 395.602, Florida
966 Statutes, is amended to read:

967 395.602 Rural hospitals.—

968 (2) DEFINITIONS.—As used in this part, the term:

969 (a) ~~“Emergency care hospital” means a medical facility~~
970 ~~which provides:~~

971 1. ~~Emergency medical treatment; and~~

972 2. ~~Inpatient care to ill or injured persons prior to their~~
973 ~~transportation to another hospital or provides inpatient medical~~
974 ~~care to persons needing care for a period of up to 96 hours. The~~
975 ~~96-hour limitation on inpatient care does not apply to respite,~~
976 ~~skilled nursing, hospice, or other nonacute care patients.~~

977 (b) ~~“Essential access community hospital” means any~~
978 ~~facility which:~~

979 1. ~~Has at least 100 beds;~~

980 2. ~~Is located more than 35 miles from any other essential~~
981 ~~access community hospital, rural referral center, or urban~~
982 ~~hospital meeting criteria for classification as a regional~~
983 ~~referral center;~~

984 3. ~~Is part of a network that includes rural primary care~~



576-02006A-18

985 ~~hospitals;~~
986 ~~4. Provides emergency and medical backup services to rural~~
987 ~~primary care hospitals in its rural health network;~~
988 ~~5. Extends staff privileges to rural primary care hospital~~
989 ~~physicians in its network; and~~
990 ~~6. Accepts patients transferred from rural primary care~~
991 ~~hospitals in its network.~~
992 ~~(c) "Inactive rural hospital bed" means a licensed acute~~
993 ~~care hospital bed, as defined in s. 395.002(13), that is~~
994 ~~inactive in that it cannot be occupied by acute care inpatients.~~
995 ~~(a)(d) "Rural area health education center" means an area~~
996 ~~health education center (AHEC), as authorized by Pub. L. No. 94-~~
997 ~~484, which provides services in a county with a population~~
998 ~~density of up to no greater than 100 persons per square mile.~~
999 ~~(b)(e) "Rural hospital" means an acute care hospital~~
1000 ~~licensed under this chapter, having 100 or fewer licensed beds~~
1001 ~~and an emergency room, which is:~~
1002 ~~1. The sole provider within a county with a population~~
1003 ~~density of up to 100 persons per square mile;~~
1004 ~~2. An acute care hospital, in a county with a population~~
1005 ~~density of up to 100 persons per square mile, which is at least~~
1006 ~~30 minutes of travel time, on normally traveled roads under~~
1007 ~~normal traffic conditions, from any other acute care hospital~~
1008 ~~within the same county;~~
1009 ~~3. A hospital supported by a tax district or subdistrict~~
1010 ~~whose boundaries encompass a population of up to 100 persons per~~
1011 ~~square mile;~~
1012 ~~4. A hospital classified as a sole community hospital under~~
1013 ~~42 C.F.R. s. 412.92 which has up to 175, regardless of the~~



576-02006A-18

1014 ~~number of~~ licensed beds;
1015 5. A hospital with a service area that has a population of
1016 up to 100 persons per square mile. As used in this subparagraph,
1017 the term "service area" means the fewest number of zip codes
1018 that account for 75 percent of the hospital's discharges for the
1019 most recent 5-year period, based on information available from
1020 the hospital inpatient discharge database in the Florida Center
1021 for Health Information and Transparency at the agency; or
1022 6. A hospital designated as a critical access hospital, as
1023 defined in s. 408.07.
1024
1025 Population densities used in this paragraph must be based upon
1026 the most recently completed United States census. A hospital
1027 that received funds under s. 409.9116 for a quarter beginning no
1028 later than July 1, 2002, is deemed to have been and shall
1029 continue to be a rural hospital from that date through June 30,
1030 2021, if the hospital continues to have up to 100 licensed beds
1031 and an emergency room. An acute care hospital that has not
1032 previously been designated as a rural hospital and that meets
1033 the criteria of this paragraph shall be granted such designation
1034 upon application, including supporting documentation, to the
1035 agency. A hospital that was licensed as a rural hospital during
1036 the 2010-2011 or 2011-2012 fiscal year shall continue to be a
1037 rural hospital from the date of designation through June 30,
1038 2021, if the hospital continues to have up to 100 licensed beds
1039 and an emergency room.
1040 ~~(f) "Rural primary care hospital" means any facility~~
1041 ~~meeting the criteria in paragraph (c) or s. 395.605 which~~
1042 ~~provides;~~



452688

576-02006A-18

1043 ~~1. Twenty-four hour emergency medical care;~~
1044 ~~2. Temporary inpatient care for periods of 72 hours or less~~
1045 ~~to patients requiring stabilization before discharge or transfer~~
1046 ~~to another hospital. The 72-hour limitation does not apply to~~
1047 ~~respite, skilled nursing, hospice, or other nonacute care~~
1048 ~~patients; and~~
1049 ~~3. Has no more than six licensed acute care inpatient beds.~~
1050 ~~(c)(g) "Swing-bed" means a bed which can be used~~
1051 ~~interchangeably as either a hospital, skilled nursing facility~~
1052 ~~(SNF), or intermediate care facility (ICF) bed pursuant to 42~~
1053 ~~C.F.R. parts 405, 435, 440, 442, and 447.~~
1054 Section 38. Section 395.603, Florida Statutes, is amended
1055 to read:
1056 395.603 ~~Deactivation of general hospital beds; Rural~~
1057 ~~hospital impact statement.—~~
1058 ~~(1) The agency shall establish, by rule, a process by which~~
1059 ~~a rural hospital, as defined in s. 395.602, that seeks licensure~~
1060 ~~as a rural primary care hospital or as an emergency care~~
1061 ~~hospital, or becomes a certified rural health clinic as defined~~
1062 ~~in Pub. L. No. 95-210, or becomes a primary care program such as~~
1063 ~~a county health department, community health center, or other~~
1064 ~~similar outpatient program that provides preventive and curative~~
1065 ~~services, may deactivate general hospital beds. Rural primary~~
1066 ~~care hospitals and emergency care hospitals shall maintain the~~
1067 ~~number of actively licensed general hospital beds necessary for~~
1068 ~~the facility to be certified for Medicare reimbursement.~~
1069 ~~Hospitals that discontinue inpatient care to become rural health~~
1070 ~~care clinics or primary care programs shall deactivate all~~
1071 ~~licensed general hospital beds. All hospitals, clinics, and~~



452688

576-02006A-18

1072 ~~programs with inactive beds shall provide 24-hour emergency~~
1073 ~~medical care by staffing an emergency room. Providers with~~
1074 ~~inactive beds shall be subject to the criteria in s. 395.1041.~~
1075 ~~The agency shall specify in rule requirements for making 24-hour~~
1076 ~~emergency care available. Inactive general hospital beds shall~~
1077 ~~be included in the acute care bed inventory, maintained by the~~
1078 ~~agency for certificate-of-need purposes, for 10 years from the~~
1079 ~~date of deactivation of the beds. After 10 years have elapsed,~~
1080 ~~inactive beds shall be excluded from the inventory. The agency~~
1081 ~~shall, at the request of the licensee, reactivate the inactive~~
1082 ~~general beds upon a showing by the licensee that licensure~~
1083 ~~requirements for the inactive general beds are met.~~
1084 ~~(2) In formulating and implementing policies and rules that~~
1085 ~~may have significant impact on the ability of rural hospitals to~~
1086 ~~continue to provide health care services in rural communities,~~
1087 ~~the agency, the department, or the respective regulatory board~~
1088 ~~adopting policies or rules regarding the licensure or~~
1089 ~~certification of health care professionals shall provide a rural~~
1090 ~~hospital impact statement. The rural hospital impact statement~~
1091 ~~shall assess the proposed action in light of the following~~
1092 ~~questions:~~
1093 ~~(1)(a) Do the health personnel affected by the proposed~~
1094 ~~action currently practice in rural hospitals or are they likely~~
1095 ~~to in the near future?~~
1096 ~~(2)(b) What are the current numbers of the affected health~~
1097 ~~personnel in this state, their geographic distribution, and the~~
1098 ~~number practicing in rural hospitals?~~
1099 ~~(3)(c) What are the functions presently performed by the~~
1100 ~~affected health personnel, and are such functions presently~~



452688

576-02006A-18

1101 performed in rural hospitals?

1102 ~~(4)(d)~~ What impact will the proposed action have on the
1103 ability of rural hospitals to recruit the affected personnel to
1104 practice in their facilities?

1105 ~~(5)(e)~~ What impact will the proposed action have on the
1106 limited financial resources of rural hospitals through increased
1107 salaries and benefits necessary to recruit or retain such health
1108 personnel?

1109 ~~(6)(f)~~ Is there a less stringent requirement which could
1110 apply to practice in rural hospitals?

1111 ~~(7)(g)~~ Will this action create staffing shortages, which
1112 could result in a loss to the public of health care services in
1113 rural hospitals or result in closure of any rural hospitals?

1114 Section 39. Section 395.604, Florida Statutes, is repealed.

1115 Section 40. Section 395.605, Florida Statutes, is repealed.

1116 Section 41. Paragraph (c) of subsection (1) of section
1117 395.701, Florida Statutes, is amended to read:

1118 395.701 Annual assessments on net operating revenues for
1119 inpatient and outpatient services to fund public medical
1120 assistance; administrative fines for failure to pay assessments
1121 when due; exemption.-

1122 (1) For the purposes of this section, the term:

1123 (c) "Hospital" means a health care institution as defined
1124 in s. 395.002(12), but does not include any hospital operated by
1125 a state the agency or the Department of Corrections.

1126 Section 42. Paragraph (b) of subsection (2) of section
1127 395.7015, Florida Statutes, is amended to read:

1128 395.7015 Annual assessment on health care entities.-

1129 (2) There is imposed an annual assessment against certain



452688

576-02006A-18

1130 health care entities as described in this section:

1131 (b) For the purpose of this section, "health care entities"
1132 include the following:

1133 1. Ambulatory surgical centers and mobile surgical
1134 ~~facilities licensed under s. 395.003. This subsection shall only~~
1135 ~~apply to mobile surgical facilities operating under contracts~~
1136 ~~entered into on or after July 1, 1998.~~

1137 2. ~~Clinical laboratories licensed under s. 483.091,~~
1138 ~~excluding any hospital laboratory defined under s. 483.041(6),~~
1139 ~~any clinical laboratory operated by the state or a political~~
1140 ~~subdivision of the state, any clinical laboratory which~~
1141 ~~qualifies as an exempt organization under s. 501(c)(3) of the~~
1142 ~~Internal Revenue Code of 1986, as amended, and which receives 70~~
1143 ~~percent or more of its gross revenues from services to charity~~
1144 ~~patients or Medicaid patients, and any blood, plasma, or tissue~~
1145 ~~bank procuring, storing, or distributing blood, plasma, or~~
1146 ~~tissue either for future manufacture or research or distributed~~
1147 ~~on a nonprofit basis, and further excluding any clinical~~
1148 ~~laboratory which is wholly owned and operated by 6 or fewer~~
1149 ~~physicians who are licensed pursuant to chapter 458 or chapter~~
1150 ~~459 and who practice in the same group practice, and at which no~~
1151 ~~clinical laboratory work is performed for patients referred by~~
1152 ~~any health care provider who is not a member of the same group.~~

1153 2.3- Diagnostic-imaging centers that are freestanding
1154 outpatient facilities that provide specialized services for the
1155 identification or determination of a disease through examination
1156 and also provide sophisticated radiological services, and in
1157 which services are rendered by a physician licensed by the Board
1158 of Medicine under s. 458.311, s. 458.313, or s. 458.317, or by



452688

576-02006A-18

1159 an osteopathic physician licensed by the Board of Osteopathic
1160 Medicine under s. 459.0055 or s. 459.0075. For purposes of this
1161 paragraph, "sophisticated radiological services" means the
1162 following: magnetic resonance imaging; nuclear medicine;
1163 angiography; arteriography; computed tomography; positron
1164 emission tomography; digital vascular imaging; bronchography;
1165 lymphangiography; splenography; ultrasound, excluding ultrasound
1166 providers that are part of a private physician's office practice
1167 or when ultrasound is provided by two or more physicians
1168 licensed under chapter 458 or chapter 459 who are members of the
1169 same professional association and who practice in the same
1170 medical specialties; and such other sophisticated radiological
1171 services, excluding mammography, as adopted in rule by the
1172 board.

1173 Section 43. Subsection (1) of section 400.0625, Florida
1174 Statutes, is amended to read:

1175 400.0625 Minimum standards for clinical laboratory test
1176 results and diagnostic X-ray results.—

1177 (1) Each nursing home, as a requirement for issuance or
1178 renewal of its license, shall require that all clinical
1179 laboratory tests performed for the nursing home be performed by
1180 a ~~clinical laboratory~~ appropriately certified by the Centers for
1181 Medicare and Medicaid Services under the federal Clinical
1182 Laboratory Improvement Amendments and the federal rules adopted
1183 thereunder licensed under the provisions of chapter 483, except
1184 for such self-testing procedures as are approved by the agency
1185 by rule. ~~Results of clinical laboratory tests performed prior to~~
1186 ~~admission which meet the minimum standards provided in s.~~
1187 ~~483.181(3) shall be accepted in lieu of routine examinations~~



452688

576-02006A-18

1188 ~~required upon admission and clinical laboratory tests which may~~
1189 ~~be ordered by a physician for residents of the nursing home.~~

1190 Section 44. Paragraph (a) of subsection (2) of section
1191 400.191, Florida Statutes, is amended to read:
1192 400.191 Availability, distribution, and posting of reports
1193 and records.—

1194 (2) The agency shall publish the Nursing Home Guide
1195 quarterly in electronic form to assist consumers and their
1196 families in comparing and evaluating nursing home facilities.

1197 (a) The agency shall provide an Internet site which shall
1198 include at least the following information either directly or
1199 indirectly through a link to another established site or sites
1200 of the agency's choosing:

1201 1. A section entitled "Have you considered programs that
1202 provide alternatives to nursing home care?" which shall be the
1203 first section of the Nursing Home Guide and which shall
1204 prominently display information about available alternatives to
1205 nursing homes and how to obtain additional information regarding
1206 these alternatives. The Nursing Home Guide shall explain that
1207 this state offers alternative programs that permit qualified
1208 elderly persons to stay in their homes instead of being placed
1209 in nursing homes and shall encourage interested persons to call
1210 the Comprehensive Assessment Review and Evaluation for Long-Term
1211 Care Services (CARES) Program to inquire if they qualify. The
1212 Nursing Home Guide shall list available home and community-based
1213 programs which shall clearly state the services that are
1214 provided and indicate whether nursing home services are included
1215 if needed.

1216 2. A list by name and address of all nursing home



452688

576-02006A-18

1217 facilities in this state, including any prior name by which a
1218 facility was known during the previous 24-month period.

1219 3. Whether such nursing home facilities are proprietary or
1220 nonproprietary.

1221 4. The current owner of the facility's license and the year
1222 that that entity became the owner of the license.

1223 5. The name of the owner or owners of each facility and
1224 whether the facility is affiliated with a company or other
1225 organization owning or managing more than one nursing facility
1226 in this state.

1227 6. The total number of beds in each facility and the most
1228 recently available occupancy levels.

1229 7. The number of private and semiprivate rooms in each
1230 facility.

1231 8. The religious affiliation, if any, of each facility.

1232 9. The languages spoken by the administrator and staff of
1233 each facility.

1234 10. Whether or not each facility accepts Medicare or
1235 Medicaid recipients or insurance, health maintenance
1236 organization, Veterans Administration, CHAMPUS program, or
1237 workers' compensation coverage.

1238 11. Recreational and other programs available at each
1239 facility.

1240 12. Special care units or programs offered at each
1241 facility.

1242 13. Whether the facility is a part of a retirement
1243 community that offers other services pursuant to part III of
1244 this chapter or part I or part III of chapter 429.

1245 14. Survey and deficiency information, including all



452688

576-02006A-18

1246 federal and state recertification, licensure, revisit, and
1247 complaint survey information, for each facility ~~for the past 30~~
1248 ~~months~~. For noncertified nursing homes, state survey and
1249 deficiency information, including licensure, revisit, and
1250 complaint survey information ~~for the past 30 months~~ shall be
1251 provided.

1252 Section 45. Subsection (1) and paragraphs (b), (e), and (f)
1253 of subsection (4) of section 400.464, Florida Statutes, are
1254 amended, and subsection (6) is added to that section, to read:

1255 400.464 Home health agencies to be licensed; expiration of
1256 license; exemptions; unlawful acts; penalties.—

1257 (1) The requirements of part II of chapter 408 apply to the
1258 provision of services that require licensure pursuant to this
1259 part and part II of chapter 408 and entities licensed or
1260 registered by or applying for such licensure or registration
1261 from the Agency for Health Care Administration pursuant to this
1262 part. A license issued by the agency is required in order to
1263 operate a home health agency in this state. A license issued on
1264 or after July 1, 2018, must specify the home health services the
1265 organization is authorized to perform and indicate whether such
1266 specified services are considered skilled care. The provision or
1267 advertising of services that require licensure pursuant to this
1268 part without such services being specified on the face of the
1269 license issued on or after July 1, 2018, constitutes unlicensed
1270 activity as prohibited under s. 408.812.

1271 (4) (b) The operation or maintenance of an unlicensed home
1272 health agency or the performance of any home health services in
1273 violation of this part is declared a nuisance, inimical to the
1274 public health, welfare, and safety. The agency or any state



452688

576-02006A-18

1275 attorney may, in addition to other remedies provided in this
1276 part, bring an action for an injunction to restrain such
1277 violation, or to enjoin the future operation or maintenance of
1278 the home health agency or the provision of home health services
1279 in violation of this part or part II of chapter 408, until
1280 compliance with this part or the rules adopted under this part
1281 has been demonstrated to the satisfaction of the agency.

1282 (e) Any person who owns, operates, or maintains an
1283 unlicensed home health agency and who, ~~within 10 working days~~
1284 after receiving notification from the agency, fails to cease
1285 operation and apply for a license under this part commits a
1286 misdemeanor of the second degree, punishable as provided in s.
1287 775.082 or s. 775.083. Each day of continued operation is a
1288 separate offense.

1289 (f) Any home health agency that fails to cease operation
1290 after agency notification may be fined in accordance with s.
1291 408.812 \$500 for each day of noncompliance.

1292 (6) Any person, entity, or organization providing home
1293 health services which is exempt from licensure under subsection
1294 (5) may voluntarily apply for a certificate of exemption from
1295 licensure under its exempt status with the agency on a form that
1296 specifies its name or names and addresses, a statement of the
1297 reasons why it is exempt from licensure as a home health agency,
1298 and other information deemed necessary by the agency. A
1299 certificate of exemption is valid for a period of not more than
1300 2 years and is not transferable. The agency may charge an
1301 applicant \$100 for a certificate of exemption or charge the
1302 actual cost of processing the certificate.

1303 Section 46. Subsections (6) through (9) of section 400.471,



452688

576-02006A-18

1304 Florida Statutes, are redesignated as subsections (5) through
1305 (8), respectively, and present subsections (2), (6), and (9) of
1306 that section are amended, to read:

1307 400.471 Application for license; fee.—

1308 (2) In addition to the requirements of part II of chapter
1309 408, the initial applicant, the applicant for a change of
1310 ownership, and the applicant for the addition of skilled care
1311 services must file with the application satisfactory proof that
1312 the home health agency is in compliance with this part and
1313 applicable rules, including:

1314 (a) A listing of services to be provided, either directly
1315 by the applicant or through contractual arrangements with
1316 existing providers.

1317 (b) The number and discipline of professional staff to be
1318 employed.

1319 ~~(c) Completion of questions concerning volume data on the~~
1320 ~~renewal application as determined by rule.~~

1321 ~~(c)-(d)~~ A business plan, signed by the applicant, which
1322 details the home health agency's methods to obtain patients and
1323 its plan to recruit and maintain staff.

1324 ~~(d)-(e)~~ Evidence of contingency funding as required under s.
1325 408.8065 equal to 1 month's average operating expenses during
1326 the first year of operation.

1327 ~~(e)-(f)~~ A balance sheet, income and expense statement, and
1328 statement of cash flows for the first 2 years of operation which
1329 provide evidence of having sufficient assets, credit, and
1330 projected revenues to cover liabilities and expenses. The
1331 applicant has demonstrated financial ability to operate if the
1332 applicant's assets, credit, and projected revenues meet or



452688

576-02006A-18

1333 exceed projected liabilities and expenses. An applicant may not
1334 project an operating margin of 15 percent or greater for any
1335 month in the first year of operation. All documents required
1336 under this paragraph must be prepared in accordance with
1337 generally accepted accounting principles and compiled and signed
1338 by a certified public accountant.

1339 ~~(f)~~ ~~(g)~~ All other ownership interests in health care
1340 entities for each controlling interest, as defined in part II of
1341 chapter 408.

1342 ~~(g)~~ ~~(h)~~ In the case of an application for initial licensure,
1343 an application for a change of ownership, or an application for
1344 the addition of skilled care services, documentation of
1345 accreditation, or an application for accreditation, from an
1346 accrediting organization that is recognized by the agency as
1347 having standards comparable to those required by this part and
1348 part II of chapter 408. A home health agency that is not
1349 Medicare or Medicaid certified and does not provide skilled care
1350 is exempt from this paragraph. Notwithstanding s. 408.806, an
1351 initial applicant that has applied for accreditation must
1352 provide proof of accreditation that is not conditional or
1353 provisional and a survey demonstrating compliance with the
1354 requirements of this part, part II of chapter 408, and
1355 applicable rules from an accrediting organization that is
1356 recognized by the agency as having standards comparable to those
1357 required by this part and part II of chapter 408 within 120 days
1358 after the date of the agency's receipt of the application for
1359 licensure or the application shall be withdrawn from further
1360 consideration. Such accreditation must be continuously
1361 maintained by the home health agency to maintain licensure. The



452688

576-02006A-18

1362 agency shall accept, in lieu of its own periodic licensure
1363 survey, the submission of the survey of an accrediting
1364 organization that is recognized by the agency if the
1365 accreditation of the licensed home health agency is not
1366 provisional and if the licensed home health agency authorizes
1367 releases of, and the agency receives the report of, the
1368 accrediting organization.

1369 ~~(6) The agency may not issue a license designated as~~
1370 ~~certified to a home health agency that fails to satisfy the~~
1371 ~~requirements of a Medicare certification survey from the agency.~~

1372 ~~(8)~~ ~~(9)~~ The agency may not issue a renewal license for a
1373 home health agency in any county having at least one licensed
1374 home health agency and that has more than one home health agency
1375 per 5,000 persons, as indicated by the most recent population
1376 estimates published by the Legislature's Office of Economic and
1377 Demographic Research, if the applicant or any controlling
1378 interest has been administratively sanctioned by the agency
1379 during the 2 years prior to the submission of the licensure
1380 renewal application for one or more of the following acts:

1381 (a) An intentional or negligent act that materially affects
1382 the health or safety of a client of the provider;

1383 (b) Knowingly providing home health services in an
1384 unlicensed assisted living facility or unlicensed adult family-
1385 care home, unless the home health agency or employee reports the
1386 unlicensed facility or home to the agency within 72 hours after
1387 providing the services;

1388 (c) Preparing or maintaining fraudulent patient records,
1389 such as, but not limited to, charting ahead, recording vital
1390 signs or symptoms which were not personally obtained or observed



452688

576-02006A-18

1391 by the home health agency's staff at the time indicated,
1392 borrowing patients or patient records from other home health
1393 agencies to pass a survey or inspection, or falsifying
1394 signatures;

1395 (d) Failing to provide at least one service directly to a
1396 patient for a period of 60 days;

1397 (e) Demonstrating a pattern of falsifying documents
1398 relating to the training of home health aides or certified
1399 nursing assistants or demonstrating a pattern of falsifying
1400 health statements for staff who provide direct care to patients.
1401 A pattern may be demonstrated by a showing of at least three
1402 fraudulent entries or documents;

1403 (f) Demonstrating a pattern of billing any payor for
1404 services not provided. A pattern may be demonstrated by a
1405 showing of at least three billings for services not provided
1406 within a 12-month period;

1407 (g) Demonstrating a pattern of failing to provide a service
1408 specified in the home health agency's written agreement with a
1409 patient or the patient's legal representative, or the plan of
1410 care for that patient, ~~except unless a reduction in service is~~
1411 ~~mandated by Medicare, Medicaid, or a state program~~ or as
1412 provided in s. 400.492(3). A pattern may be demonstrated by a
1413 showing of at least three incidents, regardless of the patient
1414 or service, in which the home health agency did not provide a
1415 service specified in a written agreement or plan of care during
1416 a 3-month period;

1417 (h) Giving remuneration to a case manager, discharge
1418 planner, facility-based staff member, or third-party vendor who
1419 is involved in the discharge planning process of a facility



452688

576-02006A-18

1420 licensed under chapter 395, chapter 429, or this chapter from
1421 whom the home health agency receives referrals or gives
1422 remuneration as prohibited in s. 400.474(6)(a);

1423 (i) Giving cash, or its equivalent, to a Medicare or
1424 Medicaid beneficiary;

1425 (j) Demonstrating a pattern of billing the Medicaid program
1426 for services to Medicaid recipients which are medically
1427 unnecessary as determined by a final order. A pattern may be
1428 demonstrated by a showing of at least two such medically
1429 unnecessary services within one Medicaid program integrity audit
1430 period;

1431 (k) Providing services to residents in an assisted living
1432 facility for which the home health agency does not receive fair
1433 market value remuneration; or

1434 (l) Providing staffing to an assisted living facility for
1435 which the home health agency does not receive fair market value
1436 remuneration.

1437 Section 47. Subsection (5) of section 400.474, Florida
1438 Statutes, is amended to read:

1439 400.474 Administrative penalties.—

1440 (5) The agency shall impose a fine of \$5,000 against a home
1441 health agency that demonstrates a pattern of failing to provide
1442 a service specified in the home health agency's written
1443 agreement with a patient or the patient's legal representative,
1444 or the plan of care for that patient, ~~except unless a reduction~~
1445 ~~in service is mandated by Medicare, Medicaid, or a state program~~
1446 ~~or~~ as provided in s. 400.492(3). A pattern may be demonstrated
1447 by a showing of at least three incidences, regardless of the
1448 patient or service, where the home health agency did not provide



452688

576-02006A-18

1449 a service specified in a written agreement or plan of care
1450 during a 3-month period. The agency shall impose the fine for
1451 each occurrence. The agency may also impose additional
1452 administrative fines under s. 400.484 for the direct or indirect
1453 harm to a patient, or deny, revoke, or suspend the license of
1454 the home health agency for a pattern of failing to provide a
1455 service specified in the home health agency's written agreement
1456 with a patient or the plan of care for that patient.

1457 Section 48. Paragraph (c) of subsection (2) of section
1458 400.476, Florida Statutes, is amended to read:

1459 400.476 Staffing requirements; notifications; limitations
1460 on staffing services.-

1461 (2) DIRECTOR OF NURSING.-

1462 (c) A home health agency that provides skilled nursing care
1463 ~~must is not Medicare or Medicaid certified and does not provide~~
1464 ~~skilled care or provides only physical, occupational, or speech~~
1465 ~~therapy is not required to~~ have a director of nursing and ~~is~~
1466 ~~exempt from paragraph (b).~~

1467 Section 49. Section 400.484, Florida Statutes, is amended
1468 to read:

1469 400.484 Right of inspection; violations deficiencies;
1470 fines.-

1471 (1) In addition to the requirements of s. 408.811, the
1472 agency may make such inspections and investigations as are
1473 necessary in order to determine the state of compliance with
1474 this part, part II of chapter 408, and applicable rules.

1475 (2) The agency shall impose fines for various classes of
1476 violations deficiencies in accordance with the following
1477 schedule:



452688

576-02006A-18

1478 (a) Class I violations are as provided in s. 408.813 A
1479 ~~class I deficiency is any act, omission, or practice that~~
1480 ~~results in a patient's death, disablement, or permanent injury,~~
1481 ~~or places a patient at imminent risk of death, disablement, or~~
1482 ~~permanent injury.~~ Upon finding a class I violation deficiency,
1483 the agency shall impose an administrative fine in the amount of
1484 \$15,000 for each occurrence and each day that the violation
1485 deficiency exists.

1486 (b) Class II violations are as provided in s. 408.813 A
1487 ~~class II deficiency is any act, omission, or practice that has a~~
1488 ~~direct adverse effect on the health, safety, or security of a~~
1489 ~~patient.~~ Upon finding a class II violation deficiency, the
1490 agency shall impose an administrative fine in the amount of
1491 \$5,000 for each occurrence and each day that the violation
1492 deficiency exists.

1493 (c) Class III violations are as provided in s. 408.813 A
1494 ~~class III deficiency is any act, omission, or practice that has~~
1495 ~~an indirect, adverse effect on the health, safety, or security~~
1496 ~~of a patient.~~ Upon finding an uncorrected or repeated class III
1497 violation deficiency, the agency shall impose an administrative
1498 fine not to exceed \$1,000 for each occurrence and each day that
1499 the uncorrected or repeated violation deficiency exists.

1500 (d) Class IV violations are as provided in s. 408.813 A
1501 ~~class IV deficiency is any act, omission, or practice related to~~
1502 ~~required reports, forms, or documents which does not have the~~
1503 ~~potential of negatively affecting patients.~~ These violations are
1504 of a type that the agency determines do not threaten the health,
1505 safety, or security of patients. Upon finding an uncorrected or
1506 repeated class IV violation deficiency, the agency shall impose



452688

576-02006A-18

1507 an administrative fine not to exceed \$500 for each occurrence
1508 and each day that the uncorrected or repeated violation
1509 ~~deficiency~~ exists.

1510 (3) In addition to any other penalties imposed pursuant to
1511 this section or part, the agency may assess costs related to an
1512 investigation that results in a successful prosecution,
1513 excluding costs associated with an attorney's time.

1514 Section 50. Subsection (4) of section 400.497, Florida
1515 Statutes, is amended to read:

1516 400.497 Rules establishing minimum standards.—The agency
1517 shall adopt, publish, and enforce rules to implement part II of
1518 chapter 408 and this part, including, as applicable, ss. 400.506
1519 and 400.509, which must provide reasonable and fair minimum
1520 standards relating to:

1521 (4) Licensure application and renewal and certificates of
1522 exemption.

1523 Section 51. Subsection (5), paragraph (e) of subsection
1524 (6), paragraph (a) of subsection (15), and subsection (19) of
1525 section 400.506, Florida Statutes, are amended to read:

1526 400.506 Licensure of nurse registries; requirements;
1527 penalties.—

1528 (5) (a) In addition to the requirements of s. 408.812, any
1529 person who owns, operates, or maintains an unlicensed nurse
1530 registry and who, ~~within 10 working days~~ after receiving
1531 notification from the agency, fails to cease operation and apply
1532 for a license under this part commits a misdemeanor of the
1533 second degree, punishable as provided in s. 775.082 or s.
1534 775.083. Each day of continued operation is a separate offense.

1535 (b) If a nurse registry fails to cease operation after



452688

576-02006A-18

1536 agency notification, the agency may impose a fine pursuant to s.
1537 408.812 ~~of \$500 for each day of noncompliance.~~

1538 (6)

1539 (e) Upon referral of a registered nurse, licensed practical
1540 nurse, certified nursing assistant, companion or homemaker, or
1541 home health aide for contract in a private residence or
1542 facility, the nurse registry shall advise the patient, the
1543 patient's family, or any other person acting on behalf of the
1544 patient, at the time of the contract for services, that the
1545 caregiver referred by the nurse registry is an independent
1546 contractor and that the ~~it is not the obligation of a nurse~~
1547 registry may not ~~to~~ monitor, supervise, manage, or train a
1548 caregiver referred for contract under this chapter.

1549 (15) (a) The agency may deny, suspend, or revoke the license
1550 of a nurse registry and shall impose a fine of \$5,000 against a
1551 nurse registry that:

1552 1. Provides services to residents in an assisted living
1553 facility for which the nurse registry does not receive fair
1554 market value remuneration.

1555 2. Provides staffing to an assisted living facility for
1556 which the nurse registry does not receive fair market value
1557 remuneration.

1558 3. Fails to provide the agency, upon request, with copies
1559 of all contracts with assisted living facilities which were
1560 executed within the last 5 years.

1561 ~~4. Gives remuneration to a case manager, discharge planner,~~
1562 ~~facility-based staff member, or third-party vendor who is~~
1563 ~~involved in the discharge planning process of a facility~~
1564 ~~licensed under chapter 395 or this chapter and from whom the~~



452688

576-02006A-18

1565 ~~nurse registry receives referrals. A nurse registry is exempt~~
1566 ~~from this subparagraph if it does not bill the Florida Medicaid~~
1567 ~~program or the Medicare program or share a controlling interest~~
1568 ~~with any entity licensed, registered, or certified under part II~~
1569 ~~of chapter 408 that bills the Florida Medicaid program or the~~
1570 ~~Medicare program.~~

1571 ~~5. Gives remuneration to a physician, a member of the~~
1572 ~~physician's office staff, or an immediate family member of the~~
1573 ~~physician, and the nurse registry received a patient referral in~~
1574 ~~the last 12 months from that physician or the physician's office~~
1575 ~~staff. A nurse registry is exempt from this subparagraph if it~~
1576 ~~does not bill the Florida Medicaid program or the Medicare~~
1577 ~~program or share a controlling interest with any entity~~
1578 ~~licensed, registered, or certified under part II of chapter 408~~
1579 ~~that bills the Florida Medicaid program or the Medicare program.~~

1580 (19) ~~It is not the obligation of~~ A nurse registry may not
1581 ~~to~~ monitor, supervise, manage, or train a registered nurse,
1582 licensed practical nurse, certified nursing assistant, companion
1583 or homemaker, or home health aide referred for contract under
1584 this chapter. In the event of a violation of this chapter or a
1585 violation of any other law of this state by a referred
1586 registered nurse, licensed practical nurse, certified nursing
1587 assistant, companion or homemaker, or home health aide, or a
1588 deficiency in credentials which comes to the attention of the
1589 nurse registry, the nurse registry shall advise the patient to
1590 terminate the referred person's contract, providing the reason
1591 for the suggested termination; cease referring the person to
1592 other patients or facilities; and, if practice violations are
1593 involved, notify the licensing board. This section does not



452688

576-02006A-18

1594 affect or negate any other obligations imposed on a nurse
1595 registry under chapter 408.

1596 Section 52. Subsection (1) of section 400.606, Florida
1597 Statutes, is amended to read:

1598 400.606 License; application; renewal; conditional license
1599 or permit; certificate of need.—

1600 (1) In addition to the requirements of part II of chapter
1601 408, the initial application and change of ownership application
1602 must be accompanied by a plan for the delivery of home,
1603 residential, and homelike inpatient hospice services to
1604 terminally ill persons and their families. Such plan must
1605 contain, but need not be limited to:

1606 (a) The estimated average number of terminally ill persons
1607 to be served monthly.

1608 (b) The geographic area in which hospice services will be
1609 available.

1610 (c) A listing of services which are or will be provided,
1611 either directly by the applicant or through contractual
1612 arrangements with existing providers.

1613 (d) Provisions for the implementation of hospice home care
1614 within 3 months after licensure.

1615 (e) Provisions for the implementation of hospice homelike
1616 inpatient care within 12 months after licensure.

1617 (f) The number and disciplines of professional staff to be
1618 employed.

1619 (g) The name and qualifications of any existing or
1620 potential contractee.

1621 (h) A plan for attracting and training volunteers.

1622



452688

576-02006A-18

1623 ~~If the applicant is an existing licensed health care provider,~~
1624 ~~the application must be accompanied by a copy of the most recent~~
1625 ~~profit loss statement and, if applicable, the most recent~~
1626 ~~licensure inspection report.~~

1627 Section 53. Subsection (6) of section 400.925, Florida
1628 Statutes, is amended to read:

1629 400.925 Definitions.—As used in this part, the term:

1630 (6) "Home medical equipment" includes any product as
1631 defined by the Food and Drug Administration's Federal Food,
1632 Drug, and Cosmetic Act, any products reimbursed under the
1633 Medicare Part B Durable Medical Equipment benefits, or any
1634 products reimbursed under the Florida Medicaid durable medical
1635 equipment program. Home medical equipment includes:

1636 (a) Oxygen and related respiratory equipment; manual,
1637 motorized, or customized wheelchairs and related seating and
1638 positioning, but does not include prosthetics or orthotics or
1639 any splints, braces, or aids custom fabricated by a licensed
1640 health care practitioner;

1641 (b) Motorized scooters;

1642 (c) Personal transfer systems; and

1643 (d) Specialty beds, for use by a person with a medical
1644 need; and

1645 (e) Manual, motorized, or customized wheelchairs and
1646 related seating and positioning, but does not include
1647 prosthetics or orthotics or any splints, braces, or aids custom
1648 fabricated by a licensed health care practitioner.

1649 Section 54. Subsection (4) of section 400.931, Florida
1650 Statutes, is amended to read:

1651 400.931 Application for license; fee.—



452688

576-02006A-18

1652 (4) When a change of the general manager of a home medical
1653 equipment provider occurs, the licensee must notify the agency
1654 of the change within the timeframes established in part II of
1655 chapter 408 and applicable rules 45 days.

1656 Section 55. Subsection (2) of section 400.933, Florida
1657 Statutes, is amended to read:

1658 400.933 Licensure inspections and investigations.—

1659 (2) The agency shall accept, in lieu of its own periodic
1660 inspections for licensure, submission of the following:

1661 (a) The survey or inspection of an accrediting
1662 organization, provided the accreditation of the licensed home
1663 medical equipment provider is not provisional and provided the
1664 licensed home medical equipment provider authorizes release of,
1665 and the agency receives the report of, the accrediting
1666 organization; or

1667 (b) A copy of a valid medical oxygen retail establishment
1668 permit issued by the Department of Business and Professional
1669 Regulation Health, pursuant to chapter 499.

1670 Section 56. Subsection (2) of section 400.980, Florida
1671 Statutes, is amended to read:

1672 400.980 Health care services pools.—

1673 (2) The requirements of part II of chapter 408 apply to the
1674 provision of services that require licensure or registration
1675 pursuant to this part and part II of chapter 408 and to entities
1676 registered by or applying for such registration from the agency
1677 pursuant to this part. Registration or a license issued by the
1678 agency is required for the operation of a health care services
1679 pool in this state. In accordance with s. 408.805, an applicant
1680 or licensee shall pay a fee for each license application



452688

576-02006A-18

1681 submitted using this part, part II of chapter 408, and
1682 applicable rules. The agency shall adopt rules and provide forms
1683 required for such registration and shall impose a registration
1684 fee in an amount sufficient to cover the cost of administering
1685 this part and part II of chapter 408. In addition to the
1686 requirements in part II of chapter 408, the registrant must
1687 provide the agency with any change of information contained on
1688 the original registration application within the timeframes
1689 established in this part, part II of chapter 408, and applicable
1690 rules 14 days prior to the change.

1691 Section 57. Paragraphs (a) through (d) of subsection (4) of
1692 section 400.9905, Florida Statutes, are amended to read:

1693 400.9905 Definitions.—

1694 (4) "Clinic" means an entity where health care services are
1695 provided to individuals and which tenders charges for
1696 reimbursement for such services, including a mobile clinic and a
1697 portable equipment provider. As used in this part, the term does
1698 not include and the licensure requirements of this part do not
1699 apply to:

1700 (a) Entities licensed or registered by the state under
1701 chapter 395; entities licensed or registered by the state and
1702 providing only health care services within the scope of services
1703 authorized under their respective licenses under ss. 383.30-
1704 383.332 ~~383.30-383.335~~, chapter 390, chapter 394, chapter 397,
1705 this chapter except part X, chapter 429, chapter 463, chapter
1706 465, chapter 466, chapter 478, ~~part I of chapter 483~~, chapter
1707 484, or chapter 651; end-stage renal disease providers
1708 authorized under 42 C.F.R. part 405, subpart U; providers
1709 certified under 42 C.F.R. part 485, subpart B or subpart H; or



452688

576-02006A-18

1710 any entity that provides neonatal or pediatric hospital-based
1711 health care services or other health care services by licensed
1712 practitioners solely within a hospital licensed under chapter
1713 395.

1714 (b) Entities that own, directly or indirectly, entities
1715 licensed or registered by the state pursuant to chapter 395;
1716 entities that own, directly or indirectly, entities licensed or
1717 registered by the state and providing only health care services
1718 within the scope of services authorized pursuant to their
1719 respective licenses under ss. 383.30-383.332 ~~383.30-383.335~~,
1720 chapter 390, chapter 394, chapter 397, this chapter except part
1721 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
1722 478, ~~part I of chapter 483~~, chapter 484, or chapter 651; end-
1723 stage renal disease providers authorized under 42 C.F.R. part
1724 405, subpart U; providers certified under 42 C.F.R. part 485,
1725 subpart B or subpart H; or any entity that provides neonatal or
1726 pediatric hospital-based health care services by licensed
1727 practitioners solely within a hospital licensed under chapter
1728 395.

1729 (c) Entities that are owned, directly or indirectly, by an
1730 entity licensed or registered by the state pursuant to chapter
1731 395; entities that are owned, directly or indirectly, by an
1732 entity licensed or registered by the state and providing only
1733 health care services within the scope of services authorized
1734 pursuant to their respective licenses under ss. 383.30-383.332
1735 ~~383.30-383.335~~, chapter 390, chapter 394, chapter 397, this
1736 chapter except part X, chapter 429, chapter 463, chapter 465,
1737 chapter 466, chapter 478, ~~part I of chapter 483~~, chapter 484, or
1738 chapter 651; end-stage renal disease providers authorized under



452688

576-02006A-18

1739 42 C.F.R. part 405, subpart U; providers certified under 42
1740 C.F.R. part 485, subpart B or subpart H; or any entity that
1741 provides neonatal or pediatric hospital-based health care
1742 services by licensed practitioners solely within a hospital
1743 under chapter 395.

1744 (d) Entities that are under common ownership, directly or
1745 indirectly, with an entity licensed or registered by the state
1746 pursuant to chapter 395; entities that are under common
1747 ownership, directly or indirectly, with an entity licensed or
1748 registered by the state and providing only health care services
1749 within the scope of services authorized pursuant to their
1750 respective licenses under ss. 383.30-383.332 ~~383.30-383.335~~,
1751 chapter 390, chapter 394, chapter 397, this chapter except part
1752 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
1753 478, ~~part I of chapter 483~~, chapter 484, or chapter 651; end-
1754 stage renal disease providers authorized under 42 C.F.R. part
1755 405, subpart U; providers certified under 42 C.F.R. part 485,
1756 subpart B or subpart H; or any entity that provides neonatal or
1757 pediatric hospital-based health care services by licensed
1758 practitioners solely within a hospital licensed under chapter
1759 395.

1760
1761 Notwithstanding this subsection, an entity shall be deemed a
1762 clinic and must be licensed under this part in order to receive
1763 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.
1764 627.730-627.7405, unless exempted under s. 627.736(5)(h).

1765 Section 58. Subsection (6) of section 400.9935, Florida
1766 Statutes, is amended to read:
1767 400.9935 Clinic responsibilities.-



452688

576-02006A-18

1768 (6) Any person or entity providing health care services
1769 which is not a clinic, as defined under s. 400.9905, may
1770 voluntarily apply for a certificate of exemption from licensure
1771 under its exempt status with the agency on a form that sets
1772 forth its name or names and addresses, a statement of the
1773 reasons why it cannot be defined as a clinic, and other
1774 information deemed necessary by the agency. An exemption may be
1775 valid for up to 2 years and is not transferable. The agency may
1776 charge an applicant for a certificate of exemption in an amount
1777 equal to \$100 or the actual cost of processing the certificate,
1778 whichever is less. An entity seeking a certificate of exemption
1779 must publish and maintain a schedule of charges for the medical
1780 services offered to patients. The schedule must include the
1781 prices charged to an uninsured person paying for such services
1782 by cash, check, credit card, or debit card. The schedule must be
1783 posted in a conspicuous place in the reception area of the
1784 entity and must include, but is not limited to, the 50 services
1785 most frequently provided by the entity. The schedule may group
1786 services by three price levels, listing services in each price
1787 level. The posting must be at least 15 square feet in size. As a
1788 condition precedent to receiving a certificate of exemption, an
1789 applicant must provide to the agency documentation of compliance
1790 with these requirements.

1791 Section 59. Paragraph (a) of subsection (2) of section
1792 408.033, Florida Statutes, is amended to read:

1793 408.033 Local and state health planning.-

1794 (2) FUNDING.-

1795 (a) The Legislature intends that the cost of local health
1796 councils be borne by assessments on selected health care



452688

576-02006A-18

1797 facilities subject to facility licensure by the Agency for
1798 Health Care Administration, including abortion clinics, assisted
1799 living facilities, ambulatory surgical centers, ~~birth birthing~~
1800 ~~centers, clinical laboratories except community nonprofit blood~~
1801 ~~banks and clinical laboratories operated by practitioners for~~
1802 ~~exclusive use regulated under s. 483.035,~~ home health agencies,
1803 hospices, hospitals, intermediate care facilities for the
1804 developmentally disabled, nursing homes, health care clinics,
1805 and multiphasic testing centers and by assessments on
1806 organizations subject to certification by the agency pursuant to
1807 chapter 641, part III, including health maintenance
1808 organizations and prepaid health clinics. Fees assessed may be
1809 collected prospectively at the time of licensure renewal and
1810 prorated for the licensure period.

1811 Section 60. Present paragraphs (f) through (l) of
1812 subsection (3) of section 408.036, Florida Statutes, are
1813 redesignated as paragraphs (e) through (k), respectively,
1814 present paragraphs (o) through (t) of that subsection are
1815 redesignated as paragraphs (l) through (q), respectively, and
1816 present paragraphs (e), (m), (n), and (p) of that subsection are
1817 amended, to read:

1818 408.036 Projects subject to review; exemptions.-

1819 (3) EXEMPTIONS.—Upon request, the following projects are
1820 subject to exemption from the provisions of subsection (1):

1821 ~~(e) For mobile surgical facilities and related health care~~
1822 ~~services provided under contract with the Department of~~
1823 ~~Corrections or a private correctional facility operating~~
1824 ~~pursuant to chapter 957.~~

1825 ~~(m)1. For the provision of adult open-heart services in a~~



452688

576-02006A-18

1826 ~~hospital located within the boundaries of a health service~~
1827 ~~planning district, as defined in s. 408.032(5), which has~~
1828 ~~experienced an annual net out migration of at least 600 open-~~
1829 ~~heart surgery cases for 3 consecutive years according to the~~
1830 ~~most recent data reported to the agency, and the district's~~
1831 ~~population per licensed and operational open-heart programs~~
1832 ~~exceeds the state average of population per licensed and~~
1833 ~~operational open-heart programs by at least 25 percent. All~~
1834 ~~hospitals within a health service planning district which meet~~
1835 ~~the criteria reference in sub-subparagraphs 2.a.-h. shall be~~
1836 ~~eligible for this exemption on July 1, 2004, and shall receive~~
1837 ~~the exemption upon filing for it and subject to the following:~~

1838 a. A hospital that has received a notice of intent to grant
1839 a certificate of need or a final order of the agency granting a
1840 certificate of need for the establishment of an open-heart-
1841 surgery program is entitled to receive a letter of exemption for
1842 the establishment of an adult open-heart surgery program upon
1843 filing a request for exemption and complying with the criteria
1844 enumerated in sub-subparagraphs 2.a.-h., and is entitled to
1845 immediately commence operation of the program.

1846 b. An otherwise eligible hospital that has not received a
1847 notice of intent to grant a certificate of need or a final order
1848 of the agency granting a certificate of need for the
1849 establishment of an open-heart surgery program is entitled to
1850 immediately receive a letter of exemption for the establishment
1851 of an adult open heart surgery program upon filing a request for
1852 exemption and complying with the criteria enumerated in sub-
1853 subparagraphs 2.a.-h., but is not entitled to commence operation
1854 of its program until December 31, 2006.



452688

576-02006A-18

1855 ~~2. A hospital shall be exempt from the certificate of need~~
1856 ~~review for the establishment of an open-heart surgery program~~
1857 ~~when the application for exemption submitted under this~~
1858 ~~paragraph complies with the following criteria:~~

1859 ~~a. The applicant must certify that it will meet and~~
1860 ~~continuously maintain the minimum licensure requirements adopted~~
1861 ~~by the agency governing adult open-heart programs, including the~~
1862 ~~most current guidelines of the American College of Cardiology~~
1863 ~~and American Heart Association Guidelines for Adult Open Heart~~
1864 ~~Programs.~~

1865 ~~b. The applicant must certify that it will maintain~~
1866 ~~sufficient appropriate equipment and health personnel to ensure~~
1867 ~~quality and safety.~~

1868 ~~e. The applicant must certify that it will maintain~~
1869 ~~appropriate times of operation and protocols to ensure~~
1870 ~~availability and appropriate referrals in the event of~~
1871 ~~emergencies.~~

1872 ~~d. The applicant can demonstrate that it has discharged at~~
1873 ~~least 300 inpatients with a principal diagnosis of ischemic~~
1874 ~~heart disease for the most recent 12-month period as reported to~~
1875 ~~the agency.~~

1876 ~~e. The applicant is a general acute care hospital that is~~
1877 ~~in operation for 3 years or more.~~

1878 ~~f. The applicant is performing more than 300 diagnostic~~
1879 ~~cardiac catheterization procedures per year, combined inpatient~~
1880 ~~and outpatient.~~

1881 ~~g. The applicant's payor mix at a minimum reflects the~~
1882 ~~community average for Medicaid, charity care, and self-pay~~
1883 ~~patients or the applicant must certify that it will provide a~~



452688

576-02006A-18

1884 ~~minimum of 5 percent of Medicaid, charity care, and self-pay to~~
1885 ~~open-heart surgery patients.~~

1886 ~~h. If the applicant fails to meet the established criteria~~
1887 ~~for open-heart programs or fails to reach 300 surgeries per year~~
1888 ~~by the end of its third year of operation, it must show cause~~
1889 ~~why its exemption should not be revoked.~~

1890 ~~3. By December 31, 2004, and annually thereafter, the~~
1891 ~~agency shall submit a report to the Legislature providing~~
1892 ~~information concerning the number of requests for exemption it~~
1893 ~~has received under this paragraph during the calendar year and~~
1894 ~~the number of exemptions it has granted or denied during the~~
1895 ~~calendar year.~~

1896 ~~(n) For the provision of percutaneous coronary intervention~~
1897 ~~for patients presenting with emergency myocardial infarctions in~~
1898 ~~a hospital without an approved adult open-heart surgery program.~~
1899 ~~In addition to any other documentation required by the agency, a~~
1900 ~~request for an exemption submitted under this paragraph must~~
1901 ~~comply with the following:~~

1902 ~~1. The applicant must certify that it will meet and~~
1903 ~~continuously maintain the requirements adopted by the agency for~~
1904 ~~the provision of these services. These licensure requirements~~
1905 ~~shall be adopted by rule and must be consistent with the~~
1906 ~~guidelines published by the American College of Cardiology and~~
1907 ~~the American Heart Association for the provision of percutaneous~~
1908 ~~coronary interventions in hospitals without adult open-heart~~
1909 ~~services. At a minimum, the rules must require the following:~~

1910 ~~a. Cardiologists must be experienced interventionalists who~~
1911 ~~have performed a minimum of 75 interventions within the previous~~
1912 ~~12 months.~~



452688

576-02006A-18

1913 ~~b. The hospital must provide a minimum of 36 emergency~~
1914 ~~interventions annually in order to continue to provide the~~
1915 ~~service.~~
1916 ~~c. The hospital must offer sufficient physician, nursing,~~
1917 ~~and laboratory staff to provide the services 24 hours a day, 7~~
1918 ~~days a week.~~
1919 ~~d. Nursing and technical staff must have demonstrated~~
1920 ~~experience in handling acutely ill patients requiring~~
1921 ~~intervention based on previous experience in dedicated~~
1922 ~~interventional laboratories or surgical centers.~~
1923 ~~e. Cardiac care nursing staff must be adept in hemodynamic~~
1924 ~~monitoring and Intra-aortic Balloon Pump (IABP) management.~~
1925 ~~f. Formalized written transfer agreements must be developed~~
1926 ~~with a hospital with an adult open-heart surgery program, and~~
1927 ~~written transport protocols must be in place to ensure safe and~~
1928 ~~efficient transfer of a patient within 60 minutes. Transfer and~~
1929 ~~transport agreements must be reviewed and tested, with~~
1930 ~~appropriate documentation maintained at least every 3 months.~~
1931 ~~However, a hospital located more than 100 road miles from the~~
1932 ~~closest Level II adult cardiovascular services program does not~~
1933 ~~need to meet the 60-minute transfer time protocol if the~~
1934 ~~hospital demonstrates that it has a formalized, written transfer~~
1935 ~~agreement with a hospital that has a Level II program. The~~
1936 ~~agreement must include written transport protocols that ensure~~
1937 ~~the safe and efficient transfer of a patient, taking into~~
1938 ~~consideration the patient's clinical and physical~~
1939 ~~characteristics, road and weather conditions, and viability of~~
1940 ~~ground and air ambulance service to transfer the patient.~~
1941 ~~g. Hospitals implementing the service must first undertake~~



452688

576-02006A-18

1942 ~~a training program of 3 to 6 months' duration, which includes~~
1943 ~~establishing standards and testing logistics, creating quality~~
1944 ~~assessment and error management practices, and formalizing~~
1945 ~~patient selection criteria.~~
1946 ~~2. The applicant must certify that it will use at all times~~
1947 ~~the patient selection criteria for the performance of primary~~
1948 ~~angioplasty at hospitals without adult open-heart surgery~~
1949 ~~programs issued by the American College of Cardiology and the~~
1950 ~~American Heart Association. At a minimum, these criteria would~~
1951 ~~provide for the following:~~
1952 ~~a. Avoidance of interventions in hemodynamically stable~~
1953 ~~patients who have identified symptoms or medical histories.~~
1954 ~~b. Transfer of patients who have a history of coronary~~
1955 ~~disease and clinical presentation of hemodynamic instability.~~
1956 ~~3. The applicant must agree to submit a quarterly report to~~
1957 ~~the agency detailing patient characteristics, treatment, and~~
1958 ~~outcomes for all patients receiving emergency percutaneous~~
1959 ~~coronary interventions pursuant to this paragraph. This report~~
1960 ~~must be submitted within 15 days after the close of each~~
1961 ~~calendar quarter.~~
1962 ~~4. The exemption provided by this paragraph does not apply~~
1963 ~~unless the agency determines that the hospital has taken all~~
1964 ~~necessary steps to be in compliance with all requirements of~~
1965 ~~this paragraph, including the training program required under~~
1966 ~~sub-subparagraph 1.g.~~
1967 ~~5. Failure of the hospital to continuously comply with the~~
1968 ~~requirements of sub-subparagraphs 1.e.-f. and subparagraphs 2.~~
1969 ~~and 3. will result in the immediate expiration of this~~
1970 ~~exemption.~~



452688

576-02006A-18

1971 ~~6. Failure of the hospital to meet the volume requirements~~
1972 ~~of sub-subparagraphs 1.a. and b. within 18 months after the~~
1973 ~~program begins offering the service will result in the immediate~~
1974 ~~expiration of the exemption.~~

1975
1976 ~~If the exemption for this service expires under subparagraph 5.~~
1977 ~~or subparagraph 6., the agency may not grant another exemption~~
1978 ~~for this service to the same hospital for 2 years and then only~~
1979 ~~upon a showing that the hospital will remain in compliance with~~
1980 ~~the requirements of this paragraph through a demonstration of~~
1981 ~~corrections to the deficiencies that caused expiration of the~~
1982 ~~exemption. Compliance with the requirements of this paragraph~~
1983 ~~includes compliance with the rules adopted pursuant to this~~
1984 ~~paragraph.~~

1985 (m) ~~(p)~~ For replacement of a licensed nursing home on the
1986 same site, or within 5 miles of the same site if within the same
1987 subdistrict, if the number of licensed beds does not increase
1988 except as permitted under paragraph (e) ~~(f)~~.

1989 Section 61. Paragraph (b) of subsection (3) of section
1990 408.0361, Florida Statutes, is amended to read:

1991 408.0361 Cardiovascular services and burn unit licensure.—

1992 (3) In establishing rules for adult cardiovascular
1993 services, the agency shall include provisions that allow for:

1994 (b) 1. For a hospital seeking a Level I program,
1995 demonstration that, for the most recent 12-month period as
1996 reported to the agency, it has provided a minimum of 300 adult
1997 inpatient and outpatient diagnostic cardiac catheterizations or,
1998 for the most recent 12-month period, has discharged or
1999 transferred at least 300 patients ~~inpatients~~ with the principal



452688

576-02006A-18

2000 diagnosis of ischemic heart disease and that it has a
2001 formalized, written transfer agreement with a hospital that has
2002 a Level II program, including written transport protocols to
2003 ensure safe and efficient transfer of a patient within 60
2004 minutes.

2005 2.a. A hospital located more than 100 road miles from the
2006 closest Level II adult cardiovascular services program does not
2007 need to meet the diagnostic cardiac catheterization volume and
2008 ischemic heart disease diagnosis volume requirements in
2009 subparagraph 1., if the hospital demonstrates that it has, for
2010 the most recent 12-month period as reported to the agency,
2011 provided a minimum of 100 adult inpatient and outpatient
2012 diagnostic cardiac catheterizations or that, for the most recent
2013 12-month period, it has discharged or transferred at least 300
2014 patients with the principal diagnosis of ischemic heart disease.

2015 b. However, A hospital located more than 100 road miles
2016 from the closest Level II adult cardiovascular services program
2017 does not need to meet the 60-minute transfer time protocol
2018 requirement in subparagraph 1., if the hospital demonstrates
2019 that it has a formalized, written transfer agreement with a
2020 hospital that has a Level II program. The agreement must include
2021 written transport protocols to ensure the safe and efficient
2022 transfer of a patient, taking into consideration the patient's
2023 clinical and physical characteristics, road and weather
2024 conditions, and viability of ground and air ambulance service to
2025 transfer the patient.

2026 3. At a minimum, the rules for adult cardiovascular
2027 services must require nursing and technical staff to have
2028 demonstrated experience in handling acutely ill patients



452688

576-02006A-18

2029 requiring intervention, based on the staff member's previous
2030 experience in dedicated cardiac interventional laboratories or
2031 surgical centers. If a staff member's previous experience is in
2032 a dedicated cardiac interventional laboratory at a hospital that
2033 does not have an approved adult open-heart-surgery program, the
2034 staff member's previous experience qualifies only if, at the
2035 time the staff member acquired his or her experience, the
2036 dedicated cardiac interventional laboratory:

2037 a. Had an annual volume of 500 or more percutaneous cardiac
2038 intervention procedures;

2039 b. Achieved a demonstrated success rate of 95 percent or
2040 greater for percutaneous cardiac intervention procedures;

2041 c. Experienced a complication rate of less than 5 percent
2042 for percutaneous cardiac intervention procedures; and

2043 d. Performed diverse cardiac procedures, including, but not
2044 limited to, balloon angioplasty and stenting, rotational
2045 atherectomy, cutting balloon atheroma remodeling, and procedures
2046 relating to left ventricular support capability.

2047 Section 62. Subsection (4) of section 408.061, Florida
2048 Statutes, is amended to read:

2049 408.061 Data collection; uniform systems of financial
2050 reporting; information relating to physician charges;
2051 confidential information; immunity.-

2052 (4) Within 120 days after the end of its fiscal year, each
2053 health care facility, excluding continuing care facilities,
2054 hospitals operated by state agencies, and nursing homes as those
2055 terms are defined in s. 408.07 s. 408.07(14) and (37), shall
2056 file with the agency, on forms adopted by the agency and based
2057 on the uniform system of financial reporting, its actual



452688

576-02006A-18

2058 financial experience for that fiscal year, including
2059 expenditures, revenues, and statistical measures. Such data may
2060 be based on internal financial reports which are certified to be
2061 complete and accurate by the provider. However, hospitals'
2062 actual financial experience shall be their audited actual
2063 experience. Every nursing home shall submit to the agency, in a
2064 format designated by the agency, a statistical profile of the
2065 nursing home residents. The agency, in conjunction with the
2066 Department of Elderly Affairs and the Department of Health,
2067 shall review these statistical profiles and develop
2068 recommendations for the types of residents who might more
2069 appropriately be placed in their homes or other noninstitutional
2070 settings.

2071 Section 63. Subsection (11) of section 408.07, Florida
2072 Statutes, is amended to read:

2073 408.07 Definitions.-As used in this chapter, with the
2074 exception of ss. 408.031-408.045, the term:

2075 ~~(11) "Clinical laboratory" means a facility licensed under~~
2076 ~~s. 483.091, excluding: any hospital laboratory defined under s.~~
2077 ~~483.041(6); any clinical laboratory operated by the state or a~~
2078 ~~political subdivision of the state; any blood or tissue bank~~
2079 ~~where the majority of revenues are received from the sale of~~
2080 ~~blood or tissue and where blood, plasma, or tissue is procured~~
2081 ~~from volunteer donors and donated, processed, stored, or~~
2082 ~~distributed on a nonprofit basis; and any clinical laboratory~~
2083 ~~which is wholly owned and operated by physicians who are~~
2084 ~~licensed pursuant to chapter 458 or chapter 459 and who practice~~
2085 ~~in the same group practice, and at which no clinical laboratory~~
2086 ~~work is performed for patients referred by any health care~~



452688

576-02006A-18

2087 ~~provider who is not a member of that same group practice.~~
2088 Section 64. Subsection (4) of section 408.20, Florida
2089 Statutes, is amended to read:
2090 408.20 Assessments; Health Care Trust Fund.—
2091 (4) Hospitals operated by a state agency ~~the Department of~~
2092 ~~Children and Families, the Department of Health, or the~~
2093 ~~Department of Corrections~~ are exempt from the assessments
2094 required under this section.
2095 Section 65. Section 408.7056, Florida Statutes, is
2096 repealed.
2097 Section 66. Subsections (10), (11), and (27) of section
2098 408.802, Florida Statutes, are amended to read:
2099 408.802 Applicability.—The provisions of this part apply to
2100 the provision of services that require licensure as defined in
2101 this part and to the following entities licensed, registered, or
2102 certified by the agency, as described in chapters 112, 383, 390,
2103 394, 395, 400, 429, 440, 483, and 765:
2104 ~~(10) Mobile surgical facilities, as provided under part I~~
2105 ~~of chapter 395.~~
2106 ~~(11) Health care risk managers, as provided under part I of~~
2107 ~~chapter 395.~~
2108 ~~(27) Clinical laboratories, as provided under part I of~~
2109 ~~chapter 483.~~
2110 Section 67. Subsections (12) and (13) of section 408.803,
2111 Florida Statutes, are redesignated as subsections (13) and (14),
2112 respectively, and a new subsection (12) is added to that
2113 section, to read:
2114 408.803 Definitions.—As used in this part, the term:
2115 (12) "Relative" means an individual who is the father,



452688

576-02006A-18

2116 mother, stepfather, stepmother, son, daughter, brother, sister,
2117 grandmother, grandfather, great-grandmother, great-grandfather,
2118 grandson, granddaughter, uncle, aunt, first cousin, nephew,
2119 niece, husband, wife, father-in-law, mother-in-law, son-in-law,
2120 daughter-in-law, brother-in-law, sister-in-law, stepson,
2121 stepdaughter, stepbrother, stepsister, half-brother, or half-
2122 sister of a patient or client.
2123 Section 68. Paragraph (c) of subsection (7) of section
2124 408.806, Florida Statutes, is amended, and subsection (9) is
2125 added to that section, to read:
2126 408.806 License application process.—
2127 (7) (c) If an inspection is required by the authorizing
2128 statute for a license application other than an initial
2129 application, the inspection must be unannounced. This paragraph
2130 does not apply to inspections required pursuant to ss. 383.324,
2131 395.0161(4) and, 429.67(6) , ~~and 483.061(2).~~
2132 (9) A licensee that holds a license for multiple providers
2133 licensed by the agency may request that all related license
2134 expiration dates be aligned. Upon such request, the agency may
2135 issue a license for an abbreviated licensure period with a
2136 prorated licensure fee.
2137 Section 69. Paragraphs (d) and (e) of subsection (1) of
2138 section 408.809, Florida Statutes, are amended to read:
2139 408.809 Background screening; prohibited offenses.—
2140 (1) Level 2 background screening pursuant to chapter 435
2141 must be conducted through the agency on each of the following
2142 persons, who are considered employees for the purposes of
2143 conducting screening under chapter 435:
2144 (d) Any person who is a controlling interest ~~if the agency~~



452688

576-02006A-18

2145 ~~has reason to believe that such person has been convicted of any~~
2146 ~~offense prohibited by s. 435.04. For each controlling interest~~
2147 ~~who has been convicted of any such offense, the licensee shall~~
2148 ~~submit to the agency a description and explanation of the~~
2149 ~~conviction at the time of license application.~~

2150 (e) Any person, as required by authorizing statutes,
2151 seeking employment with a licensee or provider who is expected
2152 to, or whose responsibilities may require him or her to, provide
2153 personal care or services directly to clients or have access to
2154 client funds, personal property, or living areas; and any
2155 person, as required by authorizing statutes, contracting with a
2156 licensee or provider whose responsibilities require him or her
2157 to provide personal care or personal services directly to
2158 clients, or contracting with a licensee or provider to work 20
2159 hours a week or more who will have access to client funds,
2160 personal property, or living areas. Evidence of contractor
2161 screening may be retained by the contractor's employer or the
2162 licensee.

2163 Section 70. Subsection (8) of section 408.810, Florida
2164 Statutes, is amended, and subsections (11), (12), and (13) are
2165 added to that section, to read:

2166 408.810 Minimum licensure requirements.—In addition to the
2167 licensure requirements specified in this part, authorizing
2168 statutes, and applicable rules, each applicant and licensee must
2169 comply with the requirements of this section in order to obtain
2170 and maintain a license.

2171 (8) Upon application for initial licensure or change of
2172 ownership licensure, the applicant shall furnish satisfactory
2173 proof of the applicant's financial ability to operate in



452688

576-02006A-18

2174 accordance with the requirements of this part, authorizing
2175 statutes, and applicable rules. The agency shall establish
2176 standards for this purpose, including information concerning the
2177 applicant's controlling interests. The agency shall also
2178 establish documentation requirements, to be completed by each
2179 applicant, that show anticipated provider revenues and
2180 expenditures, the basis for financing the anticipated cash-flow
2181 requirements of the provider, and an applicant's access to
2182 contingency financing. A current certificate of authority,
2183 pursuant to chapter 651, may be provided as proof of financial
2184 ability to operate. The agency may require a licensee to provide
2185 proof of financial ability to operate at any time if there is
2186 evidence of financial instability, including, but not limited
2187 to, unpaid expenses necessary for the basic operations of the
2188 provider. An applicant applying for change of ownership
2189 licensure is exempt from furnishing proof of financial ability
2190 to operate if the provider has been licensed for at least 5
2191 years, and:

2192 (a) The ownership change is a result of a corporate
2193 reorganization under which the controlling interest is unchanged
2194 and the applicant submits organizational charts that represent
2195 the current and proposed structure of the reorganized
2196 corporation; or

2197 (b) The ownership change is due solely to the death of a
2198 person holding a controlling interest, and the surviving
2199 controlling interests continue to hold at least 51 percent of
2200 ownership after the change of ownership.

2201 (11) The agency may adopt rules that govern the
2202 circumstances under which a controlling interest, an



452688

576-02006A-18

2203 administrator, an employee, or a contractor, or a representative
2204 thereof, who is not a relative of the client may act as an agent
2205 of the client in authorizing consent for medical treatment,
2206 assignment of benefits, and release of information. Such rules
2207 may include requirements related to disclosure, bonding,
2208 restrictions, and client protections.

2209 (12) The licensee shall ensure that no person holds any
2210 ownership interest, either directly or indirectly, regardless of
2211 ownership structure, who:

2212 (a) Has a disqualifying offense pursuant to s. 408.809; or

2213 (b) Holds or has held any ownership interest, either
2214 directly or indirectly, regardless of ownership structure, in a
2215 provider that had a license revoked or an application denied
2216 pursuant to s. 408.815.

2217 (13) If the licensee is a publicly traded corporation or is
2218 wholly owned, directly or indirectly, by a publicly traded
2219 corporation, subsection (12) does not apply to those persons
2220 whose sole relationship with the corporation is as a shareholder
2221 of publicly traded shares. As used in this subsection, a
2222 "publicly traded corporation" is a corporation that issues
2223 securities traded on an exchange registered with the United
2224 States Securities and Exchange Commission as a national
2225 securities exchange.

2226 Section 71. Section 408.812, Florida Statutes, is amended
2227 to read:

2228 408.812 Unlicensed activity.-

2229 (1) A person or entity may not offer or advertise services
2230 that require licensure as defined by this part, authorizing
2231 statutes, or applicable rules to the public without obtaining a



452688

576-02006A-18

2232 valid license from the agency. A licenseholder may not advertise
2233 or hold out to the public that he or she holds a license for
2234 other than that for which he or she actually holds the license.

2235 (2) The operation or maintenance of an unlicensed provider
2236 or the performance of any services that require licensure
2237 without proper licensure is a violation of this part and
2238 authorizing statutes. Unlicensed activity constitutes harm that
2239 materially affects the health, safety, and welfare of clients,
2240 and constitutes abuse and neglect, as defined in s. 415.102. The
2241 agency or any state attorney may, in addition to other remedies
2242 provided in this part, bring an action for an injunction to
2243 restrain such violation, or to enjoin the future operation or
2244 maintenance of the unlicensed provider or the performance of any
2245 services in violation of this part and authorizing statutes,
2246 until compliance with this part, authorizing statutes, and
2247 agency rules has been demonstrated to the satisfaction of the
2248 agency.

2249 (3) It is unlawful for any person or entity to own,
2250 operate, or maintain an unlicensed provider. If after receiving
2251 notification from the agency, such person or entity fails to
2252 cease operation ~~and apply for a license under this part and~~
2253 ~~authorizing statutes,~~ the person or entity ~~is shall be~~ subject
2254 to penalties as prescribed by authorizing statutes and
2255 applicable rules. Each day of ~~continued~~ operation is a separate
2256 offense.

2257 (4) Any person or entity that fails to cease operation
2258 after agency notification may be fined \$1,000 for each day of
2259 noncompliance.

2260 (5) When a controlling interest or licensee has an interest



452688

576-02006A-18

2261 in more than one provider and fails to license a provider
2262 rendering services that require licensure, the agency may revoke
2263 all licenses, ~~and~~ impose actions under s. 408.814, ~~and~~
2264 regardless of correction, impose a fine of \$1,000 per day,
2265 unless otherwise specified by authorizing statutes, against each
2266 licensee until such time as the appropriate license is obtained
2267 or the unlicensed activity ceases for the unlicensed operation.

2268 (6) In addition to granting injunctive relief pursuant to
2269 subsection (2), if the agency determines that a person or entity
2270 is operating or maintaining a provider without obtaining a
2271 license and determines that a condition exists that poses a
2272 threat to the health, safety, or welfare of a client of the
2273 provider, the person or entity is subject to the same actions
2274 and fines imposed against a licensee as specified in this part,
2275 authorizing statutes, and agency rules.

2276 (7) Any person aware of the operation of an unlicensed
2277 provider must report that provider to the agency.

2278 Section 72. Subsections (10), (11) and (26) of section
2279 408.820, Florida Statutes, are amended, and subsections (12)
2280 through (25) and (27) and (28) are redesignated as subsections
2281 (10) through (23) and (24) and (25), respectively, to read:

2282 408.820 Exemptions.—Except as prescribed in authorizing
2283 statutes, the following exemptions shall apply to specified
2284 requirements of this part:

2285 ~~(10) Mobile surgical facilities, as provided under part I~~
2286 ~~of chapter 395, are exempt from s. 408.810(7)–(10).~~

2287 ~~(11) Health care risk managers, as provided under part I of~~
2288 ~~chapter 395, are exempt from ss. 408.806(7), 408.810(4)–(10),~~
2289 ~~and 408.811.~~



452688

576-02006A-18

2290 ~~(26) Clinical laboratories, as provided under part I of~~
2291 ~~chapter 483, are exempt from s. 408.810(5)–(10).~~

2292 Section 73. Subsection (7) of section 409.905, Florida
2293 Statutes, is amended to read:

2294 409.905 Mandatory Medicaid services.—The agency may make
2295 payments for the following services, which are required of the
2296 state by Title XIX of the Social Security Act, furnished by
2297 Medicaid providers to recipients who are determined to be
2298 eligible on the dates on which the services were provided. Any
2299 service under this section shall be provided only when medically
2300 necessary and in accordance with state and federal law.
2301 Mandatory services rendered by providers in mobile units to
2302 Medicaid recipients may be restricted by the agency. Nothing in
2303 this section shall be construed to prevent or limit the agency
2304 from adjusting fees, reimbursement rates, lengths of stay,
2305 number of visits, number of services, or any other adjustments
2306 necessary to comply with the availability of moneys and any
2307 limitations or directions provided for in the General
2308 Appropriations Act or chapter 216.

2309 (7) INDEPENDENT LABORATORY SERVICES.—The agency shall pay
2310 for medically necessary diagnostic laboratory procedures ordered
2311 by a licensed physician or other licensed practitioner of the
2312 healing arts which are provided for a recipient in a laboratory
2313 that meets the requirements for Medicare participation and is
2314 appropriately certified by the Centers for Medicare and Medicaid
2315 Services under the federal Clinical Laboratory Improvement
2316 Amendments and the federal rules adopted thereunder licensed
2317 under chapter 483, if required.

2318 Section 74. Subsection (10) of section 409.907, Florida



452688

576-02006A-18

2319 Statutes, is amended to read:

2320 409.907 Medicaid provider agreements.—The agency may make
2321 payments for medical assistance and related services rendered to
2322 Medicaid recipients only to an individual or entity who has a
2323 provider agreement in effect with the agency, who is performing
2324 services or supplying goods in accordance with federal, state,
2325 and local law, and who agrees that no person shall, on the
2326 grounds of handicap, race, color, or national origin, or for any
2327 other reason, be subjected to discrimination under any program
2328 or activity for which the provider receives payment from the
2329 agency.

2330 (10) The agency may consider whether the provider, or any
2331 officer, director, agent, managing employee, or affiliated
2332 person, or any partner or shareholder having an ownership
2333 interest equal to 5 percent or greater in the provider if the
2334 provider is a corporation, partnership, or other business
2335 entity, has:

2336 (a) Made a false representation or omission of any material
2337 fact in making the application, including the submission of an
2338 application that conceals the controlling or ownership interest
2339 of any officer, director, agent, managing employee, affiliated
2340 person, or partner or shareholder who may not be eligible to
2341 participate;

2342 (b) Been or is currently excluded, suspended, terminated
2343 from, or has involuntarily withdrawn from participation in,
2344 Florida's Medicaid program or any other state's Medicaid
2345 program, or from participation in any other governmental or
2346 private health care or health insurance program;

2347 ~~(c) Been convicted of a criminal offense relating to the~~



452688

576-02006A-18

2348 ~~delivery of any goods or services under Medicaid or Medicare or~~
2349 ~~any other public or private health care or health insurance~~
2350 ~~program including the performance of management or~~
2351 ~~administrative services relating to the delivery of goods or~~
2352 ~~services under any such program;~~

2353 ~~(d) Been convicted under federal or state law of a criminal~~
2354 ~~offense related to the neglect or abuse of a patient in~~
2355 ~~connection with the delivery of any health care goods or~~
2356 ~~services;~~

2357 ~~(e) Been convicted under federal or state law of a criminal~~
2358 ~~offense relating to the unlawful manufacture, distribution,~~
2359 ~~prescription, or dispensing of a controlled substance;~~

2360 ~~(f) Been convicted of any criminal offense relating to~~
2361 ~~fraud, theft, embezzlement, breach of fiduciary responsibility,~~
2362 ~~or other financial misconduct;~~

2363 ~~(g) Been convicted under federal or state law of a crime~~
2364 ~~punishable by imprisonment of a year or more which involves~~
2365 ~~moral turpitude;~~

2366 ~~(h) Been convicted in connection with the interference or~~
2367 ~~obstruction of any investigation into any criminal offense~~
2368 ~~listed in this subsection;~~

2369 ~~(i) Been found to have violated federal or state laws,~~
2370 ~~rules, or regulations governing Florida's Medicaid program or~~
2371 ~~any other state's Medicaid program, the Medicare program, or any~~
2372 ~~other publicly funded federal or state health care or health~~
2373 ~~insurance program, and been sanctioned accordingly;~~

2374 (c) (j) Been previously found by a licensing, certifying, or
2375 professional standards board or agency to have violated the
2376 standards or conditions relating to licensure or certification



452688

576-02006A-18

2377 or the quality of services provided; or
2378 ~~(d) (4)~~ Failed to pay any fine or overpayment properly
2379 assessed under the Medicaid program in which no appeal is
2380 pending or after resolution of the proceeding by stipulation or
2381 agreement, unless the agency has issued a specific letter of
2382 forgiveness or has approved a repayment schedule to which the
2383 provider agrees to adhere.
2384 Section 75. Subsection (6) of section 409.9116, Florida
2385 Statutes, is amended to read:
2386 409.9116 Disproportionate share/financial assistance
2387 program for rural hospitals.—In addition to the payments made
2388 under s. 409.911, the Agency for Health Care Administration
2389 shall administer a federally matched disproportionate share
2390 program and a state-funded financial assistance program for
2391 statutory rural hospitals. The agency shall make
2392 disproportionate share payments to statutory rural hospitals
2393 that qualify for such payments and financial assistance payments
2394 to statutory rural hospitals that do not qualify for
2395 disproportionate share payments. The disproportionate share
2396 program payments shall be limited by and conform with federal
2397 requirements. Funds shall be distributed quarterly in each
2398 fiscal year for which an appropriation is made. Notwithstanding
2399 the provisions of s. 409.915, counties are exempt from
2400 contributing toward the cost of this special reimbursement for
2401 hospitals serving a disproportionate share of low-income
2402 patients.
2403 (6) This section applies only to hospitals that were
2404 defined as statutory rural hospitals, or their successor-in-
2405 interest hospital, prior to January 1, 2001. Any additional



452688

576-02006A-18

2406 hospital that is defined as a statutory rural hospital, or its
2407 successor-in-interest hospital, on or after January 1, 2001, is
2408 not eligible for programs under this section unless additional
2409 funds are appropriated each fiscal year specifically to the
2410 rural hospital disproportionate share and financial assistance
2411 programs in an amount necessary to prevent any hospital, or its
2412 successor-in-interest hospital, eligible for the programs prior
2413 to January 1, 2001, from incurring a reduction in payments
2414 because of the eligibility of an additional hospital to
2415 participate in the programs. A hospital, or its successor-in-
2416 interest hospital, which received funds pursuant to this section
2417 before January 1, 2001, and which qualifies under s.
2418 395.602(2)(b) ~~s. 395.602(2)(e)~~, shall be included in the
2419 programs under this section and is not required to seek
2420 additional appropriations under this subsection.
2421 Section 76. Paragraphs (a) and (b) of subsection (1) of
2422 section 409.975, Florida Statutes, are amended to read:
2423 409.975 Managed care plan accountability.—In addition to
2424 the requirements of s. 409.967, plans and providers
2425 participating in the managed medical assistance program shall
2426 comply with the requirements of this section.
2427 (1) PROVIDER NETWORKS.—Managed care plans must develop and
2428 maintain provider networks that meet the medical needs of their
2429 enrollees in accordance with standards established pursuant to
2430 s. 409.967(2)(c). Except as provided in this section, managed
2431 care plans may limit the providers in their networks based on
2432 credentials, quality indicators, and price.
2433 (a) Plans must include all providers in the region that are
2434 classified by the agency as essential Medicaid providers, unless



452688

576-02006A-18

2435 the agency approves, in writing, an alternative arrangement for
2436 securing the types of services offered by the essential
2437 providers. Providers are essential for serving Medicaid
2438 enrollees if they offer services that are not available from any
2439 other provider within a reasonable access standard, or if they
2440 provided a substantial share of the total units of a particular
2441 service used by Medicaid patients within the region during the
2442 last 3 years and the combined capacity of other service
2443 providers in the region is insufficient to meet the total needs
2444 of the Medicaid patients. The agency may not classify physicians
2445 and other practitioners as essential providers. The agency, at a
2446 minimum, shall determine which providers in the following
2447 categories are essential Medicaid providers:

- 2448 1. Federally qualified health centers.
- 2449 2. Statutory teaching hospitals as defined in s. 408.07(44)
2450 ~~s. 408.07(45)~~.
- 2451 3. Hospitals that are trauma centers as defined in s.
2452 395.4001(14).
- 2453 4. Hospitals located at least 25 miles from any other
2454 hospital with similar services.

2455 Managed care plans that have not contracted with all essential
2456 providers in the region as of the first date of recipient
2457 enrollment, or with whom an essential provider has terminated
2458 its contract, must negotiate in good faith with such essential
2459 providers for 1 year or until an agreement is reached, whichever
2460 is first. Payments for services rendered by a nonparticipating
2461 essential provider shall be made at the applicable Medicaid rate
2462 as of the first day of the contract between the agency and the
2463



452688

576-02006A-18

2464 plan. A rate schedule for all essential providers shall be
2465 attached to the contract between the agency and the plan. After
2466 1 year, managed care plans that are unable to contract with
2467 essential providers shall notify the agency and propose an
2468 alternative arrangement for securing the essential services for
2469 Medicaid enrollees. The arrangement must rely on contracts with
2470 other participating providers, regardless of whether those
2471 providers are located within the same region as the
2472 nonparticipating essential service provider. If the alternative
2473 arrangement is approved by the agency, payments to
2474 nonparticipating essential providers after the date of the
2475 agency's approval shall equal 90 percent of the applicable
2476 Medicaid rate. Except for payment for emergency services, if the
2477 alternative arrangement is not approved by the agency, payment
2478 to nonparticipating essential providers shall equal 110 percent
2479 of the applicable Medicaid rate.

2480 (b) Certain providers are statewide resources and essential
2481 providers for all managed care plans in all regions. All managed
2482 care plans must include these essential providers in their
2483 networks. Statewide essential providers include:

- 2484 1. Faculty plans of Florida medical schools.
- 2485 2. Regional perinatal intensive care centers as defined in
2486 s. 383.16(2).
- 2487 3. Hospitals licensed as specialty children's hospitals as
2488 defined in s. 395.002(27) ~~s. 395.002(28)~~.
- 2489 4. Accredited and integrated systems serving medically
2490 complex children which comprise separately licensed, but
2491 commonly owned, health care providers delivering at least the
2492 following services: medical group home, in-home and outpatient



452688

576-02006A-18

2493 nursing care and therapies, pharmacy services, durable medical
2494 equipment, and Prescribed Pediatric Extended Care.

2495
2496 Managed care plans that have not contracted with all statewide
2497 essential providers in all regions as of the first date of
2498 recipient enrollment must continue to negotiate in good faith.
2499 Payments to physicians on the faculty of nonparticipating
2500 Florida medical schools shall be made at the applicable Medicaid
2501 rate. Payments for services rendered by regional perinatal
2502 intensive care centers shall be made at the applicable Medicaid
2503 rate as of the first day of the contract between the agency and
2504 the plan. Except for payments for emergency services, payments
2505 to nonparticipating specialty children's hospitals shall equal
2506 the highest rate established by contract between that provider
2507 and any other Medicaid managed care plan.

2508 Section 77. Subsections (5) and (17) of section 429.02,
2509 Florida Statutes, are amended to read:

2510 429.02 Definitions.—When used in this part, the term:

2511 (5) "Assisted living facility" means any building or
2512 buildings, section or distinct part of a building, private home,
2513 boarding home, home for the aged, or other residential facility,
2514 regardless of whether operated for profit ~~or not~~, which
2515 ~~undertakes~~ through its ownership or management provides to
2516 ~~provide~~ housing, meals, and one or more personal services for a
2517 period exceeding 24 hours to one or more adults who are not
2518 relatives of the owner or administrator.

2519 (17) "Personal services" means direct physical assistance
2520 with or supervision of the activities of daily living, ~~and~~ the
2521 self-administration of medication, ~~or~~ ~~and~~ other similar services



452688

576-02006A-18

2522 which the department may define by rule. ~~The term may "Personal~~
2523 ~~services" shall~~ not be construed to mean the provision of
2524 medical, nursing, dental, or mental health services.

2525 Section 78. Paragraphs (b) and (d) of subsection (2) of
2526 section 429.04, Florida Statutes, are amended, and subsection
2527 (3) is added that section, to read:

2528 429.04 Facilities to be licensed; exemptions.—

2529 (2) The following are exempt from licensure under this
2530 part:

2531 (b) Any facility or part of a facility licensed by the
2532 Agency for Persons with Disabilities under chapter 393, a mental
2533 health facility licensed under ~~or~~ chapter 394, a hospital
2534 licensed under chapter 395, a nursing home licensed under part
2535 II of chapter 400, an inpatient hospice licensed under part IV
2536 of chapter 400, a home for special services licensed under part
2537 V of chapter 400, an intermediate care facility licensed under
2538 part VIII of chapter 400, or a transitional living facility
2539 licensed under part XI of chapter 400.

2540 (d) Any person who provides housing, meals, and one or more
2541 personal services on a 24-hour basis in the person's own home to
2542 not more than two adults who do not receive optional state
2543 supplementation. The person who provides the housing, meals, and
2544 personal services must own or rent the home and must have
2545 established the home as his or her permanent residence. For
2546 purposes of this paragraph, any person holding a homestead
2547 exemption at an address other than that at which the person
2548 asserts this exemption is presumed to not have established
2549 permanent residence ~~reside therein~~. This exemption does not
2550 apply to a person or entity that previously held a license



452688

576-02006A-18

2551 issued by the agency which was revoked or for which renewal was
2552 denied by final order of the agency, or when the person or
2553 entity voluntarily relinquished the license during agency
2554 enforcement proceedings.

2555 (3) Upon agency investigation of unlicensed activity, any
2556 person or entity that claims that it is exempt under this
2557 section must provide documentation substantiating entitlement to
2558 the exemption.

2559 Section 79. Paragraphs (b) and (d) of subsection (1) of
2560 section 429.08, Florida Statutes, are amended to read:

2561 429.08 Unlicensed facilities; referral of person for
2562 residency to unlicensed facility; penalties.-

2563 (1) (b) ~~Except as provided under paragraph (d),~~ Any person
2564 who owns, rents, or otherwise maintains a building or property
2565 used as ~~operates, or maintains~~ an unlicensed assisted living
2566 facility commits a felony of the third degree, punishable as
2567 provided in s. 775.082, s. 775.083, or s. 775.084. Each day of
2568 continued operation is a separate offense.

2569 (d) In addition to the requirements of s. 408.812, any
2570 person who owns, operates, or maintains an unlicensed assisted
2571 living facility after receiving notice from the agency due to a
2572 change in this part or a modification in rule within 6 months
2573 after the effective date of such change and who, within 10
2574 working days after receiving notification from the agency, fails
2575 to cease operation or apply for a license under this part
2576 commits a felony of the third degree, punishable as provided in
2577 s. 775.082, s. 775.083, or s. 775.084. Each day of continued
2578 operation is a separate offense.

2579 Section 80. Section 429.176, Florida Statutes, is amended



452688

576-02006A-18

2580 to read:

2581 429.176 Notice of change of administrator.-If, during the
2582 period for which a license is issued, the owner changes
2583 administrators, the owner must notify the agency of the change
2584 within 10 days and provide documentation within 90 days that the
2585 new administrator has completed the applicable core educational
2586 requirements under s. 429.52. A facility may not be operated for
2587 more than 120 consecutive days without an administrator who has
2588 completed the core educational requirements.

2589 Section 81. Subsection(7) of section 429.19, Florida
2590 Statutes, is amended to read:

2591 429.19 Violations; imposition of administrative fines;
2592 grounds.-

2593 (7) In addition to any administrative fines imposed, the
2594 agency may assess a survey fee, equal to the lesser of one half
2595 of the facility's biennial license and bed fee or \$500, to cover
2596 the cost of conducting initial complaint investigations that
2597 result in the finding of a violation that was the subject of the
2598 complaint or monitoring visits conducted ~~under s. 429.28(3)(e)~~
2599 to verify the correction of the violations.

2600 Section 82. Subsection (2) of section 429.24, Florida
2601 Statutes, is amended to read:

2602 429.24 Contracts.-

2603 (2) Each contract must contain express provisions
2604 specifically setting forth the services and accommodations to be
2605 provided by the facility; the rates or charges; provision for at
2606 least 30 days' written notice of a rate increase; the rights,
2607 duties, and obligations of the residents, other than those
2608 specified in s. 429.28; and other matters that the parties deem



452688

576-02006A-18

2609 appropriate. A new service or accommodation added to, or
2610 implemented in, a resident's contract for which the resident was
2611 not previously charged does not require a 30-day written notice
2612 of a rate increase. Whenever money is deposited or advanced by a
2613 resident in a contract as security for performance of the
2614 contract agreement or as advance rent for other than the next
2615 immediate rental period:

2616 (a) Such funds shall be deposited in a banking institution
2617 in this state that is located, if possible, in the same
2618 community in which the facility is located; shall be kept
2619 separate from the funds and property of the facility; may not be
2620 represented as part of the assets of the facility on financial
2621 statements; and shall be used, or otherwise expended, only for
2622 the account of the resident.

2623 (b) The licensee shall, within 30 days of receipt of
2624 advance rent or a security deposit, notify the resident or
2625 residents in writing of the manner in which the licensee is
2626 holding the advance rent or security deposit and state the name
2627 and address of the depository where the moneys are being held.
2628 The licensee shall notify residents of the facility's policy on
2629 advance deposits.

2630 Section 83. Paragraphs (e) and (j) of subsection (1) and
2631 paragraphs (c), (d), and (e) of subsection (3) of section
2632 429.28, Florida Statutes, are amended to read:

2633 429.28 Resident bill of rights.-

2634 (1) No resident of a facility shall be deprived of any
2635 civil or legal rights, benefits, or privileges guaranteed by
2636 law, the Constitution of the State of Florida, or the
2637 Constitution of the United States as a resident of a facility.



452688

576-02006A-18

2638 Every resident of a facility shall have the right to:

2639 (e) Freedom to participate in and benefit from community
2640 services and activities and to ~~pursue~~ achieve the highest
2641 possible level of independence, autonomy, and interaction within
2642 the community.

2643 (j) Assistance with obtaining access to adequate and
2644 appropriate health care. For purposes of this paragraph, the
2645 term "adequate and appropriate health care" means the management
2646 of medications, assistance in making appointments for health
2647 care services, the provision of or arrangement of transportation
2648 to health care appointments, and the performance of health care
2649 services in accordance with s. 429.255 which are consistent with
2650 established and recognized standards within the community.

2651 ~~(3) (e) During any calendar year in which no survey is~~
2652 ~~conducted, the agency shall conduct at least one monitoring~~
2653 ~~visit of each facility cited in the previous year for a class I~~
2654 ~~or class II violation, or more than three uncorrected class III~~
2655 ~~violations.~~

2656 ~~(d) The agency may conduct periodic followup inspections as~~
2657 ~~necessary to monitor the compliance of facilities with a history~~
2658 ~~of any class I, class II, or class III violations that threaten~~
2659 ~~the health, safety, or security of residents.~~

2660 ~~(e) The agency may conduct complaint investigations as~~
2661 ~~warranted to investigate any allegations of noncompliance with~~
2662 ~~requirements required under this part or rules adopted under~~
2663 ~~this part.~~

2664 Section 84. Subsection (1) of section 429.294, Florida
2665 Statutes, is amended to read:

2666 429.294 Availability of facility records for investigation



452688

576-02006A-18

2667 of resident's rights violations and defenses; penalty.-

2668 (1) Failure to provide complete copies of a resident's
2669 records, including, but not limited to, all medical records and
2670 the resident's chart, within the control or possession of the
2671 facility ~~within 10 days~~, in accordance with ~~the provisions of s.~~
2672 400.145, shall constitute evidence of failure of that party to
2673 comply with good faith discovery requirements and shall waive
2674 the good faith certificate and presuit notice requirements under
2675 this part by the requesting party.

2676 Section 85. Subsection (2) of section 429.34, Florida
2677 Statutes, is amended to read:

2678 429.34 Right of entry and inspection.-

2679 (2)(a) In addition to the requirements of s. 408.811, the
2680 agency may inspect and investigate facilities as necessary to
2681 determine compliance with this part, part II of chapter 408, and
2682 rules adopted thereunder. ~~The agency shall inspect each licensed~~
2683 ~~assisted living facility at least once every 24 months to~~
2684 ~~determine compliance with this chapter and related rules.~~ If an
2685 assisted living facility is cited for a class I violation or
2686 three or more class II violations arising from separate surveys
2687 within a 60-day period or due to unrelated circumstances during
2688 the same survey, the agency must conduct an additional licensure
2689 inspection within 6 months.

2690 (b) During any calendar year in which a survey is not
2691 conducted, the agency may conduct monitoring visits of each
2692 facility cited in the previous year for a class I or class II
2693 violation or for more than three uncorrected class III
2694 violations.

2695 Section 86. Subsection (4) of section 429.52, Florida



452688

576-02006A-18

2696 Statutes, is amended to read:

2697 429.52 Staff training and educational programs; core
2698 educational requirement.-

2699 (4) Effective January 1, 2004, a new facility administrator
2700 must complete the required training and education, including the
2701 competency test, within 90 days after date of employment a
2702 reasonable time after being employed as an administrator, as
2703 determined by the department. Failure to do so is a violation of
2704 this part and subjects the violator to an administrative fine as
2705 prescribed in s. 429.19. Administrators licensed in accordance
2706 with part II of chapter 468 are exempt from this requirement.
2707 Other licensed professionals may be exempted, as determined by
2708 the department by rule.

2709 Section 87. Subsection (3) of section 435.04, Florida
2710 Statutes, is amended, and subsection (4) is added to that
2711 section, to read:

2712 435.04 Level 2 screening standards.-

2713 (3) The security background investigations under this
2714 section must ensure that no person subject to this section has
2715 been arrested for and is awaiting final disposition of, been
2716 found guilty of, regardless of adjudication, or entered a plea
2717 of nolo contendere or guilty to, any offense that constitutes
2718 domestic violence as defined in s. 741.28, whether such act was
2719 committed in this state or in another jurisdiction.

2720 (4) For the purpose of screening applicability to
2721 participate in the Medicaid program, the security background
2722 investigations under this section must ensure that a person
2723 subject to screening under this section has not been arrested
2724 for and is not awaiting final disposition of; has not been found



576-02006A-18

2725 guilty of, regardless of adjudication, or entered a plea of nolo
2726 contendere or guilty to; and has not been adjudicated delinquent
2727 and the record sealed or expunged for, any of the following
2728 offenses:

2729 (a) Violation of a federal law or a law in any state which
2730 creates a criminal offense relating to:

2731 1. The delivery of any goods or services under Medicaid or
2732 Medicare or any other public or private health care or health
2733 insurance program, including the performance of management or
2734 administrative services relating to the delivery of goods or
2735 services under any such program;

2736 2. Neglect or abuse of a patient in connection with the
2737 delivery of any health care good or service;

2738 3. Unlawful manufacture, distribution, prescription, or
2739 dispensing of a controlled substance;

2740 4. Fraud, theft, embezzlement, breach of fiduciary
2741 responsibility, or other financial misconduct; or

2742 5. Moral turpitude, if punishable by imprisonment of a year
2743 or more.

2744 6. Interference with or obstruction of an investigation
2745 into any criminal offense identified in this subsection.

2746 (b) Violation of the following state laws or laws of
2747 another jurisdiction:

2748 1. Section 817.569, criminal use of a public record or
2749 information contained in a public record;

2750 2. Section 838.016, unlawful compensation or reward for
2751 official behavior;

2752 3. Section 838.021, corruption by threat against a public
2753 servant;



576-02006A-18

2754 4. Section 838.022, official misconduct;

2755 5. Section 838.22, bid tampering;

2756 6. Section 839.13, falsifying records;

2757 7. Section 839.26, misuse of confidential information; or

2758 (c) Violation of a federal or state law, rule, or

2759 regulation governing the Florida Medicaid program or any other
2760 state Medicaid program, the Medicare program, or any other
2761 publicly funded federal or state health care or health insurance
2762 program.

2763 Section 88. Subsection (4) of section 456.001, Florida
2764 Statutes, is amended to read:

2765 456.001 Definitions.—As used in this chapter, the term:

2766 (4) "Health care practitioner" means any person licensed
2767 under chapter 457; chapter 458; chapter 459; chapter 460;
2768 chapter 461; chapter 462; chapter 463; chapter 464; chapter 465;
2769 chapter 466; chapter 467; part I, part II, part III, part V,
2770 part X, part XIII, or part XIV of chapter 468; chapter 478;
2771 chapter 480; part II or part III or ~~part IV~~ of chapter 483;
2772 chapter 484; chapter 486; chapter 490; or chapter 491.

2773 Section 89. Subsection (3) of section 456.054, Florida
2774 Statutes, is redesignated as subsection (4), and a new
2775 subsection (3) is added to that section, to read:

2776 456.054 Kickbacks prohibited.—

2777 (3) (a) It is unlawful for any person or any entity to pay
2778 or receive, directly or indirectly, a commission, bonus,
2779 kickback, or rebate from, or to engage in any form of a split-
2780 fee arrangement with, a dialysis facility, health care
2781 practitioner, surgeon, person, or entity for referring patients
2782 to a clinical laboratory as defined in s. 483.803.



576-02006A-18

2783 (b) It is unlawful for any clinical laboratory to:
2784 1. Provide personnel to perform any functions or duties in
2785 a health care practitioner's office or dialysis facility for any
2786 purpose, including for the collection or handling of specimens,
2787 directly or indirectly through an employee, contractor,
2788 independent staffing company, lease agreement, or otherwise,
2789 unless the laboratory and the practitioner's office, or dialysis
2790 facility, are wholly owned and operated by the same entity.

2791 2. Lease space within any part of a health care
2792 practitioner's office or dialysis facility for any purpose,
2793 including for the purpose of establishing a collection station
2794 where materials or specimens are collected or drawn from
2795 patients.

2796 Section 90. Paragraphs (h) and (i) of subsection (2) of
2797 section 456.057, Florida Statutes, are amended to read:
2798 456.057 Ownership and control of patient records; report or
2799 copies of records to be furnished; disclosure of information.-

2800 (2) As used in this section, the terms "records owner,"
2801 "health care practitioner," and "health care practitioner's
2802 employer" do not include any of the following persons or
2803 entities; furthermore, the following persons or entities are not
2804 authorized to acquire or own medical records, but are authorized
2805 under the confidentiality and disclosure requirements of this
2806 section to maintain those documents required by the part or
2807 chapter under which they are licensed or regulated:

2808 (h) Clinical laboratory personnel licensed under part II
2809 ~~III~~ of chapter 483.

2810 (i) Medical physicists licensed under part III ~~IV~~ of
2811 chapter 483.



576-02006A-18

2812 Section 91. Paragraph (j) of subsection (1) of section
2813 456.076, Florida Statutes, is amended to read:

2814 456.076 Impaired practitioner programs.-

2815 (1) As used in this section, the term:

2816 (j) "Practitioner" means a person licensed, registered,
2817 certified, or regulated by the department under part III of
2818 chapter 401; chapter 457; chapter 458; chapter 459; chapter 460;
2819 chapter 461; chapter 462; chapter 463; chapter 464; chapter 465;
2820 chapter 466; chapter 467; part I, part II, part III, part V,
2821 part X, part XIII, or part XIV of chapter 468; chapter 478;
2822 chapter 480; part II or part III ~~or part IV~~ of chapter 483;
2823 chapter 484; chapter 486; chapter 490; or chapter 491; or an
2824 applicant for a license, registration, or certification under
2825 the same laws.

2826 Section 92. Subsection (2) of section 458.307, Florida
2827 Statutes, is amended to read:

2828 458.307 Board of Medicine.-

2829 (2) Twelve members of the board must be licensed physicians
2830 in good standing in this state who are residents of the state
2831 and who have been engaged in the active practice or teaching of
2832 medicine for at least 4 years immediately preceding their
2833 appointment. One of the physicians must be on the full-time
2834 faculty of a medical school in this state, and one of the
2835 physicians must be in private practice and on the full-time
2836 staff of a statutory teaching hospital in this state as defined
2837 in s. 408.07. At least one of the physicians must be a graduate
2838 of a foreign medical school. The remaining three members must be
2839 residents of the state who are not, and never have been,
2840 licensed health care practitioners. One member must be a health



452688

576-02006A-18

2841 care risk manager ~~licensed under s. 395.10974~~. At least one
2842 member of the board must be 60 years of age or older.

2843 Section 93. Subsection (1) of section 458.345, Florida
2844 Statutes, is amended to read:

2845 458.345 Registration of resident physicians, interns, and
2846 fellows; list of hospital employees; prescribing of medicinal
2847 drugs; penalty.—

2848 (1) Any person desiring to practice as a resident
2849 physician, assistant resident physician, house physician,
2850 intern, or fellow in fellowship training which leads to
2851 subspecialty board certification in this state, or any person
2852 desiring to practice as a resident physician, assistant resident
2853 physician, house physician, intern, or fellow in fellowship
2854 training in a teaching hospital in this state as defined in s.
2855 408.07 ~~s. 408.07(45)~~ or s. 395.805(2), who does not hold a
2856 valid, active license issued under this chapter shall apply to
2857 the department to be registered and shall remit a fee not to
2858 exceed \$300 as set by the board. The department shall register
2859 any applicant the board certifies has met the following
2860 requirements:

2861 (a) Is at least 21 years of age.

2862 (b) Has not committed any act or offense within or without
2863 the state which would constitute the basis for refusal to
2864 certify an application for licensure pursuant to s. 458.331.

2865 (c) Is a graduate of a medical school or college as
2866 specified in s. 458.311(1)(f).

2867 Section 94. Subsection (1) of s. 459.021, Florida Statutes,
2868 is amended to read:

2869 459.021 Registration of resident physicians, interns, and



452688

576-02006A-18

2870 fellows; list of hospital employees; penalty.—

2871 (1) Any person who holds a degree of Doctor of Osteopathic
2872 Medicine from a college of osteopathic medicine recognized and
2873 approved by the American Osteopathic Association who desires to
2874 practice as a resident physician, intern, or fellow in
2875 fellowship training which leads to subspecialty board
2876 certification in this state, or any person desiring to practice
2877 as a resident physician, intern, or fellow in fellowship
2878 training in a teaching hospital in this state as defined in s.
2879 408.07 ~~s. 408.07(45)~~ or s. 395.805(2), who does not hold an
2880 active license issued under this chapter shall apply to the
2881 department to be registered, on an application provided by the
2882 department, before commencing such a training program and shall
2883 remit a fee not to exceed \$300 as set by the board.

2884 Section 95. Part I of chapter 483, Florida Statutes,
2885 consisting of sections 483.011, 483.021, 483.031, 483.035,
2886 483.041, 483.051, 483.061, 483.091, 483.101, 483.111, 483.172,
2887 483.181, 483.191, 483.201, 483.221, 483.23, 483.245, and 483.26,
2888 is repealed.

2889 Section 96. Section 483.294, Florida Statutes, is amended
2890 to read:

2891 483.294 Inspection of centers.—In accordance with s.
2892 408.811, the agency shall, ~~at least once annually,~~ inspect the
2893 premises and operations of all centers subject to licensure
2894 under this part.

2895 Section 97. Subsections (3) and (5) of section 483.801,
2896 Florida Statutes, are amended, and subsection (6) is added to
2897 that section, to read:

2898 483.801 Exemptions.—This part applies to all clinical



452688

576-02006A-18

2899 laboratories and clinical laboratory personnel within this
2900 state, except:

2901 (3) Persons engaged in testing performed by laboratories
2902 that are wholly owned and operated by one or more practitioners
2903 licensed under chapter 458, chapter 459, chapter 460, chapter
2904 461, chapter 462, chapter 463, or chapter 466 who practice in
2905 the same group practice, and in which no clinical laboratory
2906 work is performed for patients referred by any health care
2907 provider who is not a member of that group practice regulated
2908 under s. 483.035(1) or exempt from regulation under s.
2909 483.031(2).

2910 (5) Advanced registered nurse practitioners licensed under
2911 part I of chapter 464 who perform provider-performed microscopy
2912 procedures (PPMP) in a an exclusive-use laboratory setting
2913 pursuant to subsection (3).

2914 (6) Persons performing laboratory testing within a
2915 physician office practice for patients referred by a health care
2916 provider who is a member of the same physician office practice,
2917 if the laboratory or entity operating the laboratory within a
2918 physician office practice is under common ownership, directly or
2919 indirectly, with an entity licensed pursuant to chapter 395.

2920 Section 98. Subsections (2), (3), and (4) of section
2921 483.803, Florida Statutes, are amended to read:

2922 483.803 Definitions.—As used in this part, the term:

2923 (2) "Clinical laboratory" means the physical location in
2924 which one or more of the following services are performed to
2925 provide information or materials for use in the diagnosis,
2926 prevention, or treatment of a disease or the identification or
2927 assessment of a medical or physical condition:



452688

576-02006A-18

2928 (a) Clinical laboratory services, which entail the
2929 examination of fluids or other materials taken from the human
2930 body.

2931 (b) Anatomic laboratory services, which entail the
2932 examination of tissue taken from the human body.

2933 (c) Cytology laboratory services, which entail the
2934 examination of cells from individual tissues or fluid taken from
2935 the human body a clinical laboratory as defined in s. 483.041.

2936 (3) "Clinical laboratory examination" means a procedure
2937 performed to deliver the services identified in subsection (2),
2938 including the oversight or interpretation of such services
2939 clinical laboratory examination as defined in s. 483.041.

2940 (4) "Clinical laboratory personnel" includes a clinical
2941 laboratory director, supervisor, technologist, blood gas
2942 analyst, or technician who performs or is responsible for
2943 laboratory test procedures, but the term does not include
2944 trainees, persons who perform screening for blood banks or
2945 plasmapheresis centers, phlebotomists, or persons employed by a
2946 clinical laboratory to perform manual pretesting duties or
2947 clerical, personnel, or other administrative responsibilities,
2948 ~~or persons engaged in testing performed by laboratories~~
2949 ~~regulated under s. 483.035(1) or exempt from regulation under s.~~
2950 ~~483.031(2).~~

2951 Section 99. Section 483.813, Florida Statutes, is amended
2952 to read:

2953 483.813 Clinical laboratory personnel license.—A person may
2954 not conduct a clinical laboratory examination or report the
2955 results of such examination unless such person is licensed under
2956 this part to perform such procedures. However, this provision



452688

576-02006A-18

2957 does not apply to any practitioner of the healing arts
2958 authorized to practice in this state ~~or to persons engaged in~~
2959 ~~testing performed by laboratories regulated under s. 483.035(1)~~
2960 ~~or exempt from regulation under s. 483.031(2).~~ The department
2961 may grant a temporary license to any candidate it deems properly
2962 qualified, for a period not to exceed 1 year.

2963 Section 100. Subsection (2) of section 483.823, Florida
2964 Statutes, is amended to read:

2965 483.823 Qualifications of clinical laboratory personnel.-

2966 (2) Personnel qualifications may require appropriate
2967 education, training, or experience or the passing of an
2968 examination in appropriate subjects or any combination of these,
2969 but a ~~ne~~ practitioner of the healing arts licensed to practice
2970 in this state is not required to obtain any license ~~under this~~
2971 ~~part~~ or to pay any fee under this part hereunder ~~except the fee~~
2972 ~~required for clinical laboratory licensure.~~

2973 Section 101. Paragraph (c) of subsection (7), and
2974 subsections (8) and (9) of section 491.003, Florida Statutes,
2975 are amended to read:

2976 491.003 Definitions.-As used in this chapter:

2977 (7) The "practice of clinical social work" is defined as
2978 the use of scientific and applied knowledge, theories, and
2979 methods for the purpose of describing, preventing, evaluating,
2980 and treating individual, couple, marital, family, or group
2981 behavior, based on the person-in-situation perspective of
2982 psychosocial development, normal and abnormal behavior,
2983 psychopathology, unconscious motivation, interpersonal
2984 relationships, environmental stress, differential assessment,
2985 differential planning, and data gathering. The purpose of such



452688

576-02006A-18

2986 services is the prevention and treatment of undesired behavior
2987 and enhancement of mental health. The practice of clinical
2988 social work includes methods of a psychological nature used to
2989 evaluate, assess, diagnose, treat, and prevent emotional and
2990 mental disorders and dysfunctions (whether cognitive, affective,
2991 or behavioral), sexual dysfunction, behavioral disorders,
2992 alcoholism, and substance abuse. The practice of clinical social
2993 work includes, but is not limited to, psychotherapy,
2994 hypnotherapy, and sex therapy. The practice of clinical social
2995 work also includes counseling, behavior modification,
2996 consultation, client-centered advocacy, crisis intervention, and
2997 the provision of needed information and education to clients,
2998 when using methods of a psychological nature to evaluate,
2999 assess, diagnose, treat, and prevent emotional and mental
3000 disorders and dysfunctions (whether cognitive, affective, or
3001 behavioral), sexual dysfunction, behavioral disorders,
3002 alcoholism, or substance abuse. The practice of clinical social
3003 work may also include clinical research into more effective
3004 psychotherapeutic modalities for the treatment and prevention of
3005 such conditions.

3006 (c) The terms "diagnose" and "treat," as used in this
3007 chapter, when considered in isolation or in conjunction with ~~any~~
3008 ~~provision of~~ the rules of the board, may shall not be construed
3009 to permit the performance of any act which clinical social
3010 workers are not educated and trained to perform, including, but
3011 not limited to, admitting persons to hospitals for treatment of
3012 the foregoing conditions, treating persons in hospitals without
3013 medical supervision, prescribing medicinal drugs as defined in
3014 chapter 465, authorizing clinical laboratory procedures ~~pursuant~~



452688

576-02006A-18

3015 ~~to chapter 483~~, or radiological procedures, or use of
3016 electroconvulsive therapy. In addition, this definition ~~shall~~
3017 may not be construed to permit any person licensed,
3018 provisionally licensed, registered, or certified pursuant to
3019 this chapter to describe or label any test, report, or procedure
3020 as "psychological," except to relate specifically to the
3021 definition of practice authorized in this subsection.

3022 (8) The term "practice of marriage and family therapy"
3023 means ~~is defined as~~ the use of scientific and applied marriage
3024 and family theories, methods, and procedures for the purpose of
3025 describing, evaluating, and modifying marital, family, and
3026 individual behavior, within the context of marital and family
3027 systems, including the context of marital formation and
3028 dissolution, and is based on marriage and family systems theory,
3029 marriage and family development, human development, normal and
3030 abnormal behavior, psychopathology, human sexuality,
3031 psychotherapeutic and marriage and family therapy theories and
3032 techniques. The practice of marriage and family therapy includes
3033 methods of a psychological nature used to evaluate, assess,
3034 diagnose, treat, and prevent emotional and mental disorders or
3035 dysfunctions (whether cognitive, affective, or behavioral),
3036 sexual dysfunction, behavioral disorders, alcoholism, and
3037 substance abuse. The practice of marriage and family therapy
3038 includes, but is not limited to, marriage and family therapy,
3039 psychotherapy, including behavioral family therapy,
3040 hypnotherapy, and sex therapy. The practice of marriage and
3041 family therapy also includes counseling, behavior modification,
3042 consultation, client-centered advocacy, crisis intervention, and
3043 the provision of needed information and education to clients,



452688

576-02006A-18

3044 when using methods of a psychological nature to evaluate,
3045 assess, diagnose, treat, and prevent emotional and mental
3046 disorders and dysfunctions (whether cognitive, affective, or
3047 behavioral), sexual dysfunction, behavioral disorders,
3048 alcoholism, or substance abuse. The practice of marriage and
3049 family therapy may also include clinical research into more
3050 effective psychotherapeutic modalities for the treatment and
3051 prevention of such conditions.

3052 (a) Marriage and family therapy may be rendered to
3053 individuals, including individuals affected by termination of
3054 marriage, to couples, whether married or unmarried, to families,
3055 or to groups.

3056 (b) The use of specific methods, techniques, or modalities
3057 within the practice of marriage and family therapy is restricted
3058 to marriage and family therapists appropriately trained in the
3059 use of such methods, techniques, or modalities.

3060 (c) The terms "diagnose" and "treat," as used in this
3061 chapter, when considered in isolation or in conjunction with ~~any~~
3062 ~~provision of~~ the rules of the board, may shall not be construed
3063 to permit the performance of any act that which marriage and
3064 family therapists are not educated and trained to perform,
3065 including, but not limited to, admitting persons to hospitals
3066 for treatment of the foregoing conditions, treating persons in
3067 hospitals without medical supervision, prescribing medicinal
3068 drugs as defined in chapter 465, authorizing clinical laboratory
3069 procedures ~~pursuant to chapter 483~~, or radiological procedures,
3070 or the use of electroconvulsive therapy. In addition, this
3071 definition may shall not be construed to permit any person
3072 licensed, provisionally licensed, registered, or certified



452688

576-02006A-18

3073 pursuant to this chapter to describe or label any test, report,
3074 or procedure as "psychological," except to relate specifically
3075 to the definition of practice authorized in this subsection.

3076 (d) The definition of "marriage and family therapy"
3077 contained in this subsection includes all services offered
3078 directly to the general public or through organizations, whether
3079 public or private, and applies whether payment is requested or
3080 received for services rendered.

3081 (9) The term "practice of mental health counseling" means
3082 ~~is defined as~~ the use of scientific and applied behavioral
3083 science theories, methods, and techniques for the purpose of
3084 describing, preventing, and treating undesired behavior and
3085 enhancing mental health and human development and is based on
3086 the person-in-situation perspectives derived from research and
3087 theory in personality, family, group, and organizational
3088 dynamics and development, career planning, cultural diversity,
3089 human growth and development, human sexuality, normal and
3090 abnormal behavior, psychopathology, psychotherapy, and
3091 rehabilitation. The practice of mental health counseling
3092 includes methods of a psychological nature used to evaluate,
3093 assess, diagnose, and treat emotional and mental dysfunctions or
3094 disorders, ~~(whether cognitive, affective, or behavioral),~~
3095 ~~behavioral disorders,~~ interpersonal relationships, sexual
3096 dysfunction, alcoholism, and substance abuse. The practice of
3097 mental health counseling includes, but is not limited to,
3098 psychotherapy, hypnotherapy, and sex therapy. The practice of
3099 mental health counseling also includes counseling, behavior
3100 modification, consultation, client-centered advocacy, crisis
3101 intervention, and the provision of needed information and



452688

576-02006A-18

3102 education to clients, when using methods of a psychological
3103 nature to evaluate, assess, diagnose, treat, and prevent
3104 emotional and mental disorders and dysfunctions (whether
3105 cognitive, affective, or behavioral), behavioral disorders,
3106 sexual dysfunction, alcoholism, or substance abuse. The practice
3107 of mental health counseling may also include clinical research
3108 into more effective psychotherapeutic modalities for the
3109 treatment and prevention of such conditions.

3110 (a) Mental health counseling may be rendered to
3111 individuals, including individuals affected by the termination
3112 of marriage, and to couples, families, groups, organizations,
3113 and communities.

3114 (b) The use of specific methods, techniques, or modalities
3115 within the practice of mental health counseling is restricted to
3116 mental health counselors appropriately trained in the use of
3117 such methods, techniques, or modalities.

3118 (c) The terms "diagnose" and "treat," as used in this
3119 chapter, when considered in isolation or in conjunction with any
3120 provision of the rules of the board, ~~may shall~~ not be construed
3121 to permit the performance of any act ~~that which~~ mental health
3122 counselors are not educated and trained to perform, including,
3123 but not limited to, admitting persons to hospitals for treatment
3124 of the foregoing conditions, treating persons in hospitals
3125 without medical supervision, prescribing medicinal drugs as
3126 defined in chapter 465, authorizing clinical laboratory
3127 procedures ~~pursuant to chapter 483,~~ or radiological procedures,
3128 or ~~the~~ use of electroconvulsive therapy. In addition, this
3129 definition ~~may shall~~ not be construed to permit any person
3130 licensed, provisionally licensed, registered, or certified



452688

576-02006A-18

3131 pursuant to this chapter to describe or label any test, report,
3132 or procedure as "psychological," except to relate specifically
3133 to the definition of practice authorized in this subsection.

3134 (d) The definition of "mental health counseling" contained
3135 in this subsection includes all services offered directly to the
3136 general public or through organizations, whether public or
3137 private, and applies whether payment is requested or received
3138 for services rendered.

3139 Section 102. Paragraph (h) of subsection (4) of section
3140 627.351, Florida Statutes, is amended to read:

3141 627.351 Insurance risk apportionment plans.-

3142 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.-

3143 (h) As used in this subsection:

3144 1. "Health care provider" means hospitals licensed under
3145 chapter 395; physicians licensed under chapter 458; osteopathic
3146 physicians licensed under chapter 459; podiatric physicians
3147 licensed under chapter 461; dentists licensed under chapter 466;
3148 chiropractic physicians licensed under chapter 460; naturopaths
3149 licensed under chapter 462; nurses licensed under part I of
3150 chapter 464; midwives licensed under chapter 467; ~~clinical~~
3151 ~~laboratories registered under chapter 483~~; physician assistants
3152 licensed under chapter 458 or chapter 459; physical therapists
3153 and physical therapist assistants licensed under chapter 486;
3154 health maintenance organizations certificated under part I of
3155 chapter 641; ambulatory surgical centers licensed under chapter
3156 395; other medical facilities as defined in subparagraph 2.;
3157 blood banks, plasma centers, industrial clinics, and renal
3158 dialysis facilities; or professional associations, partnerships,
3159 corporations, joint ventures, or other associations for



452688

576-02006A-18

3160 professional activity by health care providers.

3161 2. "Other medical facility" means a facility the primary
3162 purpose of which is to provide human medical diagnostic services
3163 or a facility providing nonsurgical human medical treatment, to
3164 which facility the patient is admitted and from which facility
3165 the patient is discharged within the same working day, and which
3166 facility is not part of a hospital. However, a facility existing
3167 for the primary purpose of performing terminations of pregnancy
3168 or an office maintained by a physician or dentist for the
3169 practice of medicine ~~may~~ shall not be construed to be an "other
3170 medical facility."

3171 3. "Health care facility" means any hospital licensed under
3172 chapter 395, health maintenance organization certificated under
3173 part I of chapter 641, ambulatory surgical center licensed under
3174 chapter 395, or other medical facility as defined in
3175 subparagraph 2.

3176 Section 103. Paragraph (h) of subsection (1) of section
3177 627.602, Florida Statutes, is amended to read:

3178 627.602 Scope, format of policy.-

3179 (1) Each health insurance policy delivered or issued for
3180 delivery to any person in this state must comply with all
3181 applicable provisions of this code and all of the following
3182 requirements:

3183 (h) Section 641.312 and the provisions of the Employee
3184 Retirement Income Security Act of 1974, as implemented by 29
3185 C.F.R. s. 2560.503-1, relating to internal grievances. This
3186 paragraph does not apply ~~to a health insurance policy that is~~
3187 ~~subject to the Subscriber Assistance Program under s. 408.7056~~
3188 ~~or~~ to the types of benefits or coverages provided under s.



452688

576-02006A-18

3189 627.6513(1)-(14) issued in any market.

3190 Section 104. Subsection (1) of section 627.6406, Florida
3191 Statutes, is amended to read:

3192 627.6406 Maternity care.—

3193 (1) Any policy of health insurance ~~which that~~ provides
3194 coverage for maternity care must also cover the services of
3195 certified nurse-midwives and midwives licensed pursuant to
3196 chapter 467, and the services of birth centers licensed under
3197 ss. ~~383.30-383.332 383.30-383.335~~.

3198 Section 105. Paragraphs (b) and (e) of subsection (1) of
3199 section 627.64194, Florida Statutes, are amended to read:

3200 627.64194 Coverage requirements for services provided by
3201 nonparticipating providers; payment collection limitations.—

3202 (1) As used in this section, the term:

3203 (b) "Facility" means a licensed facility as defined in s.
3204 395.002(16) and an urgent care center as defined in s. 395.002
3205 ~~s. 395.002(30)~~.

3206 (e) "Nonparticipating provider" means a provider who is not
3207 a preferred provider as defined in s. 627.6471 or a provider who
3208 is not an exclusive provider as defined in s. 627.6472. For
3209 purposes of covered emergency services under this section, a
3210 facility licensed under chapter 395 or an urgent care center
3211 defined in s. 395.002 ~~s. 395.002(30)~~ is a nonparticipating
3212 provider if the facility has not contracted with an insurer to
3213 provide emergency services to its insureds at a specified rate.

3214 Section 106. Section 627.6513, Florida Statutes, is amended
3215 to read:

3216 627.6513 Scope.—Section 641.312 and the provisions of the
3217 Employee Retirement Income Security Act of 1974, as implemented



452688

576-02006A-18

3218 by 29 C.F.R. s. 2560.503-1, relating to internal grievances,
3219 apply to all group health insurance policies issued under this
3220 part. This section does not apply to ~~a group health insurance~~
3221 ~~policy that is subject to the Subscriber Assistance Program in~~
3222 ~~s. 408.7056 or to:~~

3223 (1) Coverage only for accident insurance, or disability
3224 income insurance, or any combination thereof.

3225 (2) Coverage issued as a supplement to liability insurance.

3226 (3) Liability insurance, including general liability
3227 insurance and automobile liability insurance.

3228 (4) Workers' compensation or similar insurance.

3229 (5) Automobile medical payment insurance.

3230 (6) Credit-only insurance.

3231 (7) Coverage for onsite medical clinics, including prepaid
3232 health clinics under part II of chapter 641.

3233 (8) Other similar insurance coverage, specified in rules
3234 adopted by the commission, under which benefits for medical care
3235 are secondary or incidental to other insurance benefits. To the
3236 extent possible, such rules must be consistent with regulations
3237 adopted by the United States Department of Health and Human
3238 Services.

3239 (9) Limited scope dental or vision benefits, if offered
3240 separately.

3241 (10) Benefits for long-term care, nursing home care, home
3242 health care, or community-based care, or any combination
3243 thereof, if offered separately.

3244 (11) Other similar, limited benefits, if offered
3245 separately, as specified in rules adopted by the commission.

3246 (12) Coverage only for a specified disease or illness, if



452688

576-02006A-18

3247 offered as independent, noncoordinated benefits.
3248 (13) Hospital indemnity or other fixed indemnity insurance,
3249 if offered as independent, noncoordinated benefits.
3250 (14) Benefits provided through a Medicare supplemental
3251 health insurance policy, as defined under s. 1882(g) (1) of the
3252 Social Security Act, coverage supplemental to the coverage
3253 provided under 10 U.S.C. chapter 55, and similar supplemental
3254 coverage provided to coverage under a group health plan, which
3255 are offered as a separate insurance policy and as independent,
3256 noncoordinated benefits.
3257 Section 107. Subsection (1) of section 627.6574, Florida
3258 Statutes, is amended to read:
3259 627.6574 Maternity care.—
3260 (1) Any group, blanket, or franchise policy of health
3261 insurance ~~which that~~ provides coverage for maternity care must
3262 also cover the services of certified nurse-midwives and midwives
3263 licensed pursuant to chapter 467, and the services of birth
3264 centers licensed under ss. 383.30-383.332 ~~383.30-383.335~~.
3265 Section 108. Paragraph (j) of subsection (1) of section
3266 641.185, Florida Statutes, is amended to read:
3267 641.185 Health maintenance organization subscriber
3268 protections.—
3269 (1) With respect to the provisions of this part and part
3270 III, the principles expressed in the following statements ~~shall~~
3271 serve as standards to be followed by the commission, the office,
3272 the department, and the Agency for Health Care Administration in
3273 exercising their powers and duties, in exercising administrative
3274 discretion, in administrative interpretations of the law, in
3275 enforcing its provisions, and in adopting rules:



452688

576-02006A-18

3276 ~~(j) A health maintenance organization should receive timely~~
3277 ~~and, if necessary, urgent review by an independent state~~
3278 ~~external review organization for unresolved grievances and~~
3279 ~~appeals pursuant to s. 408.7056.~~
3280 Section 109. Paragraph (a) of subsection (18) of section
3281 641.31, Florida Statutes, is amended to read:
3282 641.31 Health maintenance contracts.—
3283 (18) (a) Health maintenance contracts that provide coverage,
3284 benefits, or services for maternity care must provide, as an
3285 option to the subscriber, the services of nurse-midwives and
3286 midwives licensed pursuant to chapter 467, and the services of
3287 birth centers licensed pursuant to ss. 383.30-383.332 ~~383.30-~~
3288 ~~383.335~~, if such services are available within the service area.
3289 Section 110. Section 641.312, Florida Statutes, is amended
3290 to read:
3291 641.312 Scope.—The Office of Insurance Regulation may adopt
3292 rules to administer ~~the provisions of~~ the National Association
3293 of Insurance Commissioners' Uniform Health Carrier External
3294 Review Model Act, issued by the National Association of
3295 Insurance Commissioners and dated April 2010. This section does
3296 not apply to ~~a health maintenance contract that is subject to~~
3297 ~~the Subscriber Assistance Program under s. 408.7056 or to the~~
3298 types of benefits or coverages provided under s. 627.6513(1)-
3299 (14) issued in any market.
3300 Section 111. Subsection (4) of section 641.3154, Florida
3301 Statutes, is amended to read:
3302 641.3154 Organization liability; provider billing
3303 prohibited.—
3304 (4) A provider or any representative of a provider,



452688

576-02006A-18

3305 regardless of whether the provider is under contract with the
3306 health maintenance organization, may not collect or attempt to
3307 collect money from, maintain any action at law against, or
3308 report to a credit agency a subscriber of an organization for
3309 payment of services for which the organization is liable, if the
3310 provider in good faith knows or should know that the
3311 organization is liable. This prohibition applies during the
3312 pendency of any claim for payment made by the provider to the
3313 organization for payment of the services and any legal
3314 proceedings or dispute resolution process to determine whether
3315 the organization is liable for the services if the provider is
3316 informed that such proceedings are taking place. It is presumed
3317 that a provider does not know and should not know that an
3318 organization is liable unless:

3319 (a) The provider is informed by the organization that it
3320 accepts liability;

3321 (b) A court of competent jurisdiction determines that the
3322 organization is liable; or

3323 ~~(c) The office or agency makes a final determination that~~
3324 ~~the organization is required to pay for such services subsequent~~
3325 ~~to a recommendation made by the Subscriber Assistance Panel~~
3326 ~~pursuant to s. 408.7056; or~~

3327 (c)(d) The agency issues a final order that the
3328 organization is required to pay for such services subsequent to
3329 a recommendation made by a resolution organization pursuant to
3330 s. 408.7057.

3331 Section 112. Paragraph (c) of subsection (5) of section
3332 641.51, Florida Statutes, is amended to read:

3333 641.51 Quality assurance program; second medical opinion



452688

576-02006A-18

3334 requirement.-

3335 (5) (c) For second opinions provided by contract physicians
3336 the organization is prohibited from charging a fee to the
3337 subscriber in an amount in excess of the subscriber fees
3338 established by contract for referral contract physicians. The
3339 organization shall pay the amount of all charges, which are
3340 usual, reasonable, and customary in the community, for second
3341 opinion services performed by a physician not under contract
3342 with the organization, but may require the subscriber to be
3343 responsible for up to 40 percent of such amount. The
3344 organization may require that any tests deemed necessary by a
3345 noncontract physician shall be conducted by the organization.
3346 The organization may deny reimbursement rights granted under
3347 this section in the event the subscriber seeks in excess of
3348 three such referrals per year if such subsequent referral costs
3349 are deemed by the organization to be evidence that the
3350 subscriber has unreasonably overutilized the second opinion
3351 privilege. A subscriber ~~thus~~ denied reimbursement under this
3352 section has ~~shall have~~ recourse to grievance procedures as
3353 specified in ss. 408.7056, 641.495, and 641.511. The
3354 organization's physician's professional judgment concerning the
3355 treatment of a subscriber derived after review of a second
3356 opinion is ~~shall be~~ controlling as to the treatment obligations
3357 of the health maintenance organization. Treatment not authorized
3358 by the health maintenance organization is ~~shall be~~ at the
3359 subscriber's expense.

3360 Section 113. Subsection (1), paragraph (e) of subsection
3361 (3), paragraph (d) of subsection (4), paragraphs (g) and (h) of
3362 subsection (6), and subsections (7) through (12) of section



452688

576-02006A-18

3363 641.511, Florida Statutes, are amended to read:

3364 641.511 Subscriber grievance reporting and resolution
3365 requirements.-

3366 (1) Every organization must have a grievance procedure
3367 available to its subscribers for the purpose of addressing
3368 complaints and grievances. Every organization must notify its
3369 subscribers that a subscriber must submit a grievance within 1
3370 year after the date of occurrence of the action that initiated
3371 the grievance, and may submit the grievance for review to the
3372 Subscriber Assistance Program panel as provided in s. 408.7056
3373 after receiving a final disposition of the grievance through the
3374 organization's grievance process. An organization shall maintain
3375 records of all grievances and shall report annually to the
3376 agency the total number of grievances handled, a categorization
3377 of the cases underlying the grievances, and the final
3378 disposition of the grievances.

3379 (3) Each organization's grievance procedure, as required
3380 under subsection (1), must include, at a minimum:

3381 (e) A notice that a subscriber may voluntarily pursue
3382 binding arbitration in accordance with the terms of the contract
3383 if offered by the organization, after completing the
3384 organization's grievance procedure and as an alternative to the
3385 Subscriber Assistance Program. Such notice shall include an
3386 explanation that the subscriber may incur some costs if the
3387 subscriber pursues binding arbitration, depending upon the terms
3388 of the subscriber's contract.

3389 (4) ~~(d) In any case when the review process does not resolve~~
3390 ~~a difference of opinion between the organization and the~~
3391 ~~subscriber or the provider acting on behalf of the subscriber,~~



452688

576-02006A-18

3392 ~~the subscriber or the provider acting on behalf of the~~
3393 ~~subscriber may submit a written grievance to the Subscriber~~
3394 ~~Assistance Program.~~

3395 ~~(6) (g) In any case when the expedited review process does~~
3396 ~~not resolve a difference of opinion between the organization and~~
3397 ~~the subscriber or the provider acting on behalf of the~~
3398 ~~subscriber, the subscriber or the provider acting on behalf of~~
3399 ~~the subscriber may submit a written grievance to the Subscriber~~
3400 ~~Assistance Program.~~

3401 ~~(g) (h) An organization shall not provide an expedited~~
3402 ~~retrospective review of an adverse determination.~~

3403 ~~(7) Each organization shall send to the agency a copy of~~
3404 ~~its quarterly grievance reports submitted to the office pursuant~~
3405 ~~to s. 408.7056(12).~~

3406 ~~(7) (8) The agency shall investigate all reports of~~
3407 ~~unresolved quality of care grievances received from:~~

3408 ~~(a) annual and quarterly grievance reports submitted by the~~
3409 ~~organization to the office.~~

3410 ~~(b) Review requests of subscribers whose grievances remain~~
3411 ~~unresolved after the subscriber has followed the full grievance~~
3412 ~~procedure of the organization.~~

3413 ~~(9) (a) The agency shall advise subscribers with grievances~~
3414 ~~to follow their organization's formal grievance process for~~
3415 ~~resolution prior to review by the Subscriber Assistance Program.~~
3416 ~~The subscriber may, however, submit a copy of the grievance to~~
3417 ~~the agency at any time during the process.~~

3418 ~~(b) Requiring completion of the organization's grievance~~
3419 ~~process before the Subscriber Assistance Program panel's review~~
3420 ~~does not preclude the agency from investigating any complaint or~~



452688

576-02006A-18

3421 ~~grievance before the organization makes its final determination.~~

3422 ~~(10) Each organization must notify the subscriber in a~~
3423 ~~final decision letter that the subscriber may request review of~~
3424 ~~the organization's decision concerning the grievance by the~~
3425 ~~Subscriber Assistance Program, as provided in s. 408.7056, if~~
3426 ~~the grievance is not resolved to the satisfaction of the~~
3427 ~~subscriber. The final decision letter must inform the subscriber~~
3428 ~~that the request for review must be made within 365 days after~~
3429 ~~receipt of the final decision letter, must explain how to~~
3430 ~~initiate such a review, and must include the addresses and toll-~~
3431 ~~free telephone numbers of the agency and the Subscriber~~
3432 ~~Assistance Program.~~

3433 ~~(8)(11)~~ Each organization, as part of its contract with any
3434 provider, must require the provider to post a consumer
3435 assistance notice prominently displayed in the reception area of
3436 the provider and clearly noticeable by all patients. The
3437 consumer assistance notice must state the addresses and toll-
3438 free telephone numbers of the Agency for Health Care
3439 Administration, ~~the Subscriber Assistance Program,~~ and the
3440 Department of Financial Services. The consumer assistance notice
3441 must also clearly state that the address and toll-free telephone
3442 number of the organization's grievance department shall be
3443 provided upon request. The agency may adopt rules to implement
3444 this section.

3445 ~~(9)(12)~~ The agency may impose administrative sanction, in
3446 accordance with s. 641.52, against an organization for
3447 noncompliance with this section.

3448 Section 114. Subsection (1) of section 641.515, Florida
3449 Statutes, is amended to read:



452688

576-02006A-18

3450 641.515 Investigation by the agency.-

3451 (1) The agency shall investigate further any quality of
3452 care issue contained in recommendations and reports submitted
3453 pursuant to ~~s. ss. 408.7056~~ and 641.511. The agency shall also
3454 investigate further any information that indicates that the
3455 organization does not meet accreditation standards or the
3456 standards of the review organization performing the external
3457 quality assurance assessment pursuant to reports submitted under
3458 s. 641.512. Every organization shall submit its books and
3459 records and take other appropriate action as may be necessary to
3460 facilitate an examination. The agency shall have access to the
3461 organization's medical records of individuals and records of
3462 employed and contracted physicians, with the consent of the
3463 subscriber or by court order, as necessary to administer ~~carry~~
3464 ~~out the provisions of~~ this part.

3465 Section 115. Subsection (2) of section 641.55, Florida
3466 Statutes, is amended to read:

3467 641.55 Internal risk management program.-

3468 (2) The risk management program shall be the responsibility
3469 of the governing authority or board of the organization. Every
3470 organization which has an annual premium volume of \$10 million
3471 or more and which directly provides health care in a building
3472 owned or leased by the organization shall hire a risk manager,
3473 ~~certified under ss. 395.10971-395.10975,~~ who is ~~shall be~~
3474 responsible for implementation of the organization's risk
3475 management program required by this section. A part-time risk
3476 manager may ~~shall~~ not be responsible for risk management
3477 programs in more than four organizations or facilities. Every
3478 organization that ~~which~~ does not directly provide health care in



452688

576-02006A-18

3479 a building owned or leased by the organization and every
3480 organization with an annual premium volume of less than \$10
3481 million shall designate an officer or employee of the
3482 organization to serve as the risk manager.

3483

3484 The gross data compiled under this section or s. 395.0197 shall
3485 be furnished by the agency upon request to organizations to be
3486 utilized for risk management purposes. The agency shall adopt
3487 rules necessary to administer ~~carry out the provisions of~~ this
3488 section.

3489 Section 116. Section 641.60, Florida Statutes, is repealed.

3490 Section 117. Section 641.65, Florida Statutes, is repealed.

3491 Section 118. Section 641.67, Florida Statutes, is repealed.

3492 Section 119. Section 641.68, Florida Statutes, is repealed.

3493 Section 120. Section 641.70, Florida Statutes, is repealed.

3494 Section 121. Section 641.75, Florida Statutes, is repealed.

3495 Section 122. Paragraph (b) of subsection (6) of section

3496 766.118, Florida Statutes, is amended to read:

3497 766.118 Determination of noneconomic damages.—

3498 (6) LIMITATION ON NONECONOMIC DAMAGES FOR NEGLIGENCE OF A
3499 PRACTITIONER PROVIDING SERVICES AND CARE TO A MEDICAID
3500 RECIPIENT.—Notwithstanding subsections (2), (3), and (5), with
3501 respect to a cause of action for personal injury or wrongful
3502 death arising from medical negligence of a practitioner
3503 committed in the course of providing medical services and
3504 medical care to a Medicaid recipient, regardless of the number
3505 of such practitioner defendants providing the services and care,
3506 noneconomic damages may not exceed \$300,000 per claimant, unless
3507 the claimant pleads and proves, by clear and convincing



452688

576-02006A-18

3508 evidence, that the practitioner acted in a wrongful manner. A
3509 practitioner providing medical services and medical care to a
3510 Medicaid recipient is not liable for more than \$200,000 in
3511 noneconomic damages, regardless of the number of claimants,
3512 unless the claimant pleads and proves, by clear and convincing
3513 evidence, that the practitioner acted in a wrongful manner. The
3514 fact that a claimant proves that a practitioner acted in a
3515 wrongful manner does not preclude the application of the
3516 limitation on noneconomic damages prescribed elsewhere in this
3517 section. For purposes of this subsection:

3518 (b) The term "practitioner," in addition to the meaning
3519 prescribed in subsection (1), includes any hospital or
3520 ambulatory surgical center, ~~or mobile surgical facility~~ as
3521 defined and licensed under chapter 395.

3522 Section 123. Subsection (4) of section 766.202, Florida
3523 Statutes, is amended to read:

3524 766.202 Definitions; ss. 766.201-766.212.—As used in ss.
3525 766.201-766.212, the term:

3526 (4) "Health care provider" means any hospital or
3527 ambulatory surgical center, ~~or mobile surgical facility~~ as
3528 defined and licensed under chapter 395; a birth center licensed
3529 under chapter 383; any person licensed under chapter 458,
3530 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
3531 part I of chapter 464, chapter 466, chapter 467, part XIV of
3532 chapter 468, or chapter 486; ~~a clinical lab licensed under~~
3533 ~~chapter 483~~; a health maintenance organization certificated
3534 under part I of chapter 641; a blood bank; a plasma center; an
3535 industrial clinic; a renal dialysis facility; or a professional
3536 association partnership, corporation, joint venture, or other



452688

576-02006A-18

3537 association for professional activity by health care providers.
3538 Section 124. Section 945.36, Florida Statutes, is amended
3539 to read:

3540 945.36 ~~Exemption from health testing regulations for Law~~
3541 ~~enforcement personnel authorized to conduct~~ ~~conducting~~ drug
3542 tests on inmates and releasees.-

3543 (1) Any law enforcement officer, state or county probation
3544 officer, employee of the Department of Corrections, or employee
3545 of a contracted community correctional center who is certified
3546 by the Department of Corrections pursuant to subsection (2) may
3547 administer, ~~is exempt from part I of chapter 483, for the~~
3548 ~~limited purpose of administering~~ a urine screen drug test to:

- 3549 (a) Persons during incarceration;
3550 (b) Persons released as a condition of probation for either
3551 a felony or misdemeanor;
3552 (c) Persons released as a condition of community control;
3553 (d) Persons released as a condition of conditional release;
3554 (e) Persons released as a condition of parole;
3555 (f) Persons released as a condition of provisional release;
3556 (g) Persons released as a condition of pretrial release; or
3557 (h) Persons released as a condition of control release.

3558 (2) The Department of Corrections shall develop a procedure
3559 for certification of any law enforcement officer, state or
3560 county probation officer, employee of the Department of
3561 Corrections, or employee of a contracted community correctional
3562 center to perform a urine screen drug test on the persons
3563 specified in subsection (1).

3564 Section 125. Paragraph (b) of subsection (2) of section
3565 1009.65, Florida Statutes, is amended to read:



452688

576-02006A-18

3566 1009.65 Medical Education Reimbursement and Loan Repayment
3567 Program.-

3568 (2) From the funds available, the Department of Health
3569 shall make payments to selected medical professionals as
3570 follows:

3571 (b) All payments are ~~shall be~~ contingent on continued proof
3572 of primary care practice in an area defined in s. 395.602(2)(b)
3573 ~~s. 395.602(2)(e)~~, or an underserved area designated by the
3574 Department of Health, provided the practitioner accepts Medicaid
3575 reimbursement if eligible for such reimbursement. Correctional
3576 facilities, state hospitals, and other state institutions that
3577 employ medical personnel shall be designated by the Department
3578 of Health as underserved locations. Locations with high
3579 incidences of infant mortality, high morbidity, or low Medicaid
3580 participation by health care professionals may be designated as
3581 underserved.

3582 Section 126. Subsection (2) of section 1011.52, Florida
3583 Statutes, is amended to read:

3584 1011.52 Appropriation to first accredited medical school.-

3585 (2) In order for a medical school to qualify under ~~the~~
3586 ~~provisions of~~ this section and to be entitled to the benefits
3587 herein, such medical school:

3588 (a) Must be primarily operated and established to offer,
3589 afford, and render a medical education to residents of the state
3590 qualifying for admission to such institution;

3591 (b) Must be operated by a municipality or county of this
3592 state, or by a nonprofit organization heretofore or hereafter
3593 established exclusively for educational purposes;

3594 (c) Must, upon the formation and establishment of an



452688

576-02006A-18

3595 accredited medical school, transmit and file with the Department
3596 of Education documentary proof evidencing the facts that such
3597 institution has been certified and approved by the council on
3598 medical education and hospitals of the American Medical
3599 Association and has adequately met the requirements of that
3600 council in regard to its administrative facilities,
3601 administrative plant, clinical facilities, curriculum, and all
3602 other such requirements as may be necessary to qualify with the
3603 council as a recognized, approved, and accredited medical
3604 school;

3605 (d) Must certify to the Department of Education the name,
3606 address, and educational history of each student approved and
3607 accepted for enrollment in such institution for the ensuing
3608 school year; and

3609 (e) Must have in place an operating agreement with a
3610 government-owned hospital that is located in the same county as
3611 the medical school and that is a statutory teaching hospital as
3612 defined in s. 408.07(44) ~~s. 408.07(45)~~. The operating agreement
3613 must shall provide for the medical school to maintain the same
3614 level of affiliation with the hospital, including the level of
3615 services to indigent and charity care patients served by the
3616 hospital, which was in place in the prior fiscal year. Each
3617 year, documentation demonstrating that an operating agreement is
3618 in effect shall be submitted jointly to the Department of
3619 Education by the hospital and the medical school prior to the
3620 payment of moneys from the annual appropriation.

3621 Section 127. This act shall take effect July 1, 2018.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 622

INTRODUCER: Senator Grimsley

SUBJECT: Health Care Facility Regulation

DATE: January 23, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Looke</u>	<u>Stovall</u>	<u>HP</u>	Favorable
2.	<u>Kidd</u>	<u>Williams</u>	<u>AHS</u>	Recommend: Fav/CS
3.	<u>Kidd</u>	<u>Hansen</u>	<u>AP</u>	Pre-meeting
4.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 622 amends numerous provisions related to the regulation of health care facilities by the Agency for Health Care Administration (AHCA or agency). The bill's provisions include, but are not limited to:

- Eliminating obsolete language and terms such as mobile surgical facility and provisions related to specialty definitions for rural hospitals.
- Eliminating the requirement that health care facility risk managers be licensed by the state.
- Amending various statutes related to home health agencies, nurse registries, assisted living facilities (ALF), and general licensing requirements.
- Exempting certain hospitals from volume requirements needed to provide Level I adult cardiovascular services (ACS).
- Specifying training that staff must have in hospitals providing ACS if the experience was not obtained in a hospital with a surgical center.
- Repealing the subscriber assistance program.
- Repealing state licensure of clinical laboratories in favor of deferring to federal requirements.
- Eliminating both statewide and district Ombudsman Committees.

The bill will reduce state revenues by approximately \$2.05 million annually as a result of the elimination of the risk manager application fees and the clinical laboratory licensing fees. This includes reductions of \$1.6 million from the Health Care Trust Fund in ACHA, \$0.3 million from the Grants and Donations Trust Fund in the Department of Health and \$0.15 million from the General Revenue Fund.

The bill becomes effective on July 1, 2018.

II. Present Situation:

The Agency for Health Care Administration (AHCA) is created in s. 20.42, F.S., as the chief health policy and planning entity for the state and is responsible for, among other things, health facility licensure, inspection, and regulatory enforcement. AHCA licenses or certifies and regulates 40 different types of health care providers, including hospitals, nursing homes, ALFs, and home health agencies. In total, the agency licenses, certifies, regulates or provides exemptions for more than 42,000 providers.¹

Generally applicable provisions of health care provider licensure are addressed in the Health Care Licensing Procedures Act in part II of ch. 408, F.S. Additional chapters or sections in the Florida Statutes provide specific licensure or regulatory requirements pertaining to health care providers in this state.²

Due to the many diverse issues addressed by the bill, pertinent background is provided within the **Effect of Proposed Changes** portion of this analysis for the reader's convenience.

III. Effect of Proposed Changes:

This bill amends numerous statutes related to the AHCA.

Public Health Trust Facilities

Section 2 creates s. 154.13, F.S., to specify that any designated facility owned or operated by a public health trust and located within the boundaries of a municipality is under the exclusive jurisdiction of the county creating the public health trust and not within the municipality's jurisdiction. The Public Health Trust of Miami-Dade County is the only public health trust that owns/operates health care providers. Jackson Health System consists of three hospitals: Jackson Memorial, Jackson North Medical Center and Jackson South Community Hospital. These are the only hospitals owned by a public health trust, Public Health Trust of Miami-Dade County. According to the license information, there is also a nursing home, Jackson Memorial Perdue Medical Center and five hospital-based clinical laboratories that are part of Jackson Health System.³

Birth Centers

Section 16 amends s. 383.313, F.S., to require that any birthing center that performs laboratory tests on its patients must be federally certified by the Federal Centers for Medicare and Medicaid Services (CMS) under the federal Clinical Laboratory Improvement Amendments (CLIA) and federal rules adopted thereunder. Currently, birthing centers are exempt from the requirement to be licensed as a clinical laboratory under part I of ch. 483, F.S.,⁴ if the birth center has no more

¹ See the Agency for Health Care Administration, *Division of Health Quality Assurance*, available at: <http://ahca.myflorida.com/MCHQ/index.shtml> (last visited Nov. 29, 2017).

² See s. 408.802, F.S., for the health care provider types and applicable licensure statutes.

³ Agency for Health Care Administration, *Senate Bill 622 Analysis* (Nov. 15, 2017) (on file with the Senate Committee on Health Policy.)

⁴ Part I of ch. 483, F.S., is repealed in this bill.

than five physicians and the tests are conducted exclusively for the diagnosis and treatment of clients of the birth center.

Section 18 repeals s. 383.335, F.S., which provides obsolete exemptions to certain rules related to birth centers. Currently, no providers meet these exemptions.⁵

Mobile Surgical Facilities

Sections 22, 23, 24, 27, 28, 60, and 123 amend ss. 395.001, 395.002, 395.003, 395.0161, 395.0163, 408.036, and 766.118, F.S., respectively, to repeal obsolete provisions related to mobile surgical facilities. No license has been issued for a mobile surgical facility and none are anticipated. The Florida Department of Corrections operates one hospital: Reception and Medical Center Hospital in Lake Butler. The hospital does not offer surgical services directly to its inmates, but contracts with U.S. Medical Group, Inc., via its licensed Ambulatory Surgical Center, Modular Freestanding Surgery Center. This Ambulatory Surgical Center has been licensed since September 24, 2002, and is stationary on the premises of the correctional facility. A separate license type is not needed in order to meet the surgical needs of the inmate population.⁶

Alternate-Site Testing

Section 26 creates s. 395.0091, F.S., to define the term “alternate-site testing” to mean any laboratory testing done under the administrative control of a hospital, but performed out the of physical or administrative confines of the hospital’s central laboratory. This section also requires the AHCA, in consultation with the Board of Clinical Laboratory Personnel, to adopt rules for criteria for alternate-site testing. The section establishes minimum criteria the rules must address and requires alternate-site testing locations to register when the associated hospital applies to renew its license. This change will keep the requirements in place for alternate-site testing after the repeal of provisions related to clinical laboratory state licensure.⁷

Deregulation of Risk Managers

Current law requires every hospital, ambulatory surgical center, and Health Maintenance Organization providing direct services to employ a state licensed health care risk manager to oversee the facility’s risk management program. No other state requires licensure of risk managers. Other Florida licensed facilities such as nursing homes are not required to employ a licensed risk manager and can employ anyone meeting the facility’s qualifications for their risk manager positions.

The health care risk manager licensure requirements have multiple pathways, including being licensed as a health care professional such as a nurse, respiratory therapist, physical therapist or emergency medical technician. Physician assistants and other professions licensed by the Florida Department of Health may not qualify unless they also meet another pathway. There are no licensure examinations, no continuing education requirements, and no method for the agency to

⁵ Supra note 3

⁶ Supra note 3

⁷ Supra note 3

determine a licensee's continued competency in health care risk management. Licensees are required to renew their license biennially. As there are no requalification requirements to renew a license, the process involves verification of contact information, employment, if applicable, and background screening status. Professional certification is available through the American Society for Healthcare Risk Management, but is not required for licensure.

The agency currently licenses 2,458 health care risk managers, of which only 602 (24.5 percent) report working in a licensed capacity for at least one hospital or ambulatory surgical center. A licensed health care risk manager may also appoint an unlicensed delegate to assist with risk management functions. On-the-job training is a common pathway to licensure. On average for the past 5 years, approximately 174 initial applications are received and 181 licensees fail to renew each year. Roughly 50 of the 1,200 applications (initial and renewal) reviewed each year are withdrawn from consideration because the applicant does not submit all of the required documentation.⁸

Sections 29, 34, 93, and 116 amend ss. 395.0197, 395.10973, 458.307, and 641.55, F.S., respectively and **sections 32, 33, 35, and 36** repeal ss. 395.10971, 395.10972, 395.10974, and 395.10975, F.S., respectively, to eliminate the requirement that health care facility risk managers be licensed by the state. The bill continues to require risk managers and that risk managers demonstrate competence in specified areas, as determined by each health care facility. The bill eliminates all provisions related to licensure of risk managers by the AHCA but continues to require the AHCA to develop a model risk management program for health care facilities that will satisfy the requirements of s. 395.0197, F.S.

Complaint Investigation Procedures

Section 30 repeals s. 395.1046, F.S., relating to the complaint investigation procedures for alleged violation of the emergency access to care provisions found in s. 395.1041, F.S. The state's emergency access to care provisions are similar to the federal Emergency Medical Treatment and Labor Act, commonly known as EMTALA.⁹ The agency enforces the emergency access to care requirements through the uniform complaint investigation procedure used for all license types and these complaints are given top priority. Section 395.1046, F.S., duplicates the complaint investigation procedures found in the general licensing provisions in part II of ch. 408, F.S. Also, s. 395.1046, F.S., provides confidentiality protections and a public records exemption for the results in the investigation report, which the agency proposes is an unnecessary level of confidentiality.¹⁰

⁸ Supra note 3

⁹ EMTALA, also known as the patient antidumping statute, was passed in 1986 as part of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), Public Law 99-272. Section 1867 of the Act sets forth requirements for medical screening examinations for individuals who come to the emergency department of a hospital and request examination or treatment for an emergency medical condition, regardless of ability to pay. The statute further provides that, if a hospital finds that such an individual has an emergency medical condition, it is obligated to provide that individual with either necessary stabilizing treatment or an appropriate transfer to another medical facility. See the CMS.gov website at: <https://www.cms.gov/Regulations-and-Guidance/Legislation/EMTALA/index.html> (last visited Dec. 1, 2017).

¹⁰ Supra note 3

AHCA Rules for Certain Healthcare Services

Section 31 amends s. 395.1055, F.S., to require the agency to adopt rules to ensure that all hospitals providing organ transplantation, neonatal intensive care services, inpatient psychiatric services, inpatient substance abuse services, or comprehensive medical rehabilitation meet the minimum licensure requirements adopted by the agency. The licensure requirement must include quality of care, nurse staffing, physician staffing, physical plant, equipment, emergency transportation, and data reporting standards. The section also requires the AHCA to mandate level 2 background screening for personnel of distinct part nursing units of hospitals.

Repealing Obsolete Provisions Relating to Rural Hospitals

Section 37 amends s. 395.602, F.S., relating to rural hospitals, to remove the definitions of “emergency care hospital,” “essential access community hospital,” “inactive rural hospital bed,” and “rural primary care hospital.” These definitions relate to obsolete rural hospital programs that are no longer available or applicable to rural hospitals. Hospitals are authorized to make changes to their bed inventory at will so there is no longer a need to maintain an inventory of inactive rural hospital beds for CON purposes.¹¹ Additionally, this section amends the definition of “rural hospital” to limit the number of beds to 175 that a hospital classified as a sole community hospital under 42 C.F.R. s. 412.92 may have in order to be considered a rural hospital. Current law classifies a sole community hospital as a rural hospital regardless of the number of beds.¹²

Section 38 amends s. 395.603, F.S., to remove provisions relating to the deactivation of general hospital beds in order to seek licensure for programs that are now obsolete.

Section 39 repeals s. 395.604, F.S., relating to licensing hospitals for these obsolete programs.

Section 40 repeals s. 395.605, F.S., relating to licensing emergency care hospitals, which is now an obsolete program.

Hospital Annual Assessments

Sections 41 and 64 amend ss. 395.701 and 408.20, F.S., relating to hospital assessments on inpatient and outpatient services. Current law excludes hospitals operated by the agency or the DOC. The bill expands the exclusion to any hospital operated by a state agency, to specifically exclude hospitals operated by the Department of Children and Families.¹³

Nursing Homes

Section 43 amends s. 400.0625, F.S., to delete language that required a nursing home to accept clinical laboratory tests performed by a clinical laboratory prior to admission in lieu of routine

¹¹ Supra note 3

¹² Currently, no rural hospital has over 100 beds. See Florida Health Finder list of rural hospitals, available at <http://www.floridahealthfinder.gov/facilitylocator/ListFacilities.aspx>, (last visited on Dec. 1, 2017).

¹³ Supra note 3.

examinations and any clinical laboratory tests ordered by a physician as required upon admission. This section also conforms provisions to the repeal of part I of ch. 483, F.S.

Section 44 amends s. 400.191, F.S., to require the AHCA to post nursing home survey and deficiency information that is older than 30 months in its nursing home guide.

Home Health Agencies

Home health agencies are health care providers that provide skilled services (by nurses, therapists, and social workers) and/or unskilled services (by home health aides, certified nursing assistants, homemaker, and companions) to patients in their homes. A home health agency may also provide staffing to health care facilities on a temporary basis.¹⁴

Section 45 amends s. 400.464, F.S., to require that any license issued for a home health agency on or after July 1, 2018, must specify the services that the home health agency is authorized to perform. Any advertising or provision of services by the home health agency that the home health agency is not licensed to perform constitutes unlicensed activity. The section eliminates a 10-day grace period for the cessation of unlicensed activity after receiving notification of such from the AHCA and ties penalties for unlicensed activity to s. 408.812, F.S.¹⁵ The section also authorizes a voluntary process for applying for a certificate of exemption from licensure for a person providing home health services who is exempt from licensure as a home health agency. The agency may charge a fee of \$100 or the actual cost of processing this certificate. The certificate of exemption is valid for up to 2 years.

Section 46 amends s. 400.471, F.S., to require application for a change of ownership or for the addition of skilled services. Applicants for license renewal no longer need to provide volume data. Under this section, evidence of contingency funding refers to the general licensing provisions in part II of ch. 408, F.S., to eliminate an inconsistency between the two chapters. Under current law, a home health agency that is not Medicare or Medicaid certified and does not provide skilled care is exempt from providing proof of accreditation. This section provides the exemption only if the home health agency does not provide skilled care. The section further clarifies that the accrediting organization must be recognized by the agency, the survey must demonstrate compliance with Florida laws pertaining to home health agencies and must be continuously maintained.

Sections 46 and 47 amend ss. 400.471 and 400.474, F.S., respectively, to clarify that a licensed home health agency must provide the services specified in the written agreement with the patient except in emergency situations that are beyond the provider's control that make it impossible to provide the services.

Section 48 amends s. 400.476, F.S., to require a home health agency that provides skilled nursing care to have a director of nursing. Current law exempts a home health agency from this

¹⁴ Home Health Agencies, AHCA webpage, available at http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Home_Care/HHA/index.shtml, (last visited on Nov. 29, 2017).

¹⁵ Section 408.812, F.S., prohibits unlicensed activity and provides penalties for violations including fines of up to \$1,000 a day, injunctive relief, and potential application of licensure violations as if the operator were licensed.

requirement if it is Medicare or Medicaid certified or provides only physical, occupational, or speech therapy. This exemption is repealed.

Section 49 amends s. 400.484, F.S., renaming deficiencies as violations with respect to providing care by home health agencies and tying these violations to the general licensing provisions for health care facilities in part II of ch. 408, F.S.

Nurse Registries

As of October 1, 2017, there were 593 nurse registries licensed by the agency responsible for securing health-care-related contracts for private duty (in home) or health care facility staffing services by independently contracted caregivers within Florida.

In accordance with s. 400.506(5)(a), F.S., the continued operation of an unlicensed nurse registry for more than 10 days after agency notification is considered a second degree misdemeanor. Each day of continued non-compliance is considered a separate offense, with each offense carrying the potential for imprisonment of up to 60 days. In addition to the criminal actions, s. 400.506(5)(b), F.S., authorizes the agency to impose a \$500 fine for each day of continued non-compliance. While it does not make unlicensed activity a criminal offense, the Health Care Licensing Procedures Act of Chapter 408, Part II, F.S., prevails over s. 400.506, F.S., and authorizes the agency to impose a \$1000 per day fine for each day of continued operation after agency notification.

Agency records show that 37 complaints alleging nurse registry unlicensed activity were filed between January 1, 2012, and present. Upon investigation, 11 of the complaints were substantiated. Of the 11 substantiated complaints, the agency imposed an administrative fine of \$46,000 for one unlicensed nurse registry that failed to discontinue operations after notification.

Nurse registries are not eligible for participation in the Medicare program and are only authorized to participate in Florida Medicaid through the Long Term Care Waiver program. Currently, s. 400.506, F.S., specifically prohibits licensed nurse registries who bill Florida Medicaid or the Medicare program from giving remuneration to certain named parties who are involved in the discharge of patients from health care facilities such as hospitals and nursing homes from which the registry receives referrals. Likewise, a nurse registry is prohibited from giving remuneration to physicians, physicians' office staff members, and immediate family members of physicians if the nurse registry received a referral from the physician or his or her office within the previous 12 months.¹⁶

Section 51 amends s. 400.506, F.S., to eliminate a 10-day grace period for the cessation of unlicensed activity after receiving notification of such from the AHCA, and ties penalties for unlicensed activity to s. 408.812, F.S.¹⁷ In addition, the section removes the prohibitions on a nurse registry providing remuneration to a case manager, discharge planner, facility based staff member, third party vendor, physician, member of the physician's office staff, or an immediate family member of a physician for referrals. Current law exempts nurse registries from this

¹⁶ Supra note 3

¹⁷ Supra note 3

prohibition if they do not bill Medicare or Medicaid or share a controlling interest with any entity that bills Medicare or Medicaid. In addition to s. 400.506, F.S., s. 817.505(1)(a), F.S., makes it unlawful for any health care provider or health care facility, including nurse registries, to “offer or pay a commission, benefit, bonus, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, or engage in any split-fee arrangement whatsoever, to induce the referral of a patient or patronage to or from a health care provider or health care facility.”¹⁸

Hospices

Section 52 amends s. 400.606, F.S., to eliminate the requirement that applicants for hospice licensure that are existing health care providers submit a profit-loss statement and the most recent licensure inspection report. The requirement to provide a profit-loss statement is duplicative of general health care licensing statutes that require uniform proof of financial ability to operate and the requirement to provide an inspection report is unnecessary since all inspection reports are available to the public online.¹⁹

Home Medical Equipment Providers

Section 53 amends s. 400.925, F.S., to make technical clarifying changes to the definition of home medical equipment.

Section 54 amends s. 400.931, F.S., to require a licensed home medical equipment provider to notify the AHCA of a change in the general manager within the timeframes established in part II of ch. 408, F.S., which is 21 days, rather than the 45-day timeframe provided in this section of law.

Health Care Service Pools

Section 56 amends s. 400.980, F.S., to require changes of information contained on the original registration application to be submitted to the agency within the timeframes established in part II of ch. 408, F.S., rather than 14 days prior to the change as required in this section of law.

Health Care Clinic Exemptions

Section 58 amends s. 400.9935, F.S., to make certificates of exemption from licensure valid for up to 2 years. Currently, such exemptions are valid indefinitely. This change is intended to improve the integrity of the exemption process.²⁰

Adult Cardiovascular Services

Hospitals are regulated by the AHCA under ch. 395, F.S., and the general licensure provisions of part II of ch. 408, F.S. Hospitals are subject to the certificate of need (CON) provisions in part I of ch. 408, F.S. A CON is a written statement issued by the AHCA evidencing community need

¹⁸ Supra note 3

¹⁹ Supra note 3

²⁰ Supra note 3

for a new, converted, expanded, or otherwise significantly modified health care facility or health service.²¹

Adult cardiovascular services (ACS), including percutaneous coronary intervention (PCI), were previously regulated through the CON program.²² However, in 2004, the Legislature established a licensure process for adult interventional cardiology services (the predecessor terminology for ACS), dependent upon rulemaking, in lieu of the CON procedure.²³ Among other things, that law required the rules to establish two hospital program licensure levels: a Level I program authorizing the performance of adult primary PCI for emergency patients without onsite cardiac surgery, and a Level II program authorizing the performance of PCI with onsite cardiac surgery.²⁴ Additionally the rules must require compliance with the most recent guidelines of the American College of Cardiology and American Heart Association guidelines for staffing, physician training and experience, operating procedures, equipment, physical plant, and patient-selection criteria to ensure quality and safety.²⁵ Current law requires that a hospital seeking a Level I program must demonstrate that it has, in the most recent 12-month period, provided a minimum of 300 adult inpatient and outpatient diagnostic cardiac catheterizations or discharged at least 300 patients with the principal diagnosis of ischemic heart disease and has a transfer agreement with a Level II hospital within 60 minutes transfer time.

The AHCA adopted rules for Level I ACS²⁶ and Level II ACS.²⁷ Staffing rules for both levels require the nursing and technical catheterization laboratory staff to meet the following:

- Be experienced in handling acutely ill patients requiring intervention or balloon pump;
- Have at least 500 hours of previous experience in dedicated cardiac interventional laboratories at a hospital with a Level II ACS program;²⁸
- Be skilled in all aspects of interventional cardiology equipment; and
- Participate in a 24-hour-per-day, 365 day-per-year call schedule.

One of the authoritative sources referenced in the AHCA's rulemaking is The American College of Cardiology/American Heart Association Task Force on Practice Guidelines' report: ACC/AHA/SCAI 2005 Guideline Update for PCI.²⁹ Table 15 in that report provides criteria for the performance of primary PCI at hospitals without onsite cardiac surgery. It states:

²¹ Section 408.032(3), F.S.

²² See s. 408.036(3)(m) and (n), F.S., allowing for an exemption from the full review process for certain adult open-heart services and PCI services.

²³ Chapter 2004-383, s. 7, Laws of Fla.

²⁴ Level I and Level II ACS programs may also perform adult diagnostic cardiac catheterization in accordance with Rule 59A-3.2085(13), F.A.C. Adult diagnostic cardiac catheterization involves the insertion of a catheter into one or more heart chambers for the purpose of diagnosing cardiovascular diseases.

²⁵ See s. 408.0361(3), F.S.

²⁶ Rule 59A-3.2085(16), F.A.C.

²⁷ Rule 59A-3.2085(17), F.A.C.

²⁸ The standard in the CON exemption in s. 408.036(3)(n), F.S., for providing PCI in a hospital without an approved adult open-heart-surgery program required previous experience in dedicated interventional laboratories or surgical centers.

²⁹ Smith SC Jr, Feldman TE, Hirshfeld JW Jr, Jacobs AK, Kern MJ, King SB III, Morrison DA, O'Neill WW, Schaff HV, Whitlow PL, Williams DO. *ACC/AHA/SCAI 2005 guideline update for percutaneous coronary intervention: a report of the American College of Cardiology/American Heart Association Task Force on Practice Guidelines (ACC/AHA/SCAI Writing Committee to Update the 2001 Guidelines for Percutaneous Coronary Intervention)*. *the Society for Cardiovascular Angiography and Interventions* (2005), available at <http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0ahUKEwizrYy2zubKAhUBfSYKHafZCiA>

The nursing and technical catheterization laboratory staff must be experienced in handling acutely ill patients and must be comfortable with interventional equipment. They must have acquired experience in dedicated interventional laboratories at a surgical center.

In 2014, the Society for Cardiovascular Angiography and Interventions, the American College of Cardiology Foundation, and the American Heart Association, Inc., issued the SCAI/ACC/AHA Expert Consensus Document: 2014 Update on PCI Without On-Site Surgical Backup.³⁰ That report acknowledged advances and best practices in PCI performed in hospitals without onsite surgery. Table IV in that report addresses personnel requirements for PCI programs without onsite surgery. It recommends the program have experienced nursing and technical laboratory staff with training in interventional laboratories. The report does not reference a requirement that the training or experience should occur in a dedicated interventional laboratory at a surgical center.

As of October 31, 2017, there are 56 Florida hospitals providing Level I ACS services and 79 Florida hospitals providing Level II ACS services.³¹

Section 61 amends s. 408.0361, F.S., to exempt a hospital located more than 100 road miles from the closest Level II ACS from the requirement to meet ischemic heart disease diagnosis volume requirements if the hospital demonstrates that it has, for the most recent 12-month period as reported to the agency, provided a minimum of 100 adult inpatient and outpatient diagnostic cardiac catheterizations or that, for the most recent 12-month period, it has discharged or transferred at least 300 patients with the principal diagnosis of ischemic heart disease. This change will allow Lower Keys Medical Center to become a Level I provider.³²

The section also requires AHCA licensure rules for hospitals providing ACS to include, at a minimum, a requirement that all nursing and technical staff have demonstrated experience in handling acutely ill patients requiring PCI in dedicated cardiac interventional laboratories or surgical centers. Currently, pursuant to AHCA rules, the experience must have been acquired in a hospital with a surgical center. The section states that, if a staff member's previous experience was in a dedicated cardiac interventional laboratory at a hospital that did not have an approved adult open-heart-surgery program, the laboratory must meet the following criteria in order for the staff member's experience to qualify. The laboratory must have:

- Had an annual volume of 500 or more PCI procedures;
- Achieved a demonstrated success rate of 95 percent or higher for PCI;
- Experienced a complication rate of less than 5 percent for PCI; and

[QFggvMAI&url=http%3A%2F%2Fwww.scai.org%2Fasset.axd%3Fid%3Da1d96b40-b6c7-42e7-9b71-1090e581b58c%26t%3D634128854999430000&usg=AFQjCNF0t0334L9yMm_XLA5rl0pXoCvPDw](http://www.scai.org/Fasset.axd?Fid%3Da1d96b40-b6c7-42e7-9b71-1090e581b58c%26t%3D634128854999430000&usg=AFQjCNF0t0334L9yMm_XLA5rl0pXoCvPDw) (last visited Nov. 29, 2017).

³⁰ Gregory J. Dehmer, et.al, available at <http://circ.ahajournals.org/content/129/24/2610.full.pdf+html> (last visited Nov. 29, 2017).

³¹ See The AHCA FloridaHealthFinder.gov available at <http://www.floridahealthfinder.gov/facilitylocator/FacilitySearch.aspx>, (last visited Nov. 29, 2017).

³² Id.

- Performed diverse cardiac procedures, including, but not limited to, balloon angioplasty and stenting, rotational atherectomy, cutting balloon atheroma remodeling, and procedures relating to left ventricular support capability.

Subscriber Assistance Program

The subscriber assistance panel (SAP) was created in 1985 to assist members of managed care entities whose grievances or appeals were not satisfactorily resolved by the managed care entity upon exhaustion of the managed care entity's internal grievance and appeal process. Under the federal Patient Protection and Affordable Care Act (PPACA),³³ managed care entities were given an option to either comply with the state's external review requirement or opt-out and participate in the federal external review program. The majority of health plans in Florida elected to use the federal program and the SAP program experienced a significant decrease in the number of cases being reviewed by the panel.³⁴

The SAP is currently available to members of managed care entities with coverage by: Statewide Medicaid Managed Care, Healthy Kids, Prepaid Health Clinics, or grandfathered policies³⁵ that have not elected to have all of their health insurance policies subject to an external review process by independent review organization(s). Medicaid recipients in managed care can file for an external review through a Medicaid Fair Hearing and members with grandfathered commercial policies may appeal through independent review organizations.³⁶

Repeal of the SAP eliminates this program as an external appeal option for members in Healthy Kids and Prepaid Health Clinics, although according to the agency, no Prepaid Health Clinic members have used the SAP. At this time, these members do not have another avenue in which to file an external appeal.³⁷

Section 65 repeals s. 408.7056, F.S., relating to the subscriber assistance program.

General Licensing Provisions

Section 67 amends s. 408.803, F.S., to add a definition of "relative." This addition is to clarify the meaning of the term when used in the newly created s. 408.810(1), F.S., (see Section 70, below).

³³ Pub. Law No. 111-148 (Mar. 23, 2010) amended by Pub. Law. No. 111-152 (Mar. 30, 2010).

³⁴ According to the agency, between FY 2011-2012 and FY 2012-2013, when the majority of plans opted to use the federal external review program, the number of cases received by the SAP dropped from 415 to 213. The number of cases heard by the SAP dropped from 74 to 17. There was an uptick in both number of cases received by the subscriber assistance program and the number of cases heard by the panel for FY 2014-2015 and FY 2015-2016; however, FY 2016-2017 showed a decline in the number of cases received and heard from 350 to 253 and 53 to 28, respectively. The predominant outcome of the cases in FY 2016-2017 was a determination of non-jurisdiction (165), followed by submission of an incomplete application (24) and resolved prior to panel hearing (26). See the chart prepared by the agency for activity since FY 2009-2010 at supra note 1.

³⁵ A grandfathered health plan is a plan that existed on March 23, 2010, the date that the PPACA was enacted, and that at least one person had been continuously covered for 1 year. Plans or policies may lose their "grandfathered" status if they make certain significant changes that reduce benefits or increase costs to consumers. See Healthcare.gov, *Grandfathered Health Plans*, <https://www.healthcare.gov/glossary/grandfathered-health-plan/> (last visited Nov. 28, 2017).

³⁶ Supra note 3.

³⁷ *Id.*

Section 68 amends s. 408.806, F.S., to authorize a licensee that holds a license for multiple providers licensed by the agency to request alignment of all license expiration dates. In order to accomplish this, the agency is authorized to issue a license for an abbreviated licensure period with a prorated licensure fee.

Section 69 amends s. 408.809, F.S., to apply background screening provisions to all controlling interests in a health care facility. Current law only requires background screening of controlling interests if the AHCA has reason to believe that such a person has been convicted of a prohibited offense. The section also requires background screening for contractors with a licensee or provider who work for 20 hours or more per week and have access to client funds, personal property, or living areas.

Section 70 amends s. 408.810, F.S., to exempt an applicant for a change of ownership from submitting proof of financial ability to operate, if the provider has been licensed for at least 5 years and the change is the result of a corporate reorganization under which the controlling interest is unchanged or solely due to the death of a controlling interest, and the surviving controlling interest continue to hold at least 51 percent of the ownership.

The agency is authorized to adopt rules to address the circumstances under which a controlling interest, an administrator, an employee, a contractor, or a representative thereof who is not a relative of the patient or client may act as a legal representative, agent, health care surrogate, power of attorney, or guardian of a patient or client. According to the agency, licensure regulations are currently inconsistent in this area. Due to the vulnerability of persons receiving health or custodial care, allowing the paid caregiver to control finances or health care decisions of the patient can result in exploitation or abuse. In some cases, the facility has a surety bond, but this is not required for all provider types.³⁸

The section also requires that the licensee must ensure that no person holds any ownership interest who has a disqualifying offense³⁹ or who holds any ownership interest in a provider that had a license revoked or application denied. This provision does not apply to shareholders in a publicly traded corporation.

Section 71 amends s. 408.812, F.S., relating to unlicensed activity, to specify that unlicensed activity constitutes abuse and neglect, as defined in s. 415.102, F.S.⁴⁰ The section removes the requirement that a person or entity must apply for a license after receiving notification from the agency that the person or entity is engaging in unlicensed activity. If a controlling interest or licensee has more than one provider and fails to license all providers that require licensure, the agency may impose a fine, regardless of correction, as one of the authorized sanctions.

³⁸ Supra note 1.

³⁹ Pursuant to s. 408.809, F.S.

⁴⁰ In summary, s. 415.102, F.S., defines “abuse” as any willful act or threatened act by a relative, caregiver, or household member which causes or is likely to cause significant impairment to a vulnerable adult’s physical, mental, or emotional health; and that abuse includes acts and omissions. “Neglect” is defined as the failure or omission on the part of the caregiver or vulnerable adult to provide the care, supervision, and services necessary to maintain the physical and mental health of the vulnerable adult. Refer to s. 415.102(16), F.S., for additional acts that constitute neglect.

Background Screening

Sections 74 and 87 amend ss. 409.907 and 435.04, F.S., respectively, to move certain disqualifying offenses from the Medicaid requirements into background screening standards. This move allows Medicaid applicants to apply for an exemption to a disqualifying offense in the same manner as other persons required to be screened under these provisions.⁴¹ The section also provides more specificity as to which offenses are disqualifying.

Section 87 also amends s. 435.04, F.S., to disqualify persons from employment as a health care worker who have been arrested for and are awaiting final disposition of an offense related to domestic violence. This change conforms to the language used in subsection (2) disqualifying persons from employment for all other enumerated offenses.

Section 88 amends s. 435.12, F.S., to allow a person who passed a level 2 screening after December 31, 2012, to extend the date for screening renewal until January 1, 2020, (rather than for 5 years as required in current law) unless the Florida Department of Law Enforcement (FDLE) begins participation in the nation retained print arrest notification program before that date. The section also extends the retention of fingerprints by the FDLE until January 1, 2021, or the date the FDLE begins participation in the program.

Assisted Living Facilities

ALFs provide full-time living arrangements in the least restrictive and most home-like setting. Facilities can include individual apartments or rooms that a resident has alone or shares with another person. These facilities can also range in size from one resident to several hundred residents.

The basic services provided by an ALF include, but are not limited to:

- Housing, nutritional meals, and special diets;
- Personal care (help with bathing, dressing, eating, walking, physical transfer);
- Give medications (by a nurse employed at the facility or arranged by contract) or help residents give themselves medications;
- Supervise residents;
- Arrange for health care services;
- Provide or arrange for transportation to health care services;
- Health monitoring;
- Respite care;
- Social and leisure activities; and
- Mental Health services.

Section 78 amends s. 429.04, F.S., relating to exemptions from licensure, to clarify and expand the exemptions to include facilities licensed by the Agency for Persons with Disabilities, mental health facilities, licensed hospitals, nursing homes, inpatient hospices, homes for special

⁴¹ Supra n. 3

services,⁴² intermediate care facilities, or transitional living facilities. Additionally, the section assigns the burden of providing documentation substantiating an exemption to the person or entity asserting an exemption in response to an agency investigation of unlicensed activity.

A current exemption includes any person who provides housing, meals, or one or more personal services on a 24-hour basis in the person's own home to not more than two adults who do not receive optional state supplementation. The section specifies that in addition to owning or renting the home, the person who provides these services must have established the home as the person's permanent residence. If the person holds a homestead exemption at a different address, a presumption exists that the person has not established permanent residence as required by this section. Furthermore, the section provides that the exemption does not apply to a person or entity who previously held licensure issued by the agency and such license was revoked or licensure renewal was denied by final order, or when the license was voluntarily relinquished during agency enforcement proceedings.

Section 79 amends s. 429.08, F.S., relating to unlicensed facilities, to clarify and create a felony of the third degree penalty for renting or otherwise maintaining a building or property that operates or maintains an unlicensed ALF. This section now provides that any person who owns, operates, or maintains an unlicensed ALF after receiving notice from the agency that licensure is required and to cease such operation commits a felony of the third degree. Current law provides a 6-month window after a statutory or rule change takes place if the change placed the person in the position of violating this provision before the violation occurs. This 6-month timeframe is repealed in the bill.

Section 80 amends s. 429.176, F.S., to prohibit an ALF from operating for more than 120 consecutive days without an administrator who has completed the core educational requirements.

Section 82 amends s. 429.24, F.S., to specify that new services added to a resident's contract for which the resident was not previously charged do not require a 30-day written notice of rate increase.

Section 83 amends s. 429.28, F.S., to specify that residents in an ALF have the right to "assistance with" obtaining access to adequate and appropriate health care. Current law provides the resident with the right to "access to adequate and appropriate health care." The section further specifies that "adequate and appropriate health care" includes management of medications, assistance in making appointments for health care services, the provision of or arrangement of transportation to health care appointments, and the performance of health care services in accordance with s. 429.255, F.S.⁴³

Sections 83 and 85 amend ss. 429.28 and 429.34, F.S., to strike provisions from the "resident's bill of rights" section that are related to AHCA inspections of ALFs and move the provisions into the section related to AHCA right of entry and inspection powers.

⁴² Homes for special services is defined in s. 400.801, F.S., as a site licensed by the agency prior to January 1, 2006, where specialized health care services are provided, including personal and custodial care, but not continuous nursing services.

⁴³ Section 429.255, F.S., specifies the types of care that may be provided by various staff in an ALF, including nursing and medical staff, and includes provisions for emergency situations.

Section 84 amends s. 429.294, F.S., to conform the requirement that ALFs provide copies of medical records to the provisions requiring nursing homes to provide such records. Current law requires ALFs to provide the records within 10 days while nursing homes have 30 days to provide the records.⁴⁴

Section 86 amends s. 429.52, F.S., to specify that an ALF administrator must complete staff training, including passing the competency test, within 90 days of the date of employment.

Clinical Laboratories

The CMS regulates all laboratory testing (except research) performed on humans in the U.S. through the Clinical Laboratory Improvement Amendments (CLIA).⁴⁵ Facilities that provide clinical laboratory services are required to be certified by the CMS CLIA laboratory certification program, which operates in conjunction with the Food and Drug Administration (FDA) and the Centers for Disease Control and Prevention (CDC). Certain laboratories may qualify as a waived testing laboratory and receive a CLIA Certificate of Waiver.⁴⁶

Clinical laboratories in the state performing non-waived tests must also obtain a state license from the AHCA and comply with part I of ch. 483, F.S., relating to clinical laboratories, and the general licensing provisions in part II of ch. 408, F.S. This requirement also applies to a clinical laboratory operated by one or more practitioners such as physicians, chiropractors, podiatrists, optometrists, or dentists, exclusively in connection with the diagnosis and treatment of their own patients.⁴⁷

As of July 1, 2017, the agency licenses 3,904 clinical laboratories and collects an average of \$1,540,000 per year in recurring licensure fees and an average of \$321,900 per year in recurring biennial assessments required by s. 408.033, F.S. In addition, the CLIA program certifies another 18,446 Florida based laboratories that only perform “waived” testing and therefore, are exempt from state licensure requirements.⁴⁸

Section 90 amends s. 456.054, F.S., to move anti-kickback language for clinical laboratories from s. 483.245, F.S., which is being repealed, into the general provisions for healthcare practitioners.

Section 96 repeals part I of ch. 483, F.S., relating to the licensure and regulation of clinical laboratories by the agency. Part I includes ss. 483.011 - 483.26, F.S. Laboratories will continue

⁴⁴ See s. 400.145, F.S.

⁴⁵ CMS.gov, *Clinical Laboratory Improvement Amendments (CLIA)* (April 5, 2017) <https://www.cms.gov/Regulations-and-Guidance/Legislation/CLIA/index.html?redirect=/CLIA> (last visited Nov. 29, 2017).

⁴⁶ Waived testing laboratories: employ methodologies that are so simple and accurate as to render the likelihood of erroneous results negligible, pose no reasonable risk of harm to the patient if the test is performed incorrectly, use tests that are cleared by the FDA for home use, and conduct testing that is considered non-technical requiring little or no difficulty. *See* Agency for Health Care Administration, Waived Laboratories: http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Laboratory_Licensure/waived_apps.shtml (last visited Nov. 29, 2017).

⁴⁷ Section 483.035(1), F.S.

⁴⁸ *Supra* note 3.

to be certified by, or receive a certificate of waiver from, the CMS under the CLIA. Included within the repeal is a requirement that laboratory results must be reported directly to the licensed practitioner or other authorized person who requested it, and the authorization for a laboratory to disclose the results without a patient's consent to other health care practitioners and providers involved in the care or treatment of the patient as specified in s. 456.057(7)(a), F.S.

Section 98 amends s. 483.801, F.S., to exempt from licensure persons engaged in testing performed by laboratories that are wholly owned and operated by one or more practitioners who are licensed under Florida law as allopathic or osteopathic physicians, chiropractors, podiatrists, optometrists, or dentists and who practice in the same group practice, and in which no clinical laboratory work is performed for patients referred by a health care provider who is not a member of the same group.

Managed Care Ombudsman Committees

The Statewide Managed Care Ombudsman Committee (statewide committee) and the district managed care ombudsman committees (district committees) were established in 1996.⁴⁹ The statewide committee is created within the agency as a consumer protection and advocacy organization on behalf of managed care subscribers. The statewide committee has administrative authority over the district committees and consists of the chairpersons of the district committees.

A district committee is created in s. 641.65, F.S., in each district of the agency that has staff assigned for the regulation of managed care programs. Each district committee must have no fewer than nine members or more than 16 members, including at least four physicians, one licensed under each of chs. 458, 459, 460, and 461; one psychologist; one registered nurse; one clinical social worker; one attorney; and one consumer.⁵⁰

According to the agency, due to the very stringent committee composition requirements, the majority of districts could not form district committees. The first committee was established in 1999 and only three other districts were able to meet committee requirements. The last activity on record was in 2010, and there are currently no active committees.⁵¹

Sections 117-122 repeal ss. 641.60, 641.65, 641.67, 641.68, 641.70, and 641.75, F.S., to eliminate the statewide and district Managed Care Ombudsman Committees.

Miscellaneous Provision

Section 62 amends s. 408.061, F.S., relating to data collection by the agency from health care facilities, to conform cross-references and to exclude hospitals operated by state agencies from the requirement to submit certain financial reports.

⁴⁹ Chapter 96-391, Laws of Fla.

⁵⁰ Section 641.65(2), F.S.

⁵¹ Supra note 3

Technical and Conforming Sections

The following sections makes technical changes to the Florida statutes to conform its provisions to other changes made by this bill:

Section 55 amends s. 400.933, F.S., to make a technical change specifying that it is the Department of Business and Professional Regulation, not the DOH, that issues medical oxygen retail establishment permits.

Section 77 amends s. 492.02, F.S., to make technical grammatical changes to the section.

Sections 1, 3-15, 17, 19, 20-22, 25, 42, 50, 57, 59, 63, 66, 72, 73, 75-76, 81, 89, 91-95, 97, 99-116, and 123-127.

These sections amend ss. 20.43, 220.1845, 376.30781, 376.86, 381.0031, 381.0034, 381.004, 381.0405, 383.14, 383.30, 383.301, 383.302, 383.305, 383.309, 383.33, 384.31, 385.211, 394.4787, 395.001, 395.009, 395.7015, 400.497, 400.9905, 408.033, 408.07, 408.802, 408.820, 409.905, 409.9116, 409.975, 429.19, 456.001, 456.057, 456.076, 458.307, 458.345, 459.021, 483.294, 483.803, 483.813, 483.823, 491.003, 627.351, 627.602, 627.6406, 627.64194, 627.6513, 627.6574, 641.185, 641.31, 641.312, 641.3154, 641.51, 641.511, 641.515, 641.55, 766.118, 766.202, 945.36, 1009.65, and 1011.52, F.S., respectively.

Effective Date

Section 128 provides the bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Repealing the licensure requirement for health care risk managers will save each risk manager the cost of the licensure fee, which is \$104.54 for initial applicants and \$52.78 for renewal applicants.⁵²

Repealing clinical laboratory licensure will save each clinical laboratory that was required to be licensed and is accredited \$100 biennially. If not accredited the fee is between \$400 - \$3,919 biennially, depending upon the annual volume of non-waived tests performed.⁵³

C. Government Sector Impact:***State Revenues***

With the elimination of the risk manager application fees and the laboratory licensure application fees, overall revenue to the state will decrease by approximately \$2.05 million annually. This includes reductions of \$1.6 million from the Health Care Trust Fund in ACHA, \$0.3 million from the Grants and Donations Trust Fund in the Department of Health and \$0.15 million from the General Revenue Fund.

Of the \$2.05 million reductions noted above, \$64,866 per year is attributable to the elimination of the risk manager application fees and \$1,540,000 per year is attributable to the laboratory licensure application fees.⁵⁴ The AHCA collects assessments pursuant to s. 408.033, F.S., and transfers these assessments to the Grants and Donations Trust Fund within the Department of Health (DOH) to fund the Local Health Councils. The estimated reduction to the transfer to DOH associated with the laboratory assessments is \$304,950. The estimated reduction to General Revenue is \$152,785 relating to the General Revenue surcharge in s. 215.20, F.S.

State Expenditures

The bill reduces the workload on AHCA staff relating to the licensure of clinical laboratories. The AHCA anticipates reallocating such resources to other areas of AHCA providing regulatory functions.

VI. Technical Deficiencies:

The title of the bill does not include language stricken from s. 400.0625, F.S., on lines 1182-1186.

The bill amends s. 408.0361, F.S., to mandate the establishment of rules to require nursing and technical staff in hospitals performing adult cardiovascular services to have specified experience.

⁵² See the Application checklist available at: http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Hospital_Outpatient/risk_manager.shtml (last visited Nov. 29, 2017).

⁵³ See AHCA Clinical laboratory fees, available at: http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Laboratory_Licensure/fees.shtml (last visited Nov. 29, 2017).

⁵⁴ Supra n. 3

This change appears to apply to both hospitals providing Level I and Level II services, however, this is placed within a statutory paragraph only relating to a hospital seeking a Level I program license. As such, it is unclear whether the staff training requirement applies to both hospitals providing Level I and Level II services or only to hospitals providing Level I services. The bill may need to be amended to clearly indicate to which hospitals the requirement applies.

The bill amends s. 491.003, F.S., to make technical grammatical changes to the bill. Line 2941 eliminates parentheses around the phrase “mental dysfunctions or disorders (whether cognitive, affective, or behavioral).” This phrase is part of a list and as such, the list should also be amended to use semicolons rather than commas in order to adequately distinguish the individual parts of the list from the phrase within the deleted parentheses. Additionally, the parenthetical phrase is used on lines 2838-2839, 2847-2848, 2882, 2893-2894, and 2951-2952 and these instances have not been amended. The bill should be amended to be consistent in its usage throughout the section.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.43, 220.1845, 376.30781, 376.86, 381.0031, 381.0034, 381.004, 381.0405, 383.14, 383.30, 383.301, 383.302, 383.305, 383.309, 383.313, 383.33, 384.31, 385.211, 394.4787, 395.001, 395.002, 395.003, 395.009, 395.0161, 395.0163, 395.0197, 395.1055, 395.10973, 395.602, 395.603, 395.701, 395.7015, 400.0625, 400.191, 400.464, 400.471, 400.474, 400.476, 400.484, 400.497, 400.506, 400.606, 400.925, 400.931, 400.933, 400.980, 400.9905, 400.9935, 408.033, 408.036, 408.0361, 408.061, 408.07, 408.20, 408.7056, 408.802, 408.803, 408.806, 408.809, 408.810, 408.812, 408.820, 409.905, 409.907, 409.9116, 409.975, 429.02, 429.04, 429.08, 429.176, 429.19, 429.24, 429.28, 429.294, 429.34, 429.52, 435.04, 435.12, 456.001, 456.054, 456.057, 456.076, 458.307, 458.345, 459.021, 483.294, 483.801, 483.803, 483.813, 483.823, 491.003, 627.351, 627.602, 627.6406, 627.64194, 627.6513, 627.6574, 641.185, 641.31, 641.312, 641.3154, 641.51, 641.511, 641.515, 641.55, 766.118, 766.202, 945.36, 1009.65, and 1011.52.

This bill creates the following sections of the Florida Statutes: 154.13 and 395.0091.

This bill repeals the following sections of the Florida Statutes: 383.335, 395.1046, 395.10971, 395.10972, 395.10974, 395.10975, 395.604, 395.605, 483.011, 483.021, 483.031, 483.035, 483.041, 483.051, 483.061, 483.091, 483.101, 483.111, 483.172, 483.181, 483.191, 483.201, 483.221, 483.23, 483.245, 483.26, 641.60, 641.65, 641.67, 641.68, 641.70, and 641.75.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Grimsley

26-00620-18

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1 A bill to be entitled
 2 An act relating to health care facility regulation;
 3 creating s. 154.13, F.S.; providing that a designated
 4 facility owned or operated by a public health trust
 5 and located within the boundaries of a municipality is
 6 under the exclusive jurisdiction of the county
 7 creating the public health trust; amending ss.
 8 381.0031, 381.004, 384.31, 395.009, 400.0625, and
 9 409.905, F.S.; eliminating state licensure
 10 requirements for clinical laboratories; requiring
 11 clinical laboratories to be federally certified;
 12 amending s. 383.313, F.S.; requiring a birth center to
 13 be federally certified and meet specified requirements
 14 to perform certain laboratory tests; repealing s.
 15 383.335, F.S., relating to partial exemptions from
 16 licensure requirements for certain facilities that
 17 provide obstetrical and gynecological surgical
 18 services; amending s. 395.002, F.S.; revising and
 19 deleting definitions to remove the term "mobile
 20 surgical facility"; conforming a cross-reference;
 21 creating s. 395.0091, F.S.; requiring the Agency for
 22 Health Care Administration, in consultation with the
 23 Board of Clinical Laboratory Personnel, to adopt rules
 24 establishing criteria for alternate-site laboratory
 25 testing; requiring specifications to be included in
 26 the criteria; defining the term "alternate-site
 27 testing"; amending ss. 395.0161 and 395.0163, F.S.;
 28 deleting licensure and inspection requirements for
 29 mobile surgical facilities to conform to changes made

Page 1 of 120

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26-00620-18

2018622__

30 by the act; amending s. 395.0197, F.S.; requiring the
 31 manager of a hospital or ambulatory surgical center
 32 internal risk management program to demonstrate
 33 competence in specified administrative and health care
 34 service areas; conforming provisions to changes made
 35 by the act; repealing s. 395.1046, F.S., relating to
 36 hospital complaint investigation procedures; amending
 37 s. 395.1055, F.S.; requiring hospitals that provide
 38 specified services to meet agency licensure
 39 requirements; providing standards to be included in
 40 licensure requirements; conforming a provision to
 41 changes made by the act; requiring a level 2
 42 background screening for personnel of distinct part
 43 nursing units; repealing ss. 395.10971 and 395.10972,
 44 F.S., relating to the purpose and the establishment of
 45 the Health Care Risk Manager Advisory Council,
 46 respectively; amending s. 395.10973, F.S.; removing
 47 requirements relating to agency standards for health
 48 care risk managers to conform provisions to changes
 49 made by the act; repealing s. 395.10974, F.S.,
 50 relating to licensure of health care risk managers,
 51 qualifications, licensure, and fees; repealing s.
 52 395.10975, F.S., relating to grounds for denial,
 53 suspension, or revocation of a health care risk
 54 manager's license and an administrative fine; amending
 55 s. 395.602, F.S.; deleting definitions for the terms
 56 "emergency care hospital", "essential access community
 57 hospital," "inactive rural hospital bed", and "rural
 58 primary care hospital"; amending s. 395.603, F.S.;

Page 2 of 120

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26-00620-18

2018622__

59 deleting provisions relating to deactivation of
 60 general hospital beds by certain rural and emergency
 61 care hospitals; repealing s. 395.604, F.S., relating
 62 to other rural hospital programs; repealing s.
 63 395.605, F.S., relating to emergency care hospitals;
 64 amending s. 395.701, F.S.; revising the definition of
 65 the term "hospital" to exclude hospitals operated by a
 66 state agency; amending s. 400.191, F.S.; removing the
 67 30-month reporting timeframe for the Nursing Home
 68 Guide; amending s. 400.464, F.S.; requiring that a
 69 license issued to a home health agency on or after a
 70 specified date specify the services the organization
 71 is authorized to perform and whether the services
 72 constitute skilled care; providing that the provision
 73 or advertising of certain services constitutes
 74 unlicensed activity under certain circumstances;
 75 authorizing certain persons, entities or organizations
 76 providing home health services to voluntarily apply
 77 for a certificate of exemption from licensure by
 78 providing certain information to the agency; providing
 79 that the certificate is valid for a specified time and
 80 is nontransferable; authorizing the agency to charge a
 81 fee for the certificate; amending s. 400.471, F.S.;
 82 revising home health agency licensure requirements;
 83 providing requirements for proof of accreditation for
 84 home health agencies applying for change of ownership
 85 or the addition of skilled care services; removing a
 86 provision prohibiting the agency from issuing a
 87 license to a home health agency that fails to satisfy

Page 3 of 120

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26-00620-18

2018622__

88 the requirements of a Medicare certification survey
 89 from the agency; amending s. 400.474, F.S.; revising
 90 conditions for the imposition of a fine against a home
 91 health agency; amending s. 400.476, F.S.; requiring a
 92 home health agency providing skilled nursing care to
 93 have a director of nursing; amending s. 400.484, F.S.;
 94 imposing administrative fines on home health agencies
 95 for specified classes of violations; amending s.
 96 400.497, F.S.; requiring the agency to adopt, publish,
 97 and enforce rules establishing standards for
 98 certificates of exemption; amending s. 400.506, F.S.;
 99 specifying a criminal penalty for any person who owns,
 100 operates, or maintains an unlicensed nurse registry
 101 that fails to cease operation immediately and apply
 102 for a license after notification from the agency;
 103 revising provisions authorizing the agency to impose a
 104 fine on a nurse registry that fails to cease operation
 105 after agency notification; revising circumstances
 106 under which the agency is authorized to deny, suspend,
 107 or revoke a license or impose a fine on a nurse
 108 registry; amending s. 400.606, F.S.; removing a
 109 requirement that an existing licensed health care
 110 provider's hospice licensure application be
 111 accompanied by a copy of the most recent profit-loss
 112 statement and licensure inspection report; amending s.
 113 400.925, F.S.; revising the definition of the term
 114 "home medical equipment"; amending s. 400.931, F.S.;
 115 requiring a home medical equipment provider to notify
 116 the agency of certain personnel changes within a

Page 4 of 120

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26-00620-18

2018622__

117 specified timeframe; amending s. 400.933, F.S.;

118 requiring the agency to accept the submission of a

119 valid medical oxygen retail establishment permit

120 issued by the Department of Business and Professional

121 Regulation in lieu of an agency inspection for

122 licensure; amending s. 400.980, F.S.; revising the

123 timeframe within which a health care services pool

124 registrant must provide the agency with certain

125 changes of information; amending s. 400.9935, F.S.;

126 specifying that a voluntary certificate of exemption

127 may be valid for up to 2 years; amending s. 408.0361,

128 F.S.; providing an exception for a hospital to become

129 a Level I Adult Cardiovascular provider if certain

130 requirements are met; amending s. 408.061, F.S.;

131 excluding hospitals operated by state agencies from

132 certain financial reporting requirements; conforming a

133 cross-reference; amending s. 408.07, F.S.; deleting

134 the definition for the term "clinical laboratory";

135 amending s. 408.20, F.S.; exempting hospitals operated

136 by any state agency from assessments against the

137 Health Care Trust Fund to fund certain agency

138 activities; repealing s. 408.7056, F.S., relating to

139 the Subscriber Assistance Program; amending s.

140 408.803, F.S.; defining the term "relative" for

141 purposes of the Health Care Licensing Procedures Act;

142 amending s. 408.806, F.S.; authorizing licensees who

143 hold licenses for multiple providers to request that

144 the agency align related license expiration dates;

145 authorizing the agency to issue licenses for an

Page 5 of 120

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26-00620-18

2018622__

146 abbreviated licensure period and to charge a prorated

147 licensure fee; amending s. 408.809, F.S.; expanding

148 the scope of persons subject to a level 2 background

149 screening to include any employee of a licensee who is

150 a controlling interest and certain part-time

151 contractors; amending s. 408.810, F.S.; providing that

152 an applicant for change of ownership licensure is

153 exempt from furnishing proof of financial ability to

154 operate if certain conditions are met; authorizing the

155 agency to adopt rules governing circumstances under

156 which a controlling interest may act in certain legal

157 capacities on behalf of a patient or client; requiring

158 a licensee to ensure that certain persons do not hold

159 an ownership interest if the licensee is not organized

160 as or owned by a publicly traded corporation; defining

161 the term "publicly traded corporation"; amending s.

162 408.812, F.S.; providing that certain unlicensed

163 activity by a provider constitutes abuse and neglect;

164 clarifying that the agency may impose a fine or

165 penalty, as prescribed in an authorizing statute, if

166 an unlicensed provider who has received notification

167 fails to cease operation; authorizing the agency to

168 revoke all licenses and impose a fine or penalties

169 upon a controlling interest or licensee who has an

170 interest in more than one provider and who fails to

171 license a provider rendering services that require

172 licensure in certain circumstances; amending s.

173 408.820, F.S.; deleting certain exemptions from part

174 II of ch. 408, F.S., for specified providers to

Page 6 of 120

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26-00620-18

2018622__

175 conform provisions to changes made by the act;
 176 amending s. 409.907, F.S.; removing the agency's
 177 authority to consider certain factors in determining
 178 whether to enter into, and in maintaining, a Medicaid
 179 provider agreement; amending s. 429.02, F.S.; revising
 180 definitions of the terms "assisted living facility"
 181 and "personal services"; amending s. 429.04, F.S.;
 182 providing additional exemptions from licensure as an
 183 assisted living facility; requiring a person or entity
 184 asserting the exemption to provide documentation that
 185 substantiates the claim upon agency investigation of
 186 unlicensed activity; amending s. 429.08, F.S.;
 187 providing criminal penalties and fines for a person
 188 who rents or otherwise maintains a building or
 189 property use as an unlicensed assisted living
 190 facility; providing criminal penalties and fines for a
 191 person who owns, operates, or maintains an unlicensed
 192 assisted living facility after receiving notice from
 193 the agency; amending s. 429.176, F.S.; prohibiting an
 194 assisted living facility from operating for more than
 195 a specified time without an administrator who has
 196 completed certain educational requirements; amending
 197 s. 429.24, F.S.; providing that 30-day written notice
 198 of rate increase for residency in an assisted living
 199 facility is not required in certain situations;
 200 amending s. 429.28, F.S.; revising the assisted living
 201 facility resident bill of rights to include assistance
 202 with obtaining access to adequate and appropriate
 203 health care; defining the term "adequate and

Page 7 of 120

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26-00620-18

2018622__

204 appropriate health care"; deleting a requirement that
 205 the agency conduct at least one monitoring visit under
 206 certain circumstances; deleting provisions authorizing
 207 the agency to conduct periodic followup inspections
 208 and complaint investigations under certain
 209 circumstances; amending s. 429.294, F.S.; deleting the
 210 specified timeframe within which an assisted living
 211 facility must provide complete copies of a resident's
 212 records in an investigation of resident's rights;
 213 amending s. 429.34, F.S.; authorizing the agency to
 214 inspect and investigate assisted living facilities as
 215 necessary to determine compliance with certain laws;
 216 removing a provision requiring the agency to inspect
 217 each licensed assisted living facility at least
 218 biennially; authorizing the agency to conduct
 219 monitoring visits of each facility cited for prior
 220 violations under certain circumstances; amending s.
 221 429.52, F.S.; requiring an assisted living facility
 222 administrator to complete required training and
 223 education within a specified timeframe; amending s.
 224 435.04, F.S.; providing that security background
 225 investigations must ensure that a person has not been
 226 arrested for, and is not awaiting final disposition
 227 of, certain offenses; requiring that security
 228 background investigations for purposes of
 229 participation in the Medicaid program screen for
 230 violations of federal or state law, rule, or
 231 regulation governing any state Medicaid program, the
 232 Medicare program, or any other publicly funded federal

Page 8 of 120

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26-00620-18

2018622__

233 or state health care or health insurance program;
 234 specifying offenses under federal law or any state law
 235 that the security background investigations must
 236 screen for; amending s. 435.12, F.S.; revising
 237 fingerprinting requirements for purposes of a person's
 238 inclusion in the care provider background screening
 239 clearinghouse; amending s. 456.054, F.S.; prohibiting
 240 any person or entity from paying or receiving a
 241 kickback for referring patients to a clinical
 242 laboratory; prohibiting a clinical laboratory from
 243 providing personnel to perform certain functions or
 244 duties in a health care practitioner's office or
 245 dialysis facility; providing an exception; prohibiting
 246 a clinical laboratory from leasing space in any part
 247 of a health care practitioner's office or dialysis
 248 facility; repealing part I of ch. 483, F.S., relating
 249 to clinical laboratories; amending s. 483.294, F.S.;
 250 removing a requirement that the agency inspect
 251 multiphasic health testing centers at least once
 252 annually; amending s. 483.801, F.S.; providing an
 253 exemption from regulation for certain persons employed
 254 by certain laboratories; amending s. 483.803, F.S.;
 255 revising definitions of the terms "clinical
 256 laboratory", and "clinical laboratory examination";
 257 removing a cross-reference; amending s. 641.511, F.S.;
 258 revising health maintenance organization subscriber
 259 grievance reporting requirements; repealing s. 641.60,
 260 F.S., relating to the Statewide Managed Care Ombudsman
 261 Committee; repealing s. 641.65, F.S., relating to

Page 9 of 120

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26-00620-18

2018622__

262 district managed care ombudsman committees; repealing
 263 s. 641.67, F.S., relating to a district managed care
 264 ombudsman committee, exemption from public records
 265 requirements, and exceptions; repealing s. 641.68,
 266 F.S., relating to a district managed care ombudsman
 267 committee and exemption from public meeting
 268 requirements; repealing s. 641.70, F.S., relating to
 269 agency duties relating to the Statewide Managed Care
 270 Ombudsman Committee and the district managed care
 271 ombudsman committees; repealing s. 641.75, F.S.,
 272 relating to immunity from liability and limitation on
 273 testimony; amending s. 945.36, F.S.; authorizing law
 274 enforcement personnel to conduct drug tests on certain
 275 inmates and releasees; amending ss. 20.43, 220.1845,
 276 376.30781, 376.86, 381.0034, 381.0405, 383.14, 383.30,
 277 383.301, 383.302, 383.305, 383.309, 383.33, 385.211,
 278 394.4787, 395.001, 395.003, 395.7015, 400.9905,
 279 408.033, 408.036, 408.802, 409.9116, 409.975, 429.19,
 280 456.001, 456.057, 456.076, 458.307, 458.345, 459.021,
 281 483.813, 483.823, 491.003, 627.351, 627.602, 627.6406,
 282 627.64194, 627.6513, 627.6574, 641.185, 641.31,
 283 641.312, 641.3154, 641.51, 641.515, 641.55, 766.118,
 284 766.202, 1009.65, and 1011.52, F.S.; conforming
 285 provisions to changes made by the act; providing an
 286 effective date.

287
288 Be It Enacted by the Legislature of the State of Florida:289
290 Section 1. Paragraph (g) of subsection (3) of section

Page 10 of 120

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26-00620-18

2018622__

291 20.43, Florida Statutes, is amended to read:

292 20.43 Department of Health.—There is created a Department
293 of Health.

294 (3) The following divisions of the Department of Health are
295 established:

296 (g) Division of Medical Quality Assurance, which is
297 responsible for the following boards and professions established
298 within the division:

299 1. The Board of Acupuncture, created under chapter 457.

300 2. The Board of Medicine, created under chapter 458.

301 3. The Board of Osteopathic Medicine, created under chapter
302 459.

303 4. The Board of Chiropractic Medicine, created under
304 chapter 460.

305 5. The Board of Podiatric Medicine, created under chapter
306 461.

307 6. Naturopathy, as provided under chapter 462.

308 7. The Board of Optometry, created under chapter 463.

309 8. The Board of Nursing, created under part I of chapter
310 464.

311 9. Nursing assistants, as provided under part II of chapter
312 464.

313 10. The Board of Pharmacy, created under chapter 465.

314 11. The Board of Dentistry, created under chapter 466.

315 12. Midwifery, as provided under chapter 467.

316 13. The Board of Speech-Language Pathology and Audiology,
317 created under part I of chapter 468.

318 14. The Board of Nursing Home Administrators, created under
319 part II of chapter 468.

Page 11 of 120

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26-00620-18

2018622__

320 15. The Board of Occupational Therapy, created under part
321 III of chapter 468.

322 16. Respiratory therapy, as provided under part V of
323 chapter 468.

324 17. Dietetics and nutrition practice, as provided under
325 part X of chapter 468.

326 18. The Board of Athletic Training, created under part XIII
327 of chapter 468.

328 19. The Board of Orthotists and Prosthetists, created under
329 part XIV of chapter 468.

330 20. Electrolysis, as provided under chapter 478.

331 21. The Board of Massage Therapy, created under chapter
332 480.

333 22. The Board of Clinical Laboratory Personnel, created
334 under part II ~~III~~ of chapter 483.

335 23. Medical physicists, as provided under part IV of
336 chapter 483.

337 24. The Board of Opticianry, created under part I of
338 chapter 484.

339 25. The Board of Hearing Aid Specialists, created under
340 part II of chapter 484.

341 26. The Board of Physical Therapy Practice, created under
342 chapter 486.

343 27. The Board of Psychology, created under chapter 490.

344 28. School psychologists, as provided under chapter 490.

345 29. The Board of Clinical Social Work, Marriage and Family
346 Therapy, and Mental Health Counseling, created under chapter
347 491.

348 30. Emergency medical technicians and paramedics, as

Page 12 of 120

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26-00620-18

2018622__

349 provided under part III of chapter 401.

350 Section 2. Section 154.13, Florida Statutes, is created to
351 read:

352 154.13 Designated facilities; jurisdiction.—Any designated
353 facility owned or operated by a public health trust and located
354 within the boundaries of a municipality is under the exclusive
355 jurisdiction of the county creating the public health trust and
356 is not within the jurisdiction of the municipality.

357 Section 3. Paragraph (k) of subsection (2) of section
358 220.1845, Florida Statutes, is amended to read:

359 220.1845 Contaminated site rehabilitation tax credit.—

360 (2) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.—

361 (k) In order to encourage the construction and operation of
362 a new health care facility as defined in s. 408.032 or s.
363 408.07, or a health care provider as defined in s. 408.07 ~~or s.~~
364 ~~408.7056~~, on a brownfield site, an applicant for a tax credit
365 may claim an additional 25 percent of the total site
366 rehabilitation costs, not to exceed \$500,000, if the applicant
367 meets the requirements of this paragraph. In order to receive
368 this additional tax credit, the applicant must provide
369 documentation indicating that the construction of the health
370 care facility or health care provider by the applicant on the
371 brownfield site has received a certificate of occupancy or a
372 license or certificate has been issued for the operation of the
373 health care facility or health care provider.

374 Section 4. Paragraph (f) of subsection (3) of section
375 376.30781, Florida Statutes, is amended to read:

376 376.30781 Tax credits for rehabilitation of drycleaning-
377 solvent-contaminated sites and brownfield sites in designated

Page 13 of 120

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26-00620-18

2018622__

378 brownfield areas; application process; rulemaking authority;
379 revocation authority.—

380 (3) (f) In order to encourage the construction and operation
381 of a new health care facility or a health care provider, as
382 defined in s. 408.032 ~~or~~ s. 408.07, ~~or s. 408.7056~~, on a
383 brownfield site, an applicant for a tax credit may claim an
384 additional 25 percent of the total site rehabilitation costs,
385 not to exceed \$500,000, if the applicant meets the requirements
386 of this paragraph. In order to receive this additional tax
387 credit, the applicant must provide documentation indicating that
388 the construction of the health care facility or health care
389 provider by the applicant on the brownfield site has received a
390 certificate of occupancy or a license or certificate has been
391 issued for the operation of the health care facility or health
392 care provider.

393 Section 5. Subsection (1) of section 376.86, Florida
394 Statutes, is amended to read:

395 376.86 Brownfield Areas Loan Guarantee Program.—

396 (1) The Brownfield Areas Loan Guarantee Council is created
397 to review and approve or deny, by a majority vote of its
398 membership, the situations and circumstances for participation
399 in partnerships by agreements with local governments, financial
400 institutions, and others associated with the redevelopment of
401 brownfield areas pursuant to the Brownfields Redevelopment Act
402 for a limited state guaranty of up to 5 years of loan guarantees
403 or loan loss reserves issued pursuant to law. The limited state
404 loan guaranty applies only to 50 percent of the primary lenders
405 loans for redevelopment projects in brownfield areas. If the
406 redevelopment project is for affordable housing, as defined in

Page 14 of 120

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26-00620-18

2018622__

407 s. 420.0004, in a brownfield area, the limited state loan
 408 guaranty applies to 75 percent of the primary lender's loan. If
 409 the redevelopment project includes the construction and
 410 operation of a new health care facility or a health care
 411 provider, as defined in s. 408.032 ~~or~~ s. 408.07, ~~or~~
 412 ~~408.7056~~, on a brownfield site and the applicant has obtained
 413 documentation in accordance with s. 376.30781 indicating that
 414 the construction of the health care facility or health care
 415 provider by the applicant on the brownfield site has received a
 416 certificate of occupancy or a license or certificate has been
 417 issued for the operation of the health care facility or health
 418 care provider, the limited state loan guaranty applies to 75
 419 percent of the primary lender's loan. A limited state guaranty
 420 of private loans or a loan loss reserve is authorized for
 421 lenders licensed to operate in the state upon a determination by
 422 the council that such an arrangement would be in the public
 423 interest and the likelihood of the success of the loan is great.

424 Section 6. Subsection (2) of section 381.0031, Florida
 425 Statutes, is amended to read:

426 381.0031 Epidemiological research; report of diseases of
 427 public health significance to department.—

428 (2) Any practitioner licensed in this state to practice
 429 medicine, osteopathic medicine, chiropractic medicine,
 430 naturopathy, or veterinary medicine; any hospital licensed under
 431 part I of chapter 395; or any laboratory appropriately certified
 432 by the Centers for Medicare and Medicaid Services under the
 433 federal Clinical Laboratory Improvement Amendments and the
 434 federal rules adopted thereunder which licensed under chapter
 435 ~~483 that~~ diagnoses or suspects the existence of a disease of

Page 15 of 120

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26-00620-18

2018622__

436 public health significance shall immediately report the fact to
 437 the Department of Health.

438 Section 7. Subsection (3) of section 381.0034, Florida
 439 Statutes, is amended to read:

440 381.0034 Requirement for instruction on HIV and AIDS.—

441 (3) The department shall require, as a condition of
 442 granting a license under chapter 467 or part ~~II~~ ~~III~~ of chapter
 443 483, that an applicant making initial application for licensure
 444 complete an educational course acceptable to the department on
 445 human immunodeficiency virus and acquired immune deficiency
 446 syndrome. Upon submission of an affidavit showing good cause, an
 447 applicant who has not taken a course at the time of licensure
 448 shall be allowed 6 months to complete this requirement.

449 Section 8. Paragraph (c) of subsection (4) of section
 450 381.004, Florida Statutes, is amended to read:

451 381.004 HIV testing.—

452 (4) HUMAN IMMUNODEFICIENCY VIRUS TESTING REQUIREMENTS;
 453 REGISTRATION WITH THE DEPARTMENT OF HEALTH; EXEMPTIONS FROM
 454 REGISTRATION.—No county health department and no other person in
 455 this state shall conduct or hold themselves out to the public as
 456 conducting a testing program for acquired immune deficiency
 457 syndrome or human immunodeficiency virus status without first
 458 registering with the Department of Health, reregistering each
 459 year, complying with all other applicable provisions of state
 460 law, and meeting the following requirements:

461 (c) The program shall have all laboratory procedures
 462 performed in a laboratory appropriately certified by the Centers
 463 for Medicare and Medicaid Services under the federal Clinical
 464 Laboratory Improvement Amendments and the federal rules adopted

Page 16 of 120

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26-00620-18

2018622__

465 ~~thereunder licensed under the provisions of chapter 483.~~

466 Section 9. Paragraph (f) of subsection (4) of section
467 381.0405, Florida Statutes, is amended to read:

468 381.0405 Office of Rural Health.—

469 (4) COORDINATION.—The office shall:

470 (f) Assume responsibility for state coordination of the
471 Rural Hospital Transition Grant Program, ~~the Essential Access~~
472 ~~Community Hospital Program~~, and other federal rural health care
473 programs.

474 Section 10. Paragraph (a) of subsection (2) of section
475 383.14, Florida Statutes, is amended to read:

476 383.14 Screening for metabolic disorders, other hereditary
477 and congenital disorders, and environmental risk factors.—

478 (2) RULES.—

479 (a) After consultation with the Genetics and Newborn
480 Screening Advisory Council, the department shall adopt and
481 enforce rules requiring that every newborn in this state shall:

482 1. Before becoming 1 week of age, be subjected to a test
483 for phenylketonuria;

484 2. Be tested for any condition included on the federal
485 Recommended Uniform Screening Panel which the council advises
486 the department should be included under the state's screening
487 program. After the council recommends that a condition be
488 included, the department shall submit a legislative budget
489 request to seek an appropriation to add testing of the condition
490 to the newborn screening program. The department shall expand
491 statewide screening of newborns to include screening for such
492 conditions within 18 months after the council renders such
493 advice, if a test approved by the United States Food and Drug

Page 17 of 120

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26-00620-18

2018622__

494 Administration or a test offered by an alternative vendor ~~which~~
495 ~~is compatible with the clinical standards established under part~~
496 ~~I of chapter 483~~ is available. If such a test is not available
497 within 18 months after the council makes its recommendation, the
498 department shall implement such screening as soon as a test
499 offered by the United States Food and Drug Administration or by
500 an alternative vendor is available; and

501 3. At the appropriate age, be tested for such other
502 metabolic diseases and hereditary or congenital disorders as the
503 department may deem necessary from time to time.

504 Section 11. Section 383.30, Florida Statutes, is amended to
505 read:

506 383.30 Birth Center Licensure Act; short title.—Sections
507 383.30-383.332 ~~383.30-383.335~~ shall be known and may be cited as
508 the "Birth Center Licensure Act."

509 Section 12. Section 383.301, Florida Statutes, is amended
510 to read:

511 383.301 Licensure and regulation of birth centers;
512 legislative intent.—It is the intent of the Legislature to
513 provide for the protection of public health and safety in the
514 establishment, maintenance, and operation of birth centers by
515 providing for licensure of birth centers and for the
516 development, establishment, and enforcement of minimum standards
517 with respect to birth centers. The requirements of part II of
518 chapter 408 shall apply to the provision of services that
519 require licensure pursuant to ss. 383.30-383.332 ~~383.30-383.335~~
520 and part II of chapter 408 and to entities licensed by or
521 applying for such licensure from the Agency for Health Care
522 Administration pursuant to ss. 383.30-383.332 ~~383.30-383.335~~. A

Page 18 of 120

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26-00620-18

2018622__

523 license issued by the agency is required in order to operate a
524 birth center in this state.

525 Section 13. Section 383.302, Florida Statutes, is amended
526 to read:

527 383.302 Definitions of terms used in ss. 383.30-383.332
528 ~~383.30-383.335~~.—As used in ss. 383.30-383.332 ~~383.30-383.335~~,
529 the term:

530 (1) "Agency" means the Agency for Health Care
531 Administration.

532 (2) "Birth center" means any facility, institution, or
533 place, which is not an ambulatory surgical center or a hospital
534 or in a hospital, in which births are planned to occur away from
535 the mother's usual residence following a normal, uncomplicated,
536 low-risk pregnancy.

537 (3) "Clinical staff" means individuals employed full time
538 or part time by a birth center who are licensed or certified to
539 provide care at childbirth.

540 (4) "Consultant" means a physician licensed pursuant to
541 chapter 458 or chapter 459 who agrees to provide advice and
542 services to a birth center and who either:

543 (a) Is certified or eligible for certification by the
544 American Board of Obstetrics and Gynecology, or

545 (b) Has hospital obstetrical privileges.

546 (5) "Governing body" means any individual, group,
547 corporation, or institution which is responsible for the overall
548 operation and maintenance of a birth center.

549 (6) "Governmental unit" means the state or any county,
550 municipality, or other political subdivision or any department,
551 division, board, or other agency of any of the foregoing.

26-00620-18

2018622__

552 (7) "Licensed facility" means a facility licensed in
553 accordance with s. 383.305.

554 (8) "Low-risk pregnancy" means a pregnancy which is
555 expected to result in an uncomplicated birth, as determined
556 through risk criteria developed by rule of the department, and
557 which is accompanied by adequate prenatal care.

558 (9) "Person" means any individual, firm, partnership,
559 corporation, company, association, institution, or joint stock
560 association and means any legal successor of any of the
561 foregoing.

562 (10) "Premises" means those buildings, beds, and facilities
563 located at the main address of the licensee and all other
564 buildings, beds, and facilities for the provision of maternity
565 care located in such reasonable proximity to the main address of
566 the licensee as to appear to the public to be under the dominion
567 and control of the licensee.

568 Section 14. Subsection (1) of section 383.305, Florida
569 Statutes, is amended to read:

570 383.305 Licensure; fees.—

571 (1) In accordance with s. 408.805, an applicant or a
572 licensee shall pay a fee for each license application submitted
573 under ss. 383.30-383.332 ~~383.30-383.335~~ and part II of chapter
574 408. The amount of the fee shall be established by rule.

575 Section 15. Subsection (1) of section 383.309, Florida
576 Statutes, is amended to read:

577 383.309 Minimum standards for birth centers; rules and
578 enforcement.—

579 (1) The agency shall adopt and enforce rules to administer
580 ss. 383.30-383.332 ~~383.30-383.335~~ and part II of chapter 408,

26-00620-18

2018622__

581 which rules shall include, but are not limited to, reasonable
582 and fair minimum standards for ensuring that:

583 (a) Sufficient numbers and qualified types of personnel and
584 occupational disciplines are available at all times to provide
585 necessary and adequate patient care and safety.

586 (b) Infection control, housekeeping, sanitary conditions,
587 disaster plan, and medical record procedures that will
588 adequately protect patient care and provide safety are
589 established and implemented.

590 (c) Licensed facilities are established, organized, and
591 operated consistent with established programmatic standards.

592 Section 16. Subsection (1) of section 383.313, Florida
593 Statutes, is amended to read:

594 383.313 Performance of laboratory and surgical services;
595 use of anesthetic and chemical agents.—

596 (1) LABORATORY SERVICES.—A birth center may collect
597 specimens for those tests that are requested under protocol. A
598 birth center must obtain and continuously maintain certification
599 by the Centers for Medicare and Medicaid Services under the
600 federal Clinical Laboratory Improvement Amendments and the
601 federal rules adopted thereunder in order to may perform simple
602 laboratory tests specified, as defined by rule of the agency,
603 and which are appropriate to meet the needs of the patient is
604 exempt from the requirements of chapter 483, provided no more
605 than five physicians are employed by the birth center and
606 testing is conducted exclusively in connection with the
607 diagnosis and treatment of clients of the birth center.

608 Section 17. Subsection (1) and paragraph (a) of subsection
609 (2) of section 383.33, Florida Statutes, are amended to read:

Page 21 of 120

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26-00620-18

2018622__

610 383.33 Administrative penalties; moratorium on admissions.—

611 (1) In addition to the requirements of part II of chapter
612 408, the agency may impose an administrative fine not to exceed
613 \$500 per violation per day for the violation of any provision of
614 ss. ~~383.30-383.332~~ 383.30-383.335, part II of chapter 408, or
615 applicable rules.

616 (2) In determining the amount of the fine to be levied for
617 a violation, as provided in this section, the following factors
618 shall be considered:

619 (a) The severity of the violation, including the
620 probability that death or serious harm to the health or safety
621 of any person will result or has resulted; the severity of the
622 actual or potential harm; and the extent to which ~~the provisions~~
623 ~~of ss. 383.30-383.332~~ 383.30-383.335, part II of chapter 408, or
624 applicable rules were violated.

625 Section 18. Section 383.335, Florida Statutes, is repealed.

626 Section 19. Section 384.31, Florida Statutes, is amended to
627 read:

628 384.31 Testing of pregnant women; duty of the attendant.—
629 Every person, including every physician licensed under chapter
630 458 or chapter 459 or midwife licensed under part I of chapter
631 464 or chapter 467, attending a pregnant woman for conditions
632 relating to pregnancy during the period of gestation and
633 delivery shall cause the woman to be tested for sexually
634 transmissible diseases, including HIV, as specified by
635 department rule. Testing shall be performed by a laboratory
636 appropriately certified by the Centers for Medicare and Medicaid
637 Services under the federal Clinical Laboratory Improvement
638 Amendments and the federal rules adopted thereunder approved for

Page 22 of 120

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26-00620-18

2018622__

639 such purposes ~~under part I of chapter 483~~. The woman shall be
 640 informed of the tests that will be conducted and of her right to
 641 refuse testing. If a woman objects to testing, a written
 642 statement of objection, signed by the woman, shall be placed in
 643 the woman's medical record and no testing shall occur.

644 Section 20. Subsection (2) of section 385.211, Florida
 645 Statutes, is amended to read:

646 385.211 Refractory and intractable epilepsy treatment and
 647 research at recognized medical centers.—

648 (2) Notwithstanding chapter 893, medical centers recognized
 649 pursuant to s. 381.925, or an academic medical research
 650 institution legally affiliated with a licensed children's
 651 specialty hospital as defined in s. 395.002(27) ~~s. 395.002(28)~~
 652 that contracts with the Department of Health, may conduct
 653 research on cannabidiol and low-THC cannabis. This research may
 654 include, but is not limited to, the agricultural development,
 655 production, clinical research, and use of liquid medical
 656 derivatives of cannabidiol and low-THC cannabis for the
 657 treatment for refractory or intractable epilepsy. The authority
 658 for recognized medical centers to conduct this research is
 659 derived from 21 C.F.R. parts 312 and 316. Current state or
 660 privately obtained research funds may be used to support the
 661 activities described in this section.

662 Section 21. Subsection (7) of section 394.4787, Florida
 663 Statutes, is amended to read:

664 394.4787 Definitions; ss. 394.4786, 394.4787, 394.4788, and
 665 394.4789.—As used in this section and ss. 394.4786, 394.4788,
 666 and 394.4789:

667 (7) "Specialty psychiatric hospital" means a hospital

Page 23 of 120

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26-00620-18

2018622__

668 licensed by the agency pursuant to s. 395.002(27) ~~s. 395.002(28)~~
 669 and part II of chapter 408 as a specialty psychiatric hospital.

670 Section 22. Section 395.001, Florida Statutes, is amended
 671 to read:

672 395.001 Legislative intent.—It is the intent of the
 673 Legislature to provide for the protection of public health and
 674 safety in the establishment, construction, maintenance, and
 675 operation of hospitals and, ambulatory surgical centers, ~~and~~
 676 ~~mobile surgical facilities~~ by providing for licensure of same
 677 and for the development, establishment, and enforcement of
 678 minimum standards with respect thereto.

679 Section 23. Present subsections (22) through (33) of
 680 section 395.002, Florida Statutes, are redesignated as
 681 subsections (21) through (32), respectively, and subsections (3)
 682 and (16) of that section and present subsections (21) and (23)
 683 of that section are amended, to read:

684 395.002 Definitions.—As used in this chapter:

685 (3) "Ambulatory surgical center" ~~or "mobile surgical~~
 686 ~~facility"~~ means a facility the primary purpose of which is to
 687 provide elective surgical care, in which the patient is admitted
 688 to and discharged from such facility within the same working day
 689 and is not permitted to stay overnight, and which is not part of
 690 a hospital. However, a facility existing for the primary purpose
 691 of performing terminations of pregnancy, an office maintained by
 692 a physician for the practice of medicine, or an office
 693 maintained for the practice of dentistry may ~~shall~~ not be
 694 construed to be an ambulatory surgical center, provided that any
 695 facility or office which is certified or seeks certification as
 696 a Medicare ambulatory surgical center shall be licensed as an

Page 24 of 120

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26-00620-18

2018622__

697 ambulatory surgical center pursuant to s. 395.003. ~~Any structure~~
 698 ~~or vehicle in which a physician maintains an office and~~
 699 ~~practices surgery, and which can appear to the public to be a~~
 700 ~~mobile office because the structure or vehicle operates at more~~
 701 ~~than one address, shall be construed to be a mobile surgical~~
 702 ~~facility.~~

703 (16) "Licensed facility" means a hospital or ambulatory
 704 surgical center, ~~or mobile surgical facility~~ licensed in
 705 accordance with this chapter.

706 ~~(21) "Mobile surgical facility" is a mobile facility in~~
 707 ~~which licensed health care professionals provide elective~~
 708 ~~surgical care under contract with the Department of Corrections~~
 709 ~~or a private correctional facility operating pursuant to chapter~~
 710 ~~957 and in which inmate patients are admitted to and discharged~~
 711 ~~from said facility within the same working day and are not~~
 712 ~~permitted to stay overnight. However, mobile surgical facilities~~
 713 ~~may only provide health care services to the inmate patients of~~
 714 ~~the Department of Corrections, or inmate patients of a private~~
 715 ~~correctional facility operating pursuant to chapter 957, and not~~
 716 ~~to the general public.~~

717 ~~(22)-(23)~~ "Premises" means those buildings, beds, and
 718 equipment located at the address of the licensed facility and
 719 all other buildings, beds, and equipment for the provision of
 720 hospital or ambulatory surgical, ~~or mobile surgical~~ care
 721 located in such reasonable proximity to the address of the
 722 licensed facility as to appear to the public to be under the
 723 dominion and control of the licensee. For any licensee that is a
 724 teaching hospital as defined in s. 408.07 s. 408.07(45),
 725 reasonable proximity includes any buildings, beds, services,

Page 25 of 120

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26-00620-18

2018622__

726 programs, and equipment under the dominion and control of the
 727 licensee that are located at a site with a main address that is
 728 within 1 mile of the main address of the licensed facility; and
 729 all such buildings, beds, and equipment may, at the request of a
 730 licensee or applicant, be included on the facility license as a
 731 single premises.

732 Section 24. Paragraphs (a) and (b) of subsection (1) and
 733 paragraph (b) of subsection (2) of section 395.003, Florida
 734 Statutes, are amended to read:

735 395.003 Licensure; denial, suspension, and revocation.—

736 (1) (a) The requirements of part II of chapter 408 apply to
 737 the provision of services that require licensure pursuant to ss.
 738 395.001-395.1065 and part II of chapter 408 and to entities
 739 licensed by or applying for such licensure from the Agency for
 740 Health Care Administration pursuant to ss. 395.001-395.1065. A
 741 license issued by the agency is required in order to operate a
 742 hospital or ambulatory surgical center, ~~or mobile surgical~~
 743 ~~facility~~ in this state.

744 (b)1. It is unlawful for a person to use or advertise to
 745 the public, in any way or by any medium whatsoever, any facility
 746 as a "hospital," or "ambulatory surgical center," ~~or "mobile~~
 747 ~~surgical facility"~~ unless such facility has first secured a
 748 license under ~~the provisions of~~ this part.

749 2. This part does not apply to veterinary hospitals or to
 750 commercial business establishments using the word "hospital" or
 751 "ambulatory surgical center," ~~or "mobile surgical facility"~~ as a
 752 part of a trade name if no treatment of human beings is
 753 performed on the premises of such establishments.

754 (2) (b) The agency shall, at the request of a licensee that

Page 26 of 120

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26-00620-18

2018622__

755 is a teaching hospital as defined in s. 408.07 ~~s. 408.07(45)~~,
 756 issue a single license to a licensee for facilities that have
 757 been previously licensed as separate premises, provided such
 758 separately licensed facilities, taken together, constitute the
 759 same premises as defined in s. 395.002 ~~s. 395.002(23)~~. Such
 760 license for the single premises shall include all of the beds,
 761 services, and programs that were previously included on the
 762 licenses for the separate premises. The granting of a single
 763 license under this paragraph may ~~shall~~ not in any manner reduce
 764 the number of beds, services, or programs operated by the
 765 licensee.

766 Section 25. Subsection (1) of section 395.009, Florida
 767 Statutes, is amended to read:

768 395.009 Minimum standards for clinical laboratory test
 769 results and diagnostic X-ray results; prerequisite for issuance
 770 or renewal of license.—

771 (1) As a requirement for issuance or renewal of its
 772 license, each licensed facility shall require that all clinical
 773 laboratory tests performed by or for the licensed facility be
 774 performed by a clinical laboratory appropriately certified by
 775 the Centers for Medicare and Medicaid Services under the federal
 776 Clinical Laboratory Improvement Amendments and the federal rules
 777 adopted thereunder ~~licensed under the provisions of chapter 483.~~

778 Section 26. Section 395.0091, Florida Statutes, is created
 779 to read:

780 395.0091 Alternate-site testing.—The agency, in
 781 consultation with the Board of Clinical Laboratory Personnel,
 782 shall adopt by rule the criteria for alternate-site testing to
 783 be performed under the supervision of a clinical laboratory

Page 27 of 120

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26-00620-18

2018622__

784 director. At a minimum, the criteria must address hospital
 785 internal needs assessment; a protocol for implementation,
 786 including the identification of tests to be performed and who
 787 will perform them; selection of the method of testing to be used
 788 for alternate-site testing; minimum training and education
 789 requirements for those who will perform alternate-site testing,
 790 such as documented training, licensure, certification, or other
 791 medical professional background not limited to laboratory
 792 professionals; documented inservice training and initial and
 793 ongoing competency validation; an appropriate internal and
 794 external quality control protocol; an internal mechanism for the
 795 central laboratory to identify and track alternate-site testing;
 796 and recordkeeping requirements. Alternate-site testing locations
 797 must register when the hospital applies to renew its license.
 798 For purposes of this section, the term "alternate-site testing"
 799 includes any laboratory testing done under the administrative
 800 control of a hospital, but performed out of the physical or
 801 administrative confines of the central laboratory.

802 Section 27. Paragraph (f) of subsection (1) of section
 803 395.0161, Florida Statutes, is amended to read:

804 395.0161 Licensure inspection.—

805 (1) In addition to the requirement of s. 408.811, the
 806 agency shall make or cause to be made such inspections and
 807 investigations as it deems necessary, including:

808 ~~(f) Inspections of mobile surgical facilities at each time~~
 809 ~~a facility establishes a new location, prior to the admission of~~
 810 ~~patients. However, such inspections shall not be required when a~~
 811 ~~mobile surgical facility is moved temporarily to a location~~
 812 ~~where medical treatment will not be provided.~~

Page 28 of 120

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26-00620-18

2018622__

813 Section 28. Subsection (3) of section 395.0163, Florida
814 Statutes, is amended to read:

815 395.0163 Construction inspections; plan submission and
816 approval; fees.-

817 ~~(3) In addition to the requirements of s. 408.011, the~~
818 ~~agency shall inspect a mobile surgical facility at initial~~
819 ~~licensure and at each time the facility establishes a new~~
820 ~~location, prior to admission of patients. However, such~~
821 ~~inspections shall not be required when a mobile surgical~~
822 ~~facility is moved temporarily to a location where medical~~
823 ~~treatment will not be provided.~~

824 Section 29. Subsection (2), paragraph (c) of subsection
825 (6), and subsections (16) and (17) of section 395.0197, Florida
826 Statutes, are amended to read:

827 395.0197 Internal risk management program.-

828 (2) The internal risk management program is the
829 responsibility of the governing board of the health care
830 facility. Each licensed facility shall hire a risk manager,
831 ~~licensed under s. 395.10974~~, who is responsible for
832 implementation and oversight of the such facility's internal
833 risk management program and who demonstrates competence, through
834 education or experience, in all of the following areas:

- 835 (a) Applicable standards of health care risk management.
836 (b) Applicable federal, state, and local health and safety
837 laws and rules.
838 (c) General risk management administration.
839 (d) Patient care.
840 (e) Medical care.
841 (f) Personal and social care.

Page 29 of 120

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26-00620-18

2018622__

842 (g) Accident prevention.

843 (h) Departmental organization and management.

844 (i) Community interrelationships.

845 (j) Medical terminology as required by this section. ~~A risk~~
846 ~~manager must not be made responsible for more than four internal~~
847 ~~risk management programs in separate licensed facilities, unless~~
848 ~~the facilities are under one corporate ownership or the risk~~
849 ~~management programs are in rural hospitals.~~

850 (6) (c) The report submitted to the agency must ~~shall~~ also
851 contain the name and ~~license number~~ of the risk manager of the
852 licensed facility, a copy of its policy and procedures which
853 govern the measures taken by the facility and its risk manager
854 to reduce the risk of injuries and adverse incidents, and the
855 results of such measures. The annual report is confidential and
856 is not available to the public pursuant to s. 119.07(1) or any
857 other law providing access to public records. The annual report
858 is not discoverable or admissible in any civil or administrative
859 action, except in disciplinary proceedings by the agency or the
860 appropriate regulatory board. The annual report is not available
861 to the public as part of the record of investigation for and
862 prosecution in disciplinary proceedings made available to the
863 public by the agency or the appropriate regulatory board.
864 However, the agency or the appropriate regulatory board shall
865 make available, upon written request by a health care
866 professional against whom probable cause has been found, any
867 such records which form the basis of the determination of
868 probable cause.

869 (16) There shall be no monetary liability on the part of,
870 and no cause of action for damages shall arise against, any risk

Page 30 of 120

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26-00620-18

2018622__

871 manager, ~~licensed under s. 395.10974,~~ for the implementation and
 872 oversight of the internal risk management program in a facility
 873 licensed under this chapter or chapter 390 as required by this
 874 section, for any act or proceeding undertaken or performed
 875 within the scope of the functions of such internal risk
 876 management program if the risk manager acts without intentional
 877 fraud.

878 (17) A privilege against civil liability is hereby granted
 879 to any ~~licensed~~ risk manager or licensed facility with regard to
 880 information furnished pursuant to this chapter, unless the
 881 ~~licensed~~ risk manager or facility acted in bad faith or with
 882 malice in providing such information.

883 Section 30. Section 395.1046, Florida Statutes, is
 884 repealed.

885 Section 31. Subsections (2) and (3) of section 395.1055,
 886 Florida Statutes, are amended, and paragraph (i) is added to
 887 subsection (1), to read:

888 395.1055 Rules and enforcement.—

889 (1) The agency shall adopt rules pursuant to ss. 120.536(1)
 890 and 120.54 to implement the provisions of this part, which shall
 891 include reasonable and fair minimum standards for ensuring that:

892 (i) All hospitals providing organ transplantation, neonatal
 893 intensive care services, inpatient psychiatric services,
 894 inpatient substance abuse services, or comprehensive medical
 895 rehabilitation meet the minimum licensure requirements adopted
 896 by the agency. Such licensure requirements must include quality
 897 of care, nurse staffing, physician staffing, physical plant,
 898 equipment, emergency transportation, and data reporting
 899 standards.

Page 31 of 120

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26-00620-18

2018622__

900 (2) Separate standards may be provided for general and
 901 specialty hospitals, ambulatory surgical centers, ~~mobile~~
 902 ~~surgical facilities,~~ and statutory rural hospitals as defined in
 903 s. 395.602.

904 (3) The agency shall adopt rules with respect to the care
 905 and treatment of patients residing in distinct part nursing
 906 units of hospitals which are certified for participation in
 907 Title XVIII (Medicare) and Title XIX (Medicaid) of the Social
 908 Security Act skilled nursing facility program. Such rules shall
 909 take into account the types of patients treated in hospital
 910 skilled nursing units, including typical patient acuity levels
 911 and the average length of stay in such units, and shall be
 912 limited to the appropriate portions of the Omnibus Budget
 913 Reconciliation Act of 1987 (Pub. L. No. 100-203) (December 22,
 914 1987), Title IV (Medicare, Medicaid, and Other Health-Related
 915 Programs), Subtitle C (Nursing Home Reform), as amended. The
 916 agency shall require level 2 background screening as specified
 917 in s. 408.809(1)(e) pursuant to s. 408.809 and chapter 435 for
 918 personnel of distinct part nursing units.

919 Section 32. Section 395.10971, Florida Statutes, is
 920 repealed.

921 Section 33. Section 395.10972, Florida Statutes, is
 922 repealed.

923 Section 34. Section 395.10973, Florida Statutes, is amended
 924 to read:

925 395.10973 Powers and duties of the agency.—It is the
 926 function of the agency to:

927 (1) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
 928 implement ~~the provisions of~~ this part and part II of chapter 408

Page 32 of 120

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26-00620-18

2018622__

929 conferring duties upon it.

930 ~~(2) Develop, impose, and enforce specific standards within~~
 931 ~~the scope of the general qualifications established by this part~~
 932 ~~which must be met by individuals in order to receive licenses as~~
 933 ~~health care risk managers. These standards shall be designed to~~
 934 ~~ensure that health care risk managers are individuals of good~~
 935 ~~character and otherwise suitable and, by training or experience~~
 936 ~~in the field of health care risk management, qualified in~~
 937 ~~accordance with the provisions of this part to serve as health~~
 938 ~~care risk managers, within statutory requirements.~~

939 ~~(3) Develop a method for determining whether an individual~~
 940 ~~meets the standards set forth in s. 395.10974.~~

941 ~~(4) Issue licenses to qualified individuals meeting the~~
 942 ~~standards set forth in s. 395.10974.~~

943 ~~(5) Receive, investigate, and take appropriate action with~~
 944 ~~respect to any charge or complaint filed with the agency to the~~
 945 ~~effect that a certified health care risk manager has failed to~~
 946 ~~comply with the requirements or standards adopted by rule by the~~
 947 ~~agency or to comply with the provisions of this part.~~

948 ~~(6) Establish procedures for providing periodic reports on~~
 949 ~~persons certified or disciplined by the agency under this part.~~

950 ~~(2)(7) Develop a model risk management program for health~~
 951 ~~care facilities which will satisfy the requirements of s.~~
 952 ~~395.0197.~~

953 ~~(3)(8) Enforce the special-occupancy provisions of the~~
 954 ~~Florida Building Code which apply to hospitals, intermediate~~
 955 ~~residential treatment facilities, and ambulatory surgical~~
 956 ~~centers in conducting any inspection authorized by this chapter~~
 957 ~~and part II of chapter 408.~~

Page 33 of 120

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26-00620-18

2018622__

958 Section 35. Section 395.10974, Florida Statutes, is
 959 repealed.

960 Section 36. Section 395.10975, Florida Statutes, is
 961 repealed.

962 Section 37. Subsection (2) of section 395.602, Florida
 963 Statutes, is amended to read:

964 395.602 Rural hospitals.—

965 (2) DEFINITIONS.—As used in this part, the term:

966 (a) ~~“Emergency care hospital” means a medical facility~~
 967 ~~which provides:~~

- 968 1. ~~Emergency medical treatment; and~~
- 969 2. ~~Inpatient care to ill or injured persons prior to their~~
 970 ~~transportation to another hospital or provides inpatient medical~~
 971 ~~care to persons needing care for a period of up to 96 hours. The~~
 972 ~~96-hour limitation on inpatient care does not apply to respite,~~
 973 ~~skilled nursing, hospice, or other nonacute care patients.~~

974 (b) ~~“Essential access community hospital” means any~~
 975 ~~facility which:~~

- 976 1. ~~Has at least 100 beds;~~
- 977 2. ~~Is located more than 35 miles from any other essential~~
 978 ~~access community hospital, rural referral center, or urban~~
 979 ~~hospital meeting criteria for classification as a regional~~
 980 ~~referral center;~~
- 981 3. ~~Is part of a network that includes rural primary care~~
 982 ~~hospitals;~~
- 983 4. ~~Provides emergency and medical backup services to rural~~
 984 ~~primary care hospitals in its rural health network;~~
- 985 5. ~~Extends staff privileges to rural primary care hospital~~
 986 ~~physicians in its network; and~~

Page 34 of 120

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26-00620-18

2018622__

987 ~~6. Accepts patients transferred from rural primary care~~
 988 ~~hospitals in its network.~~

989 ~~(c) "Inactive rural hospital bed" means a licensed acute~~
 990 ~~care hospital bed, as defined in s. 395.002(13), that is~~
 991 ~~inactive in that it cannot be occupied by acute care inpatients.~~

992 ~~(a)(d)~~ "Rural area health education center" means an area
 993 health education center (AHEC), as authorized by Pub. L. No. 94-
 994 484, which provides services in a county with a population
 995 density of up to ~~no greater than~~ 100 persons per square mile.

996 ~~(b)(e)~~ "Rural hospital" means an acute care hospital
 997 licensed under this chapter, having 100 or fewer licensed beds
 998 and an emergency room, which is:

999 1. The sole provider within a county with a population
 1000 density of up to 100 persons per square mile;

1001 2. An acute care hospital, in a county with a population
 1002 density of up to 100 persons per square mile, which is at least
 1003 30 minutes of travel time, on normally traveled roads under
 1004 normal traffic conditions, from any other acute care hospital
 1005 within the same county;

1006 3. A hospital supported by a tax district or subdistrict
 1007 whose boundaries encompass a population of up to 100 persons per
 1008 square mile;

1009 4. A hospital classified as a sole community hospital under
 1010 42 C.F.R. s. 412.92 which has up to 175, regardless of the
 1011 ~~number of~~ licensed beds;

1012 5. A hospital with a service area that has a population of
 1013 up to 100 persons per square mile. As used in this subparagraph,
 1014 the term "service area" means the fewest number of zip codes
 1015 that account for 75 percent of the hospital's discharges for the

26-00620-18

2018622__

1016 most recent 5-year period, based on information available from
 1017 the hospital inpatient discharge database in the Florida Center
 1018 for Health Information and Transparency at the agency; or

1019 6. A hospital designated as a critical access hospital, as
 1020 defined in s. 408.07.

1021
 1022 Population densities used in this paragraph must be based upon
 1023 the most recently completed United States census. A hospital
 1024 that received funds under s. 409.9116 for a quarter beginning no
 1025 later than July 1, 2002, is deemed to have been and shall
 1026 continue to be a rural hospital from that date through June 30,
 1027 2021, if the hospital continues to have up to 100 licensed beds
 1028 and an emergency room. An acute care hospital that has not
 1029 previously been designated as a rural hospital and that meets
 1030 the criteria of this paragraph shall be granted such designation
 1031 upon application, including supporting documentation, to the
 1032 agency. A hospital that was licensed as a rural hospital during
 1033 the 2010-2011 or 2011-2012 fiscal year shall continue to be a
 1034 rural hospital from the date of designation through June 30,
 1035 2021, if the hospital continues to have up to 100 licensed beds
 1036 and an emergency room.

1037 ~~(f) "Rural primary care hospital" means any facility~~
 1038 ~~meeting the criteria in paragraph (c) or s. 395.605 which~~
 1039 ~~provides:~~

1040 ~~1. Twenty-four-hour emergency medical care;~~

1041 ~~2. Temporary inpatient care for periods of 72 hours or less~~
 1042 ~~to patients requiring stabilization before discharge or transfer~~
 1043 ~~to another hospital. The 72-hour limitation does not apply to~~
 1044 ~~respite, skilled nursing, hospice, or other nonacute care~~

26-00620-18

2018622__

1045 ~~patients, and~~1046 ~~3. Has no more than six licensed acute care inpatient beds.~~1047 ~~(c)(g) "Swing-bed" means a bed which can be used~~1048 ~~interchangeably as either a hospital, skilled nursing facility~~1049 ~~(SNF), or intermediate care facility (ICF) bed pursuant to 42~~1050 ~~C.F.R. parts 405, 435, 440, 442, and 447.~~1051 ~~Section 38. Section 395.603, Florida Statutes, is amended~~
1052 ~~to read:~~1053 ~~395.603 Deactivation of general hospital beds; Rural~~
1054 ~~hospital impact statement.-~~1055 ~~(1) The agency shall establish, by rule, a process by which~~1056 ~~a rural hospital, as defined in s. 395.602, that seeks licensure~~1057 ~~as a rural primary care hospital or as an emergency care~~1058 ~~hospital, or becomes a certified rural health clinic as defined~~1059 ~~in Pub. L. No. 95-210, or becomes a primary care program such as~~1060 ~~a county health department, community health center, or other~~1061 ~~similar outpatient program that provides preventive and curative~~1062 ~~services, may deactivate general hospital beds. Rural primary~~1063 ~~care hospitals and emergency care hospitals shall maintain the~~1064 ~~number of actively licensed general hospital beds necessary for~~1065 ~~the facility to be certified for Medicare reimbursement.~~1066 ~~Hospitals that discontinu inpatient care to become rural health~~1067 ~~care clinics or primary care programs shall deactivate all~~1068 ~~licensed general hospital beds. All hospitals, clinics, and~~1069 ~~programs with inactive beds shall provide 24-hour emergency~~1070 ~~medical care by staffing an emergency room. Providers with~~1071 ~~inactive beds shall be subject to the criteria in s. 395.1041.~~1072 ~~The agency shall specify in rule requirements for making 24-hour~~1073 ~~emergency care available. Inactive general hospital beds shall~~

Page 37 of 120

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26-00620-18

2018622__

1074 ~~be included in the acute care bed inventory, maintained by the~~1075 ~~agency for certificate-of-need purposes, for 10 years from the~~1076 ~~date of deactivation of the beds. After 10 years have elapsed,~~1077 ~~inactive beds shall be excluded from the inventory. The agency~~1078 ~~shall, at the request of the licensee, reactivate the inactive~~1079 ~~general beds upon a showing by the licensee that licensure~~1080 ~~requirements for the inactive general beds are met.~~1081 ~~(2) In formulating and implementing policies and rules that~~1082 ~~may have significant impact on the ability of rural hospitals to~~1083 ~~continue to provide health care services in rural communities,~~1084 ~~the agency, the department, or the respective regulatory board~~1085 ~~adopting policies or rules regarding the licensure or~~1086 ~~certification of health care professionals shall provide a rural~~1087 ~~hospital impact statement. The rural hospital impact statement~~1088 ~~shall assess the proposed action in light of the following~~1089 ~~questions:~~1090 ~~(1)(a) Do the health personnel affected by the proposed~~1091 ~~action currently practice in rural hospitals or are they likely~~1092 ~~to in the near future?~~1093 ~~(2)(b) What are the current numbers of the affected health~~1094 ~~personnel in this state, their geographic distribution, and the~~1095 ~~number practicing in rural hospitals?~~1096 ~~(3)(c) What are the functions presently performed by the~~1097 ~~affected health personnel, and are such functions presently~~1098 ~~performed in rural hospitals?~~1099 ~~(4)(d) What impact will the proposed action have on the~~1100 ~~ability of rural hospitals to recruit the affected personnel to~~1101 ~~practice in their facilities?~~1102 ~~(5)(e) What impact will the proposed action have on the~~

Page 38 of 120

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26-00620-18

2018622__

1103 limited financial resources of rural hospitals through increased
1104 salaries and benefits necessary to recruit or retain such health
1105 personnel?

1106 ~~(6)(f)~~ Is there a less stringent requirement which could
1107 apply to practice in rural hospitals?

1108 ~~(7)(g)~~ Will this action create staffing shortages, which
1109 could result in a loss to the public of health care services in
1110 rural hospitals or result in closure of any rural hospitals?

1111 Section 39. Section 395.604, Florida Statutes, is repealed.

1112 Section 40. Section 395.605, Florida Statutes, is repealed.

1113 Section 41. Paragraph (c) of subsection (1) of section
1114 395.701, Florida Statutes, is amended to read:

1115 395.701 Annual assessments on net operating revenues for
1116 inpatient and outpatient services to fund public medical
1117 assistance; administrative fines for failure to pay assessments
1118 when due; exemption.—

1119 (1) For the purposes of this section, the term:

1120 (c) "Hospital" means a health care institution as defined
1121 in s. 395.002(12), but does not include any hospital operated by
1122 a state ~~the agency or the Department of Corrections.~~

1123 Section 42. Paragraph (b) of subsection (2) of section
1124 395.7015, Florida Statutes, is amended to read:

1125 395.7015 Annual assessment on health care entities.—

1126 (2) There is imposed an annual assessment against certain
1127 health care entities as described in this section:

1128 (b) For the purpose of this section, "health care entities"
1129 include the following:

1130 1. ~~Ambulatory surgical centers and mobile surgical~~
1131 ~~facilities licensed under s. 395.003. This subsection shall only~~

26-00620-18

2018622__

1132 ~~apply to mobile surgical facilities operating under contracts~~
1133 ~~entered into on or after July 1, 1998.~~

1134 ~~2. Clinical laboratories licensed under s. 483.091,~~
1135 ~~excluding any hospital laboratory defined under s. 483.041(6),~~
1136 ~~any clinical laboratory operated by the state or a political~~
1137 ~~subdivision of the state, any clinical laboratory which~~
1138 ~~qualifies as an exempt organization under s. 501(c)(3) of the~~
1139 ~~Internal Revenue Code of 1986, as amended, and which receives 70~~
1140 ~~percent or more of its gross revenues from services to charity~~
1141 ~~patients or Medicaid patients, and any blood, plasma, or tissue~~
1142 ~~bank procuring, storing, or distributing blood, plasma, or~~
1143 ~~tissue either for future manufacture or research or distributed~~
1144 ~~on a nonprofit basis, and further excluding any clinical~~
1145 ~~laboratory which is wholly owned and operated by 6 or fewer~~
1146 ~~physicians who are licensed pursuant to chapter 458 or chapter~~
1147 ~~459 and who practice in the same group practice, and at which no~~
1148 ~~clinical laboratory work is performed for patients referred by~~
1149 ~~any health care provider who is not a member of the same group.~~

1150 2.3. Diagnostic-imaging centers that are freestanding
1151 outpatient facilities that provide specialized services for the
1152 identification or determination of a disease through examination
1153 and also provide sophisticated radiological services, and in
1154 which services are rendered by a physician licensed by the Board
1155 of Medicine under s. 458.311, s. 458.313, or s. 458.317, or by
1156 an osteopathic physician licensed by the Board of Osteopathic
1157 Medicine under s. 459.0055 or s. 459.0075. For purposes of this
1158 paragraph, "sophisticated radiological services" means the
1159 following: magnetic resonance imaging; nuclear medicine;
1160 angiography; arteriography; computed tomography; positron

26-00620-18

2018622__

1161 emission tomography; digital vascular imaging; bronchography;
 1162 lymphangiography; splenography; ultrasound, excluding ultrasound
 1163 providers that are part of a private physician's office practice
 1164 or when ultrasound is provided by two or more physicians
 1165 licensed under chapter 458 or chapter 459 who are members of the
 1166 same professional association and who practice in the same
 1167 medical specialties; and such other sophisticated radiological
 1168 services, excluding mammography, as adopted in rule by the
 1169 board.

1170 Section 43. Subsection (1) of section 400.0625, Florida
 1171 Statutes, is amended to read:

1172 400.0625 Minimum standards for clinical laboratory test
 1173 results and diagnostic X-ray results.-

1174 (1) Each nursing home, as a requirement for issuance or
 1175 renewal of its license, shall require that all clinical
 1176 laboratory tests performed for the nursing home be performed by
 1177 a clinical laboratory appropriately certified by the Centers for
 1178 Medicare and Medicaid Services under the federal Clinical
 1179 Laboratory Improvement Amendments and the federal rules adopted
 1180 thereunder licensed under the provisions of chapter 483, except
 1181 for such self-testing procedures as are approved by the agency
 1182 by rule. ~~Results of clinical laboratory tests performed prior to~~
 1183 ~~admission which meet the minimum standards provided in s.~~
 1184 ~~483.181(3) shall be accepted in lieu of routine examinations~~
 1185 ~~required upon admission and clinical laboratory tests which may~~
 1186 ~~be ordered by a physician for residents of the nursing home.~~

1187 Section 44. Paragraph (a) of subsection (2) of section
 1188 400.191, Florida Statutes, is amended to read:

1189 400.191 Availability, distribution, and posting of reports

Page 41 of 120

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26-00620-18

2018622__

1190 and records.-

1191 (2) The agency shall publish the Nursing Home Guide
 1192 quarterly in electronic form to assist consumers and their
 1193 families in comparing and evaluating nursing home facilities.

1194 (a) The agency shall provide an Internet site which shall
 1195 include at least the following information either directly or
 1196 indirectly through a link to another established site or sites
 1197 of the agency's choosing:

1198 1. A section entitled "Have you considered programs that
 1199 provide alternatives to nursing home care?" which shall be the
 1200 first section of the Nursing Home Guide and which shall
 1201 prominently display information about available alternatives to
 1202 nursing homes and how to obtain additional information regarding
 1203 these alternatives. The Nursing Home Guide shall explain that
 1204 this state offers alternative programs that permit qualified
 1205 elderly persons to stay in their homes instead of being placed
 1206 in nursing homes and shall encourage interested persons to call
 1207 the Comprehensive Assessment Review and Evaluation for Long-Term
 1208 Care Services (CARES) Program to inquire if they qualify. The
 1209 Nursing Home Guide shall list available home and community-based
 1210 programs which shall clearly state the services that are
 1211 provided and indicate whether nursing home services are included
 1212 if needed.

1213 2. A list by name and address of all nursing home
 1214 facilities in this state, including any prior name by which a
 1215 facility was known during the previous 24-month period.

1216 3. Whether such nursing home facilities are proprietary or
 1217 nonproprietary.

1218 4. The current owner of the facility's license and the year

Page 42 of 120

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26-00620-18

2018622__

1219 that that entity became the owner of the license.

1220 5. The name of the owner or owners of each facility and
1221 whether the facility is affiliated with a company or other
1222 organization owning or managing more than one nursing facility
1223 in this state.

1224 6. The total number of beds in each facility and the most
1225 recently available occupancy levels.

1226 7. The number of private and semiprivate rooms in each
1227 facility.

1228 8. The religious affiliation, if any, of each facility.

1229 9. The languages spoken by the administrator and staff of
1230 each facility.

1231 10. Whether or not each facility accepts Medicare or
1232 Medicaid recipients or insurance, health maintenance
1233 organization, Veterans Administration, CHAMPUS program, or
1234 workers' compensation coverage.

1235 11. Recreational and other programs available at each
1236 facility.

1237 12. Special care units or programs offered at each
1238 facility.

1239 13. Whether the facility is a part of a retirement
1240 community that offers other services pursuant to part III of
1241 this chapter or part I or part III of chapter 429.

1242 14. Survey and deficiency information, including all
1243 federal and state recertification, licensure, revisit, and
1244 complaint survey information, for each facility ~~for the past 30~~
1245 ~~months~~. For noncertified nursing homes, state survey and
1246 deficiency information, including licensure, revisit, and
1247 complaint survey information ~~for the past 30 months~~ shall be

Page 43 of 120

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26-00620-18

2018622__

1248 provided.

1249 Section 45. Subsection (1) and paragraphs (b), (e), and (f)
1250 of subsection (4) of section 400.464, Florida Statutes, are
1251 amended, and subsection (6) is added to that section, to read:

1252 400.464 Home health agencies to be licensed; expiration of
1253 license; exemptions; unlawful acts; penalties.—

1254 (1) The requirements of part II of chapter 408 apply to the
1255 provision of services that require licensure pursuant to this
1256 part and part II of chapter 408 and entities licensed or
1257 registered by or applying for such licensure or registration
1258 from the Agency for Health Care Administration pursuant to this
1259 part. A license issued by the agency is required in order to
1260 operate a home health agency in this state. A license issued on
1261 or after July 1, 2018, must specify the home health services the
1262 organization is authorized to perform and indicate whether such
1263 specified services are considered skilled care. The provision or
1264 advertising of services that require licensure pursuant to this
1265 part without such services being specified on the face of the
1266 license issued on or after July 1, 2018, constitutes unlicensed
1267 activity as prohibited under s. 408.812.

1268 (4) (b) The operation or maintenance of an unlicensed home
1269 health agency or the performance of any home health services in
1270 violation of this part is declared a nuisance, inimical to the
1271 public health, welfare, and safety. The agency or any state
1272 attorney may, in addition to other remedies provided in this
1273 part, bring an action for an injunction to restrain such
1274 violation, or to enjoin the future operation or maintenance of
1275 the home health agency or the provision of home health services
1276 in violation of this part or part II of chapter 408, until

Page 44 of 120

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26-00620-18

2018622__

1277 compliance with this part or the rules adopted under this part
1278 has been demonstrated to the satisfaction of the agency.

1279 (e) Any person who owns, operates, or maintains an
1280 unlicensed home health agency and who, ~~within 10 working days~~
1281 after receiving notification from the agency, fails to cease
1282 operation and apply for a license under this part commits a
1283 misdemeanor of the second degree, punishable as provided in s.
1284 775.082 or s. 775.083. Each day of continued operation is a
1285 separate offense.

1286 (f) Any home health agency that fails to cease operation
1287 after agency notification may be fined in accordance with s.
1288 408.812 \$500 for each day of noncompliance.

1289 (6) Any person, entity, or organization providing home
1290 health services which is exempt from licensure under subsection
1291 (5) may voluntarily apply for a certificate of exemption from
1292 licensure under its exempt status with the agency on a form that
1293 specifies its name or names and addresses, a statement of the
1294 reasons why it is exempt from licensure as a home health agency,
1295 and other information deemed necessary by the agency. A
1296 certificate of exemption is valid for a period of not more than
1297 2 years and is not transferable. The agency may charge an
1298 applicant \$100 for a certificate of exemption or charge the
1299 actual cost of processing the certificate.

1300 Section 46. Subsections (6) through (9) of section 400.471,
1301 Florida Statutes, are redesignated as subsections (5) through
1302 (8), respectively, and present subsections (2), (6), and (9) of
1303 that section are amended, to read:

1304 400.471 Application for license; fee.—

1305 (2) In addition to the requirements of part II of chapter

Page 45 of 120

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26-00620-18

2018622__

1306 408, the initial applicant, the applicant for a change of
1307 ownership, and the applicant for the addition of skilled care
1308 services must file with the application satisfactory proof that
1309 the home health agency is in compliance with this part and
1310 applicable rules, including:

1311 (a) A listing of services to be provided, either directly
1312 by the applicant or through contractual arrangements with
1313 existing providers.

1314 (b) The number and discipline of professional staff to be
1315 employed.

1316 ~~(c) Completion of questions concerning volume data on the~~
1317 ~~renewal application as determined by rule.~~

1318 (c) (d) A business plan, signed by the applicant, which
1319 details the home health agency's methods to obtain patients and
1320 its plan to recruit and maintain staff.

1321 (d) (e) Evidence of contingency funding as required under s.
1322 408.8065 equal to 1 month's average operating expenses during
1323 the first year of operation.

1324 (e) (f) A balance sheet, income and expense statement, and
1325 statement of cash flows for the first 2 years of operation which
1326 provide evidence of having sufficient assets, credit, and
1327 projected revenues to cover liabilities and expenses. The
1328 applicant has demonstrated financial ability to operate if the
1329 applicant's assets, credit, and projected revenues meet or
1330 exceed projected liabilities and expenses. An applicant may not
1331 project an operating margin of 15 percent or greater for any
1332 month in the first year of operation. All documents required
1333 under this paragraph must be prepared in accordance with
1334 generally accepted accounting principles and compiled and signed

Page 46 of 120

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26-00620-18

2018622__

1335 by a certified public accountant.

1336 ~~(f)(g)~~ All other ownership interests in health care
1337 entities for each controlling interest, as defined in part II of
1338 chapter 408.

1339 ~~(g)(h)~~ In the case of an application for initial licensure,
1340 an application for a change of ownership, or an application for
1341 the addition of skilled care services, documentation of
1342 accreditation, or an application for accreditation, from an
1343 accrediting organization that is recognized by the agency as
1344 having standards comparable to those required by this part and
1345 part II of chapter 408. A home health agency that ~~is not~~
1346 ~~Medicare or Medicaid certified~~ and does not provide skilled care
1347 is exempt from this paragraph. Notwithstanding s. 408.806, an
1348 initial applicant that has applied for accreditation must
1349 provide proof of accreditation that is not conditional or
1350 provisional and a survey demonstrating compliance with the
1351 requirements of this part, part II of chapter 408, and
1352 applicable rules from an accrediting organization that is
1353 recognized by the agency as having standards comparable to those
1354 required by this part and part II of chapter 408 within 120 days
1355 after the date of the agency's receipt of the application for
1356 licensure ~~or the application shall be withdrawn from further~~
1357 ~~consideration~~. Such accreditation must be continuously
1358 maintained by the home health agency to maintain licensure. The
1359 agency shall accept, in lieu of its own periodic licensure
1360 survey, the submission of the survey of an accrediting
1361 organization that is recognized by the agency if the
1362 accreditation of the licensed home health agency is not
1363 provisional and if the licensed home health agency authorizes

Page 47 of 120

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26-00620-18

2018622__

1364 releases of, and the agency receives the report of, the
1365 accrediting organization.

1366 ~~(6) The agency may not issue a license designated as~~
1367 ~~certified to a home health agency that fails to satisfy the~~
1368 ~~requirements of a Medicare certification survey from the agency.~~

1369 ~~(8)(9)~~ The agency may not issue a renewal license for a
1370 home health agency in any county having at least one licensed
1371 home health agency and that has more than one home health agency
1372 per 5,000 persons, as indicated by the most recent population
1373 estimates published by the Legislature's Office of Economic and
1374 Demographic Research, if the applicant or any controlling
1375 interest has been administratively sanctioned by the agency
1376 during the 2 years prior to the submission of the licensure
1377 renewal application for one or more of the following acts:

1378 (a) An intentional or negligent act that materially affects
1379 the health or safety of a client of the provider;

1380 (b) Knowingly providing home health services in an
1381 unlicensed assisted living facility or unlicensed adult family-
1382 care home, unless the home health agency or employee reports the
1383 unlicensed facility or home to the agency within 72 hours after
1384 providing the services;

1385 (c) Preparing or maintaining fraudulent patient records,
1386 such as, but not limited to, charting ahead, recording vital
1387 signs or symptoms which were not personally obtained or observed
1388 by the home health agency's staff at the time indicated,
1389 borrowing patients or patient records from other home health
1390 agencies to pass a survey or inspection, or falsifying
1391 signatures;

1392 (d) Failing to provide at least one service directly to a

Page 48 of 120

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26-00620-18

2018622__

1393 patient for a period of 60 days;

1394 (e) Demonstrating a pattern of falsifying documents
1395 relating to the training of home health aides or certified
1396 nursing assistants or demonstrating a pattern of falsifying
1397 health statements for staff who provide direct care to patients.
1398 A pattern may be demonstrated by a showing of at least three
1399 fraudulent entries or documents;

1400 (f) Demonstrating a pattern of billing any payor for
1401 services not provided. A pattern may be demonstrated by a
1402 showing of at least three billings for services not provided
1403 within a 12-month period;

1404 (g) Demonstrating a pattern of failing to provide a service
1405 specified in the home health agency's written agreement with a
1406 patient or the patient's legal representative, or the plan of
1407 care for that patient, except unless a reduction in service is
1408 ~~mandated by Medicare, Medicaid, or a state program~~ or as
1409 provided in s. 400.492(3). A pattern may be demonstrated by a
1410 showing of at least three incidents, regardless of the patient
1411 or service, in which the home health agency did not provide a
1412 service specified in a written agreement or plan of care during
1413 a 3-month period;

1414 (h) Giving remuneration to a case manager, discharge
1415 planner, facility-based staff member, or third-party vendor who
1416 is involved in the discharge planning process of a facility
1417 licensed under chapter 395, chapter 429, or this chapter from
1418 whom the home health agency receives referrals or gives
1419 remuneration as prohibited in s. 400.474(6)(a);

1420 (i) Giving cash, or its equivalent, to a Medicare or
1421 Medicaid beneficiary;

Page 49 of 120

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26-00620-18

2018622__

1422 (j) Demonstrating a pattern of billing the Medicaid program
1423 for services to Medicaid recipients which are medically
1424 unnecessary as determined by a final order. A pattern may be
1425 demonstrated by a showing of at least two such medically
1426 unnecessary services within one Medicaid program integrity audit
1427 period;

1428 (k) Providing services to residents in an assisted living
1429 facility for which the home health agency does not receive fair
1430 market value remuneration; or

1431 (l) Providing staffing to an assisted living facility for
1432 which the home health agency does not receive fair market value
1433 remuneration.

1434 Section 47. Subsection (5) of section 400.474, Florida
1435 Statutes, is amended to read:

1436 400.474 Administrative penalties.—

1437 (5) The agency shall impose a fine of \$5,000 against a home
1438 health agency that demonstrates a pattern of failing to provide
1439 a service specified in the home health agency's written
1440 agreement with a patient or the patient's legal representative,
1441 or the plan of care for that patient, except unless a reduction
1442 ~~in service is mandated by Medicare, Medicaid, or a state program~~
1443 ~~or~~ as provided in s. 400.492(3). A pattern may be demonstrated
1444 by a showing of at least three incidences, regardless of the
1445 patient or service, where the home health agency did not provide
1446 a service specified in a written agreement or plan of care
1447 during a 3-month period. The agency shall impose the fine for
1448 each occurrence. The agency may also impose additional
1449 administrative fines under s. 400.484 for the direct or indirect
1450 harm to a patient, or deny, revoke, or suspend the license of

Page 50 of 120

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26-00620-18

2018622__

1451 the home health agency for a pattern of failing to provide a
 1452 service specified in the home health agency's written agreement
 1453 with a patient or the plan of care for that patient.

1454 Section 48. Paragraph (c) of subsection (2) of section
 1455 400.476, Florida Statutes, is amended to read:
 1456 400.476 Staffing requirements; notifications; limitations
 1457 on staffing services.—

1458 (2) DIRECTOR OF NURSING.—

1459 (c) A home health agency that provides skilled nursing care
 1460 ~~must be not Medicare or Medicaid certified and does not provide~~
 1461 ~~skilled care or provides only physical, occupational, or speech~~
 1462 ~~therapy is not required to have a director of nursing and is~~
 1463 ~~exempt from paragraph (b).~~

1464 Section 49. Section 400.484, Florida Statutes, is amended
 1465 to read:

1466 400.484 Right of inspection; violations deficiencies;
 1467 fines.—

1468 (1) In addition to the requirements of s. 408.811, the
 1469 agency may make such inspections and investigations as are
 1470 necessary in order to determine the state of compliance with
 1471 this part, part II of chapter 408, and applicable rules.

1472 (2) The agency shall impose fines for various classes of
 1473 violations deficiencies in accordance with the following
 1474 schedule:

1475 (a) Class I violations are as provided in s. 408.813 A
 1476 ~~class I deficiency is any act, omission, or practice that~~
 1477 ~~results in a patient's death, disablement, or permanent injury,~~
 1478 ~~or places a patient at imminent risk of death, disablement, or~~
 1479 ~~permanent injury.~~ Upon finding a class I violation deficiency,

Page 51 of 120

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26-00620-18

2018622__

1480 the agency shall impose an administrative fine in the amount of
 1481 \$15,000 for each occurrence and each day that the violation
 1482 ~~deficiency~~ exists.

1483 (b) Class II violations are as provided in s. 408.813 A
 1484 ~~class II deficiency is any act, omission, or practice that has a~~
 1485 ~~direct adverse effect on the health, safety, or security of a~~
 1486 ~~patient.~~ Upon finding a class II violation deficiency, the
 1487 agency shall impose an administrative fine in the amount of
 1488 \$5,000 for each occurrence and each day that the violation
 1489 ~~deficiency~~ exists.

1490 (c) Class III violations are as provided in s. 408.813 A
 1491 ~~class III deficiency is any act, omission, or practice that has~~
 1492 ~~an indirect, adverse effect on the health, safety, or security~~
 1493 ~~of a patient.~~ Upon finding an uncorrected or repeated class III
 1494 violation deficiency, the agency shall impose an administrative
 1495 fine not to exceed \$1,000 for each occurrence and each day that
 1496 the uncorrected or repeated violation deficiency exists.

1497 (d) Class IV violations are as provided in s. 408.813 A
 1498 ~~class IV deficiency is any act, omission, or practice related to~~
 1499 ~~required reports, forms, or documents which does not have the~~
 1500 ~~potential of negatively affecting patients.~~ These violations are
 1501 of a type that the agency determines do not threaten the health,
 1502 safety, or security of patients. Upon finding an uncorrected or
 1503 repeated class IV violation deficiency, the agency shall impose
 1504 an administrative fine not to exceed \$500 for each occurrence
 1505 and each day that the uncorrected or repeated violation
 1506 ~~deficiency~~ exists.

1507 (3) In addition to any other penalties imposed pursuant to
 1508 this section or part, the agency may assess costs related to an

Page 52 of 120

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26-00620-18

2018622__

1509 investigation that results in a successful prosecution,
1510 excluding costs associated with an attorney's time.

1511 Section 50. Subsection (4) of section 400.497, Florida
1512 Statutes, is amended to read:

1513 400.497 Rules establishing minimum standards.—The agency
1514 shall adopt, publish, and enforce rules to implement part II of
1515 chapter 408 and this part, including, as applicable, ss. 400.506
1516 and 400.509, which must provide reasonable and fair minimum
1517 standards relating to:

1518 (4) Licensure application and renewal and certificates of
1519 exemption.

1520 Section 51. Subsection (5) and paragraph (a) of subsection
1521 (15) of section 400.506, Florida Statutes, are amended to read:

1522 400.506 Licensure of nurse registries; requirements;
1523 penalties.—

1524 (5) (a) In addition to the requirements of s. 408.812, any
1525 person who owns, operates, or maintains an unlicensed nurse
1526 registry and who, ~~within 10 working days~~ after receiving
1527 notification from the agency, fails to cease operation and apply
1528 for a license under this part commits a misdemeanor of the
1529 second degree, punishable as provided in s. 775.082 or s.
1530 775.083. Each day of continued operation is a separate offense.

1531 (b) If a nurse registry fails to cease operation after
1532 agency notification, the agency may impose a fine pursuant to s.
1533 408.812 of \$500 for each day of noncompliance.

1534 (15) (a) The agency may deny, suspend, or revoke the license
1535 of a nurse registry and shall impose a fine of \$5,000 against a
1536 nurse registry that:

1537 1. Provides services to residents in an assisted living

Page 53 of 120

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26-00620-18

2018622__

1538 facility for which the nurse registry does not receive fair
1539 market value remuneration.

1540 2. Provides staffing to an assisted living facility for
1541 which the nurse registry does not receive fair market value
1542 remuneration.

1543 3. Fails to provide the agency, upon request, with copies
1544 of all contracts with assisted living facilities which were
1545 executed within the last 5 years.

1546 ~~4. Gives remuneration to a case manager, discharge planner,~~
1547 ~~facility-based staff member, or third-party vendor who is~~
1548 ~~involved in the discharge planning process of a facility~~
1549 ~~licensed under chapter 395 or this chapter and from whom the~~
1550 ~~nurse registry receives referrals. A nurse registry is exempt~~
1551 ~~from this subparagraph if it does not bill the Florida Medicaid~~
1552 ~~program or the Medicare program or share a controlling interest~~
1553 ~~with any entity licensed, registered, or certified under part II~~
1554 ~~of chapter 408 that bills the Florida Medicaid program or the~~
1555 ~~Medicare program.~~

1556 ~~5. Gives remuneration to a physician, a member of the~~
1557 ~~physician's office staff, or an immediate family member of the~~
1558 ~~physician, and the nurse registry received a patient referral in~~
1559 ~~the last 12 months from that physician or the physician's office~~
1560 ~~staff. A nurse registry is exempt from this subparagraph if it~~
1561 ~~does not bill the Florida Medicaid program or the Medicare~~
1562 ~~program or share a controlling interest with any entity~~
1563 ~~licensed, registered, or certified under part II of chapter 408~~
1564 ~~that bills the Florida Medicaid program or the Medicare program.~~

1565 Section 52. Subsection (1) of section 400.606, Florida
1566 Statutes, is amended to read:

Page 54 of 120

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26-00620-18

2018622__

1567 400.606 License; application; renewal; conditional license
1568 or permit; certificate of need.-

1569 (1) In addition to the requirements of part II of chapter
1570 408, the initial application and change of ownership application
1571 must be accompanied by a plan for the delivery of home,
1572 residential, and homelike inpatient hospice services to
1573 terminally ill persons and their families. Such plan must
1574 contain, but need not be limited to:

1575 (a) The estimated average number of terminally ill persons
1576 to be served monthly.

1577 (b) The geographic area in which hospice services will be
1578 available.

1579 (c) A listing of services which are or will be provided,
1580 either directly by the applicant or through contractual
1581 arrangements with existing providers.

1582 (d) Provisions for the implementation of hospice home care
1583 within 3 months after licensure.

1584 (e) Provisions for the implementation of hospice homelike
1585 inpatient care within 12 months after licensure.

1586 (f) The number and disciplines of professional staff to be
1587 employed.

1588 (g) The name and qualifications of any existing or
1589 potential contractee.

1590 (h) A plan for attracting and training volunteers.

1591

1592 ~~If the applicant is an existing licensed health care provider,~~
1593 ~~the application must be accompanied by a copy of the most recent~~
1594 ~~profit loss statement and, if applicable, the most recent~~
1595 ~~licensure inspection report.~~

Page 55 of 120

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26-00620-18

2018622__

1596 Section 53. Subsection (6) of section 400.925, Florida
1597 Statutes, is amended to read:

1598 400.925 Definitions.-As used in this part, the term:

1599 (6) "Home medical equipment" includes any product as
1600 defined by the Food and Drug Administration's Federal Food,
1601 Drug, and Cosmetic Act, any products reimbursed under the
1602 Medicare Part B Durable Medical Equipment benefits, or any
1603 products reimbursed under the Florida Medicaid durable medical
1604 equipment program. Home medical equipment includes:

1605 (a) Oxygen and related respiratory equipment; manual,
1606 ~~motorized, or customized wheelchairs and related seating and~~
1607 ~~positioning, but does not include prosthetics or orthotics or~~
1608 ~~any splints, braces, or aids custom fabricated by a licensed~~
1609 ~~health care practitioner;~~

1610 (b) Motorized scooters;

1611 (c) Personal transfer systems; and

1612 (d) Specialty beds, for use by a person with a medical
1613 need; and

1614 (e) Manual, motorized, or customized wheelchairs and
1615 related seating and positioning, but does not include
1616 prosthetics or orthotics or any splints, braces, or aids custom
1617 fabricated by a licensed health care practitioner.

1618 Section 54. Subsection (4) of section 400.931, Florida
1619 Statutes, is amended to read:

1620 400.931 Application for license; fee.-

1621 (4) When a change of the general manager of a home medical
1622 equipment provider occurs, the licensee must notify the agency
1623 of the change within the timeframes established in part II of
1624 chapter 408 and applicable rules 45 days.

Page 56 of 120

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26-00620-18

2018622__

1625 Section 55. Subsection (2) of section 400.933, Florida
1626 Statutes, is amended to read:

1627 400.933 Licensure inspections and investigations.—

1628 (2) The agency shall accept, in lieu of its own periodic
1629 inspections for licensure, submission of the following:

1630 (a) The survey or inspection of an accrediting
1631 organization, provided the accreditation of the licensed home
1632 medical equipment provider is not provisional and provided the
1633 licensed home medical equipment provider authorizes release of,
1634 and the agency receives the report of, the accrediting
1635 organization; or

1636 (b) A copy of a valid medical oxygen retail establishment
1637 permit issued by the Department of Business and Professional
1638 Regulation Health, pursuant to chapter 499.

1639 Section 56. Subsection (2) of section 400.980, Florida
1640 Statutes, is amended to read:

1641 400.980 Health care services pools.—

1642 (2) The requirements of part II of chapter 408 apply to the
1643 provision of services that require licensure or registration
1644 pursuant to this part and part II of chapter 408 and to entities
1645 registered by or applying for such registration from the agency
1646 pursuant to this part. Registration or a license issued by the
1647 agency is required for the operation of a health care services
1648 pool in this state. In accordance with s. 408.805, an applicant
1649 or licensee shall pay a fee for each license application
1650 submitted using this part, part II of chapter 408, and
1651 applicable rules. The agency shall adopt rules and provide forms
1652 required for such registration and shall impose a registration
1653 fee in an amount sufficient to cover the cost of administering

Page 57 of 120

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26-00620-18

2018622__

1654 this part and part II of chapter 408. In addition to the
1655 requirements in part II of chapter 408, the registrant must
1656 provide the agency with any change of information contained on
1657 the original registration application within the timeframes
1658 established in this part, part II of chapter 408, and applicable
1659 rules 14 days prior to the change.

1660 Section 57. Paragraphs (a) through (d) of subsection (4) of
1661 section 400.9905, Florida Statutes, are amended to read:

1662 400.9905 Definitions.—

1663 (4) "Clinic" means an entity where health care services are
1664 provided to individuals and which tenders charges for
1665 reimbursement for such services, including a mobile clinic and a
1666 portable equipment provider. As used in this part, the term does
1667 not include and the licensure requirements of this part do not
1668 apply to:

1669 (a) Entities licensed or registered by the state under
1670 chapter 395; entities licensed or registered by the state and
1671 providing only health care services within the scope of services
1672 authorized under their respective licenses under ss. 383.30-
1673 383.332 ~~383.30-383.335~~, chapter 390, chapter 394, chapter 397,
1674 this chapter except part X, chapter 429, chapter 463, chapter
1675 465, chapter 466, chapter 478, ~~part I of chapter 483~~, chapter
1676 484, or chapter 651; end-stage renal disease providers
1677 authorized under 42 C.F.R. part 405, subpart U; providers
1678 certified under 42 C.F.R. part 485, subpart B or subpart H; or
1679 any entity that provides neonatal or pediatric hospital-based
1680 health care services or other health care services by licensed
1681 practitioners solely within a hospital licensed under chapter
1682 395.

Page 58 of 120

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26-00620-18

2018622__

1683 (b) Entities that own, directly or indirectly, entities
 1684 licensed or registered by the state pursuant to chapter 395;
 1685 entities that own, directly or indirectly, entities licensed or
 1686 registered by the state and providing only health care services
 1687 within the scope of services authorized pursuant to their
 1688 respective licenses under ss. 383.30-383.332 ~~383.30-383.335~~,
 1689 chapter 390, chapter 394, chapter 397, this chapter except part
 1690 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
 1691 478, ~~part I of chapter 483~~, chapter 484, or chapter 651; end-
 1692 stage renal disease providers authorized under 42 C.F.R. part
 1693 405, subpart U; providers certified under 42 C.F.R. part 485,
 1694 subpart B or subpart H; or any entity that provides neonatal or
 1695 pediatric hospital-based health care services by licensed
 1696 practitioners solely within a hospital licensed under chapter
 1697 395.

1698 (c) Entities that are owned, directly or indirectly, by an
 1699 entity licensed or registered by the state pursuant to chapter
 1700 395; entities that are owned, directly or indirectly, by an
 1701 entity licensed or registered by the state and providing only
 1702 health care services within the scope of services authorized
 1703 pursuant to their respective licenses under ss. 383.30-383.332
 1704 ~~383.30-383.335~~, chapter 390, chapter 394, chapter 397, this
 1705 chapter except part X, chapter 429, chapter 463, chapter 465,
 1706 chapter 466, chapter 478, ~~part I of chapter 483~~, chapter 484, or
 1707 chapter 651; end-stage renal disease providers authorized under
 1708 42 C.F.R. part 405, subpart U; providers certified under 42
 1709 C.F.R. part 485, subpart B or subpart H; or any entity that
 1710 provides neonatal or pediatric hospital-based health care
 1711 services by licensed practitioners solely within a hospital

Page 59 of 120

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26-00620-18

2018622__

1712 under chapter 395.

1713 (d) Entities that are under common ownership, directly or
 1714 indirectly, with an entity licensed or registered by the state
 1715 pursuant to chapter 395; entities that are under common
 1716 ownership, directly or indirectly, with an entity licensed or
 1717 registered by the state and providing only health care services
 1718 within the scope of services authorized pursuant to their
 1719 respective licenses under ss. 383.30-383.332 ~~383.30-383.335~~,
 1720 chapter 390, chapter 394, chapter 397, this chapter except part
 1721 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
 1722 478, ~~part I of chapter 483~~, chapter 484, or chapter 651; end-
 1723 stage renal disease providers authorized under 42 C.F.R. part
 1724 405, subpart U; providers certified under 42 C.F.R. part 485,
 1725 subpart B or subpart H; or any entity that provides neonatal or
 1726 pediatric hospital-based health care services by licensed
 1727 practitioners solely within a hospital licensed under chapter
 1728 395.

1729

1730 Notwithstanding this subsection, an entity shall be deemed a
 1731 clinic and must be licensed under this part in order to receive
 1732 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.
 1733 627.730-627.7405, unless exempted under s. 627.736(5)(h).

1734 Section 58. Subsection (6) of section 400.9935, Florida
 1735 Statutes, is amended to read:

1736 400.9935 Clinic responsibilities.—

1737 (6) Any person or entity providing health care services
 1738 which is not a clinic, as defined under s. 400.9905, may
 1739 voluntarily apply for a certificate of exemption from licensure
 1740 under its exempt status with the agency on a form that sets

Page 60 of 120

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26-00620-18

2018622__

1741 forth its name or names and addresses, a statement of the
 1742 reasons why it cannot be defined as a clinic, and other
 1743 information deemed necessary by the agency. An exemption may be
 1744 valid for up to 2 years and is not transferable. The agency may
 1745 charge an applicant for a certificate of exemption in an amount
 1746 equal to \$100 or the actual cost of processing the certificate,
 1747 whichever is less. An entity seeking a certificate of exemption
 1748 must publish and maintain a schedule of charges for the medical
 1749 services offered to patients. The schedule must include the
 1750 prices charged to an uninsured person paying for such services
 1751 by cash, check, credit card, or debit card. The schedule must be
 1752 posted in a conspicuous place in the reception area of the
 1753 entity and must include, but is not limited to, the 50 services
 1754 most frequently provided by the entity. The schedule may group
 1755 services by three price levels, listing services in each price
 1756 level. The posting must be at least 15 square feet in size. As a
 1757 condition precedent to receiving a certificate of exemption, an
 1758 applicant must provide to the agency documentation of compliance
 1759 with these requirements.

1760 Section 59. Paragraph (a) of subsection (2) of section
 1761 408.033, Florida Statutes, is amended to read:

1762 408.033 Local and state health planning.—

1763 (2) FUNDING.—

1764 (a) The Legislature intends that the cost of local health
 1765 councils be borne by assessments on selected health care
 1766 facilities subject to facility licensure by the Agency for
 1767 Health Care Administration, including abortion clinics, assisted
 1768 living facilities, ambulatory surgical centers, birth birthing
 1769 centers, ~~clinical laboratories except community nonprofit blood~~

Page 61 of 120

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26-00620-18

2018622__

1770 ~~banks and clinical laboratories operated by practitioners for~~
 1771 ~~exclusive use regulated under s. 483.035,~~ home health agencies,
 1772 hospices, hospitals, intermediate care facilities for the
 1773 developmentally disabled, nursing homes, health care clinics,
 1774 and multiphasic testing centers and by assessments on
 1775 organizations subject to certification by the agency pursuant to
 1776 chapter 641, part III, including health maintenance
 1777 organizations and prepaid health clinics. Fees assessed may be
 1778 collected prospectively at the time of licensure renewal and
 1779 prorated for the licensure period.

1780 Section 60. Paragraphs (f) through (t) of subsection (3) of
 1781 section 408.036, Florida Statutes, are redesignated as
 1782 paragraphs (e) through (s), respectively, and present paragraphs
 1783 (e) and (p) of that subsection are amended, to read:

1784 408.036 Projects subject to review; exemptions.—

1785 (3) EXEMPTIONS.—Upon request, the following projects are
 1786 subject to exemption from the provisions of subsection (1):

1787 ~~(e) For mobile surgical facilities and related health care~~
 1788 ~~services provided under contract with the Department of~~
 1789 ~~Corrections or a private correctional facility operating~~
 1790 ~~pursuant to chapter 957.~~

1791 (o) ~~(p)~~ For replacement of a licensed nursing home on the
 1792 same site, or within 5 miles of the same site if within the same
 1793 subdistrict, if the number of licensed beds does not increase
 1794 except as permitted under paragraph (e) ~~(f)~~.

1795 Section 61. Paragraph (b) of subsection (3) of section
 1796 408.0361, Florida Statutes, is amended to read:

1797 408.0361 Cardiovascular services and burn unit licensure.—

1798 (3) In establishing rules for adult cardiovascular

Page 62 of 120

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26-00620-18

2018622__

1799 services, the agency shall include provisions that allow for:

1800 (b) 1. For a hospital seeking a Level I program,
 1801 demonstration that, for the most recent 12-month period as
 1802 reported to the agency, it has provided a minimum of 300 adult
 1803 inpatient and outpatient diagnostic cardiac catheterizations or,
 1804 for the most recent 12-month period, has discharged or
 1805 transferred at least 300 ~~patients inpatients~~ with the principal
 1806 diagnosis of ischemic heart disease and that it has a
 1807 formalized, written transfer agreement with a hospital that has
 1808 a Level II program, including written transport protocols to
 1809 ensure safe and efficient transfer of a patient within 60
 1810 minutes.

1811 2.a. A hospital located more than 100 road miles from the
 1812 closest Level II adult cardiovascular services program does not
 1813 need to meet the diagnostic cardiac catheterization volume and
 1814 ischemic heart disease diagnosis volume requirements in
 1815 subparagraph 1., if the hospital demonstrates that it has, for
 1816 the most recent 12-month period as reported to the agency,
 1817 provided a minimum of 100 adult inpatient and outpatient
 1818 diagnostic cardiac catheterizations or that, for the most recent
 1819 12-month period, it has discharged or transferred at least 300
 1820 patients with the principal diagnosis of ischemic heart disease.

1821 b. However, A hospital located more than 100 road miles
 1822 from the closest Level II adult cardiovascular services program
 1823 does not need to meet the 60-minute transfer time protocol
 1824 requirement in subparagraph 1., if the hospital demonstrates
 1825 that it has a formalized, written transfer agreement with a
 1826 hospital that has a Level II program. The agreement must include
 1827 written transport protocols to ensure the safe and efficient

Page 63 of 120

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26-00620-18

2018622__

1828 transfer of a patient, taking into consideration the patient's
 1829 clinical and physical characteristics, road and weather
 1830 conditions, and viability of ground and air ambulance service to
 1831 transfer the patient.

1832 3. At a minimum, the rules for adult cardiovascular
 1833 services must require nursing and technical staff to have
 1834 demonstrated experience in handling acutely ill patients
 1835 requiring intervention, based on the staff member's previous
 1836 experience in dedicated cardiac interventional laboratories or
 1837 surgical centers. If a staff member's previous experience is in
 1838 a dedicated cardiac interventional laboratory at a hospital that
 1839 does not have an approved adult open-heart-surgery program, the
 1840 staff member's previous experience qualifies only if, at the
 1841 time the staff member acquired his or her experience, the
 1842 dedicated cardiac interventional laboratory:

1843 a. Had an annual volume of 500 or more percutaneous cardiac
 1844 intervention procedures;

1845 b. Achieved a demonstrated success rate of 95 percent or
 1846 greater for percutaneous cardiac intervention procedures;

1847 c. Experienced a complication rate of less than 5 percent
 1848 for percutaneous cardiac intervention procedures; and

1849 d. Performed diverse cardiac procedures, including, but not
 1850 limited to, balloon angioplasty and stenting, rotational
 1851 atherectomy, cutting balloon atheroma remodeling, and procedures
 1852 relating to left ventricular support capability.

1853 Section 62. Subsection (4) of section 408.061, Florida
 1854 Statutes, is amended to read:

1855 408.061 Data collection; uniform systems of financial
 1856 reporting; information relating to physician charges;

Page 64 of 120

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26-00620-18

2018622__

1857 confidential information; immunity.-

1858 (4) Within 120 days after the end of its fiscal year, each
 1859 health care facility, excluding continuing care facilities,
 1860 hospitals operated by state agencies, and nursing homes as those
 1861 terms are defined in s. 408.07 ~~s. 408.07(14) and (37)~~, shall
 1862 file with the agency, on forms adopted by the agency and based
 1863 on the uniform system of financial reporting, its actual
 1864 financial experience for that fiscal year, including
 1865 expenditures, revenues, and statistical measures. Such data may
 1866 be based on internal financial reports which are certified to be
 1867 complete and accurate by the provider. However, hospitals'
 1868 actual financial experience shall be their audited actual
 1869 experience. Every nursing home shall submit to the agency, in a
 1870 format designated by the agency, a statistical profile of the
 1871 nursing home residents. The agency, in conjunction with the
 1872 Department of Elderly Affairs and the Department of Health,
 1873 shall review these statistical profiles and develop
 1874 recommendations for the types of residents who might more
 1875 appropriately be placed in their homes or other noninstitutional
 1876 settings.

1877 Section 63. Subsection (11) of section 408.07, Florida
 1878 Statutes, is amended to read:

1879 408.07 Definitions.—As used in this chapter, with the
 1880 exception of ss. 408.031-408.045, the term:

1881 ~~(11) "Clinical laboratory" means a facility licensed under~~
 1882 ~~s. 483.091, excluding: any hospital laboratory defined under s.~~
 1883 ~~483.041(6); any clinical laboratory operated by the state or a~~
 1884 ~~political subdivision of the state; any blood or tissue bank~~
 1885 ~~where the majority of revenues are received from the sale of~~

Page 65 of 120

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26-00620-18

2018622__

1886 ~~blood or tissue and where blood, plasma, or tissue is procured~~
 1887 ~~from volunteer donors and donated, processed, stored, or~~
 1888 ~~distributed on a nonprofit basis; and any clinical laboratory~~
 1889 ~~which is wholly owned and operated by physicians who are~~
 1890 ~~licensed pursuant to chapter 458 or chapter 459 and who practice~~
 1891 ~~in the same group practice, and at which no clinical laboratory~~
 1892 ~~work is performed for patients referred by any health care~~
 1893 ~~provider who is not a member of that same group practice.~~

1894 Section 64. Subsection (4) of section 408.20, Florida
 1895 Statutes, is amended to read:

1896 408.20 Assessments; Health Care Trust Fund.—

1897 (4) Hospitals operated by a state agency ~~the Department of~~
 1898 ~~Children and Families, the Department of Health, or the~~
 1899 ~~Department of Corrections~~ are exempt from the assessments
 1900 required under this section.

1901 Section 65. Section 408.7056, Florida Statutes, is
 1902 repealed.

1903 Section 66. Subsections (10), (11), and (27) of section
 1904 408.802, Florida Statutes, are amended to read:

1905 408.802 Applicability.—The provisions of this part apply to
 1906 the provision of services that require licensure as defined in
 1907 this part and to the following entities licensed, registered, or
 1908 certified by the agency, as described in chapters 112, 383, 390,
 1909 394, 395, 400, 429, 440, 483, and 765:

1910 ~~(10) Mobile surgical facilities, as provided under part I~~
 1911 ~~of chapter 395.~~

1912 ~~(11) Health care risk managers, as provided under part I of~~
 1913 ~~chapter 395.~~

1914 ~~(27) Clinical laboratories, as provided under part I of~~

Page 66 of 120

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26-00620-18 2018622__

1915 ~~chapter 483.~~

1916 Section 67. Subsections (12) and (13) of section 408.803,

1917 Florida Statutes, are redesignated as subsections (13) and (14),

1918 respectively, and a new subsection (12) is added to that

1919 section, to read:

1920 408.803 Definitions.—As used in this part, the term:

1921 (12) "Relative" means an individual who is the father,

1922 mother, stepfather, stepmother, son, daughter, brother, sister,

1923 grandmother, grandfather, great-grandmother, great-grandfather,

1924 grandson, granddaughter, uncle, aunt, first cousin, nephew,

1925 niece, husband, wife, father-in-law, mother-in-law, son-in-law,

1926 daughter-in-law, brother-in-law, sister-in-law, stepson,

1927 stepdaughter, stepbrother, stepsister, half-brother, or half-

1928 sister of a patient or client.

1929 Section 68. Paragraph (c) of subsection (7) of section

1930 408.806, Florida Statutes, is amended, and subsection (9) is

1931 added to that section, to read:

1932 408.806 License application process.—

1933 (7) (c) If an inspection is required by the authorizing

1934 statute for a license application other than an initial

1935 application, the inspection must be unannounced. This paragraph

1936 does not apply to inspections required pursuant to ss. 383.324,

1937 395.0161(4) ~~and~~, 429.67(6), ~~and 483.061(2).~~

1938 (9) A licensee that holds a license for multiple providers

1939 licensed by the agency may request that all related license

1940 expiration dates be aligned. Upon such request, the agency may

1941 issue a license for an abbreviated licensure period with a

1942 prorated licensure fee.

1943 Section 69. Paragraphs (d) and (e) of subsection (1) of

26-00620-18 2018622__

1944 section 408.809, Florida Statutes, are amended to read:

1945 408.809 Background screening; prohibited offenses.—

1946 (1) Level 2 background screening pursuant to chapter 435

1947 must be conducted through the agency on each of the following

1948 persons, who are considered employees for the purposes of

1949 conducting screening under chapter 435:

1950 (d) Any person who is a controlling interest ~~if the agency~~

1951 ~~has reason to believe that such person has been convicted of any~~

1952 ~~offense prohibited by s. 435.04. For each controlling interest~~

1953 ~~who has been convicted of any such offense, the licensee shall~~

1954 ~~submit to the agency a description and explanation of the~~

1955 ~~conviction at the time of license application.~~

1956 (e) Any person, as required by authorizing statutes,

1957 seeking employment with a licensee or provider who is expected

1958 to, or whose responsibilities may require him or her to, provide

1959 personal care or services directly to clients or have access to

1960 client funds, personal property, or living areas; and any

1961 person, as required by authorizing statutes, contracting with a

1962 licensee or provider whose responsibilities require him or her

1963 to provide personal care or personal services directly to

1964 clients, or contracting with a licensee or provider to work 20

1965 hours a week or more who will have access to client funds,

1966 personal property, or living areas. Evidence of contractor

1967 screening may be retained by the contractor's employer or the

1968 licensee.

1969 Section 70. Subsection (8) of section 408.810, Florida

1970 Statutes, is amended, and subsections (11), (12), and (13) are

1971 added to that section, to read:

1972 408.810 Minimum licensure requirements.—In addition to the

26-00620-18

2018622__

1973 licensure requirements specified in this part, authorizing
 1974 statutes, and applicable rules, each applicant and licensee must
 1975 comply with the requirements of this section in order to obtain
 1976 and maintain a license.

1977 (8) Upon application for initial licensure or change of
 1978 ownership licensure, the applicant shall furnish satisfactory
 1979 proof of the applicant's financial ability to operate in
 1980 accordance with the requirements of this part, authorizing
 1981 statutes, and applicable rules. The agency shall establish
 1982 standards for this purpose, including information concerning the
 1983 applicant's controlling interests. The agency shall also
 1984 establish documentation requirements, to be completed by each
 1985 applicant, that show anticipated provider revenues and
 1986 expenditures, the basis for financing the anticipated cash-flow
 1987 requirements of the provider, and an applicant's access to
 1988 contingency financing. A current certificate of authority,
 1989 pursuant to chapter 651, may be provided as proof of financial
 1990 ability to operate. The agency may require a licensee to provide
 1991 proof of financial ability to operate at any time if there is
 1992 evidence of financial instability, including, but not limited
 1993 to, unpaid expenses necessary for the basic operations of the
 1994 provider. An applicant applying for change of ownership
 1995 licensure is exempt from furnishing proof of financial ability
 1996 to operate if the provider has been licensed for at least 5
 1997 years, and:

1998 (a) The ownership change is a result of a corporate
 1999 reorganization under which the controlling interest is unchanged
 2000 and the applicant submits organizational charts that represent
 2001 the current and proposed structure of the reorganized

Page 69 of 120

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26-00620-18

2018622__

2002 corporation; or

2003 (b) The ownership change is due solely to the death of a
 2004 person holding a controlling interest, and the surviving
 2005 controlling interests continue to hold at least 51 percent of
 2006 ownership after the change of ownership.

2007 (11) The agency may adopt rules that govern the
 2008 circumstances under which a controlling interest, an
 2009 administrator, an employee, or a contractor, or a representative
 2010 thereof, who is not a relative of the client may act as an agent
 2011 of the client in authorizing consent for medical treatment,
 2012 assignment or benefits, and release of information. Such rules
 2013 may include requirements related to disclosure, bonding,
 2014 restrictions, and client protections.

2015 (12) The licensee shall ensure that no person holds any
 2016 ownership interest, either directly or indirectly, regardless of
 2017 ownership structure, who:

2018 (a) Has a disqualifying offense pursuant to s. 408.809; or
 2019 (b) Holds or has held any ownership interest, either
 2020 directly or indirectly, regardless of ownership structure, in a
 2021 provider that had a license revoked or an application denied
 2022 pursuant to s. 408.815.

2023 (13) If the licensee is a publicly traded corporation or is
 2024 wholly owned, directly or indirectly, by a publicly traded
 2025 corporation, subsection (12) does not apply to those persons
 2026 whose sole relationship with the corporation is as a shareholder
 2027 of publicly traded shares. As used in this subsection, a
 2028 "publicly traded corporation" is a corporation that issues
 2029 securities traded on an exchange registered with the United
 2030 States Securities and Exchange Commission as a national

Page 70 of 120

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26-00620-18

2018622__

2031 securities exchange.

2032 Section 71. Section 408.812, Florida Statutes, is amended
2033 to read:

2034 408.812 Unlicensed activity.—

2035 (1) A person or entity may not offer or advertise services
2036 that require licensure as defined by this part, authorizing
2037 statutes, or applicable rules to the public without obtaining a
2038 valid license from the agency. A licenseholder may not advertise
2039 or hold out to the public that he or she holds a license for
2040 other than that for which he or she actually holds the license.

2041 (2) The operation or maintenance of an unlicensed provider
2042 or the performance of any services that require licensure
2043 without proper licensure is a violation of this part and
2044 authorizing statutes. Unlicensed activity constitutes harm that
2045 materially affects the health, safety, and welfare of clients,
2046 and constitutes abuse and neglect, as defined in s. 415.102. The
2047 agency or any state attorney may, in addition to other remedies
2048 provided in this part, bring an action for an injunction to
2049 restrain such violation, or to enjoin the future operation or
2050 maintenance of the unlicensed provider or the performance of any
2051 services in violation of this part and authorizing statutes,
2052 until compliance with this part, authorizing statutes, and
2053 agency rules has been demonstrated to the satisfaction of the
2054 agency.

2055 (3) It is unlawful for any person or entity to own,
2056 operate, or maintain an unlicensed provider. If after receiving
2057 notification from the agency, such person or entity fails to
2058 cease operation ~~and apply for a license under this part and~~
2059 ~~authorizing statutes,~~ the person or entity is ~~shall be~~ subject

Page 71 of 120

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26-00620-18

2018622__

2060 to penalties as prescribed by authorizing statutes and
2061 applicable rules. Each day of ~~continued~~ operation is a separate
2062 offense.

2063 (4) Any person or entity that fails to cease operation
2064 after agency notification may be fined \$1,000 for each day of
2065 noncompliance.

2066 (5) When a controlling interest or licensee has an interest
2067 in more than one provider and fails to license a provider
2068 rendering services that require licensure, the agency may revoke
2069 all licenses, and impose actions under s. 408.814, and
2070 regardless of correction, impose a fine of \$1,000 per day,
2071 unless otherwise specified by authorizing statutes, against each
2072 licensee until such time as the appropriate license is obtained
2073 or the unlicensed activity ceases for the unlicensed operation.

2074 (6) In addition to granting injunctive relief pursuant to
2075 subsection (2), if the agency determines that a person or entity
2076 is operating or maintaining a provider without obtaining a
2077 license and determines that a condition exists that poses a
2078 threat to the health, safety, or welfare of a client of the
2079 provider, the person or entity is subject to the same actions
2080 and fines imposed against a licensee as specified in this part,
2081 authorizing statutes, and agency rules.

2082 (7) Any person aware of the operation of an unlicensed
2083 provider must report that provider to the agency.

2084 Section 72. Subsections (10), (11) and (26) of section
2085 408.820, Florida Statutes, are amended, and subsections (12)
2086 through (25) and (27) and (28) are redesignated as subsections
2087 (10) through (23) and (24) and (25), respectively, to read:
2088 408.820 Exemptions.—Except as prescribed in authorizing

Page 72 of 120

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26-00620-18 2018622__

2089 statutes, the following exemptions shall apply to specified
 2090 requirements of this part:

2091 ~~(10) Mobile surgical facilities, as provided under part I~~
 2092 ~~of chapter 395, are exempt from s. 408.810(7)-(10).~~

2093 ~~(11) Health care risk managers, as provided under part I of~~
 2094 ~~chapter 395, are exempt from ss. 408.806(7), 408.810(4)-(10),~~
 2095 ~~and 408.811.~~

2096 ~~(26) Clinical laboratories, as provided under part I of~~
 2097 ~~chapter 483, are exempt from s. 408.810(5)-(10).~~

2098 Section 73. Subsection (7) of section 409.905, Florida
 2099 Statutes, is amended to read:

2100 409.905 Mandatory Medicaid services.—The agency may make
 2101 payments for the following services, which are required of the
 2102 state by Title XIX of the Social Security Act, furnished by
 2103 Medicaid providers to recipients who are determined to be
 2104 eligible on the dates on which the services were provided. Any
 2105 service under this section shall be provided only when medically
 2106 necessary and in accordance with state and federal law.
 2107 Mandatory services rendered by providers in mobile units to
 2108 Medicaid recipients may be restricted by the agency. Nothing in
 2109 this section shall be construed to prevent or limit the agency
 2110 from adjusting fees, reimbursement rates, lengths of stay,
 2111 number of visits, number of services, or any other adjustments
 2112 necessary to comply with the availability of moneys and any
 2113 limitations or directions provided for in the General
 2114 Appropriations Act or chapter 216.

2115 (7) INDEPENDENT LABORATORY SERVICES.—The agency shall pay
 2116 for medically necessary diagnostic laboratory procedures ordered
 2117 by a licensed physician or other licensed practitioner of the

26-00620-18 2018622__

2118 healing arts which are provided for a recipient in a laboratory
 2119 that meets the requirements for Medicare participation and is
 2120 appropriately certified by the Centers for Medicare and Medicaid
 2121 Services under the federal Clinical Laboratory Improvement
 2122 Amendments and the federal rules adopted thereunder licensed
 2123 under chapter 483, if required.

2124 Section 74. Subsection (10) of section 409.907, Florida
 2125 Statutes, is amended to read:

2126 409.907 Medicaid provider agreements.—The agency may make
 2127 payments for medical assistance and related services rendered to
 2128 Medicaid recipients only to an individual or entity who has a
 2129 provider agreement in effect with the agency, who is performing
 2130 services or supplying goods in accordance with federal, state,
 2131 and local law, and who agrees that no person shall, on the
 2132 grounds of handicap, race, color, or national origin, or for any
 2133 other reason, be subjected to discrimination under any program
 2134 or activity for which the provider receives payment from the
 2135 agency.

2136 (10) The agency may consider whether the provider, or any
 2137 officer, director, agent, managing employee, or affiliated
 2138 person, or any partner or shareholder having an ownership
 2139 interest equal to 5 percent or greater in the provider if the
 2140 provider is a corporation, partnership, or other business
 2141 entity, has:

2142 (a) Made a false representation or omission of any material
 2143 fact in making the application, including the submission of an
 2144 application that conceals the controlling or ownership interest
 2145 of any officer, director, agent, managing employee, affiliated
 2146 person, or partner or shareholder who may not be eligible to

26-00620-18

2018622__

2147 participate;

2148 (b) Been or is currently excluded, suspended, terminated
 2149 from, or has involuntarily withdrawn from participation in,
 2150 Florida's Medicaid program or any other state's Medicaid
 2151 program, or from participation in any other governmental or
 2152 private health care or health insurance program;

2153 ~~(c) Been convicted of a criminal offense relating to the~~
 2154 ~~delivery of any goods or services under Medicaid or Medicare or~~
 2155 ~~any other public or private health care or health insurance~~
 2156 ~~program including the performance of management or~~
 2157 ~~administrative services relating to the delivery of goods or~~
 2158 ~~services under any such program;~~

2159 ~~(d) Been convicted under federal or state law of a criminal~~
 2160 ~~offense relating to the neglect or abuse of a patient in~~
 2161 ~~connection with the delivery of any health care goods or~~
 2162 ~~services;~~

2163 ~~(e) Been convicted under federal or state law of a criminal~~
 2164 ~~offense relating to the unlawful manufacture, distribution,~~
 2165 ~~prescription, or dispensing of a controlled substance;~~

2166 ~~(f) Been convicted of any criminal offense relating to~~
 2167 ~~fraud, theft, embezzlement, breach of fiduciary responsibility,~~
 2168 ~~or other financial misconduct;~~

2169 ~~(g) Been convicted under federal or state law of a crime~~
 2170 ~~punishable by imprisonment of a year or more which involves~~
 2171 ~~moral turpitude;~~

2172 ~~(h) Been convicted in connection with the interference or~~
 2173 ~~obstruction of any investigation into any criminal offense~~
 2174 ~~listed in this subsection;~~

2175 ~~(i) Been found to have violated federal or state laws,~~

Page 75 of 120

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26-00620-18

2018622__

2176 ~~rules, or regulations governing Florida's Medicaid program or~~
 2177 ~~any other state's Medicaid program, the Medicare program, or any~~
 2178 ~~other publicly funded federal or state health care or health~~
 2179 ~~insurance program, and been sanctioned accordingly;~~

2180 ~~(c)(j)~~ Been previously found by a licensing, certifying, or
 2181 professional standards board or agency to have violated the
 2182 standards or conditions relating to licensure or certification
 2183 or the quality of services provided; or

2184 ~~(d)(k)~~ Failed to pay any fine or overpayment properly
 2185 assessed under the Medicaid program in which no appeal is
 2186 pending or after resolution of the proceeding by stipulation or
 2187 agreement, unless the agency has issued a specific letter of
 2188 forgiveness or has approved a repayment schedule to which the
 2189 provider agrees to adhere.

2190 Section 75. Subsection (6) of section 409.9116, Florida
 2191 Statutes, is amended to read:

2192 409.9116 Disproportionate share/financial assistance
 2193 program for rural hospitals.—In addition to the payments made
 2194 under s. 409.911, the Agency for Health Care Administration
 2195 shall administer a federally matched disproportionate share
 2196 program and a state-funded financial assistance program for
 2197 statutory rural hospitals. The agency shall make
 2198 disproportionate share payments to statutory rural hospitals
 2199 that qualify for such payments and financial assistance payments
 2200 to statutory rural hospitals that do not qualify for
 2201 disproportionate share payments. The disproportionate share
 2202 program payments shall be limited by and conform with federal
 2203 requirements. Funds shall be distributed quarterly in each
 2204 fiscal year for which an appropriation is made. Notwithstanding

Page 76 of 120

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26-00620-18

2018622__

2205 the provisions of s. 409.915, counties are exempt from
 2206 contributing toward the cost of this special reimbursement for
 2207 hospitals serving a disproportionate share of low-income
 2208 patients.

2209 (6) This section applies only to hospitals that were
 2210 defined as statutory rural hospitals, or their successor-in-
 2211 interest hospital, prior to January 1, 2001. Any additional
 2212 hospital that is defined as a statutory rural hospital, or its
 2213 successor-in-interest hospital, on or after January 1, 2001, is
 2214 not eligible for programs under this section unless additional
 2215 funds are appropriated each fiscal year specifically to the
 2216 rural hospital disproportionate share and financial assistance
 2217 programs in an amount necessary to prevent any hospital, or its
 2218 successor-in-interest hospital, eligible for the programs prior
 2219 to January 1, 2001, from incurring a reduction in payments
 2220 because of the eligibility of an additional hospital to
 2221 participate in the programs. A hospital, or its successor-in-
 2222 interest hospital, which received funds pursuant to this section
 2223 before January 1, 2001, and which qualifies under s.
 2224 395.602(2)(b) ~~s. 395.602(2)(e)~~, shall be included in the
 2225 programs under this section and is not required to seek
 2226 additional appropriations under this subsection.

2227 Section 76. Paragraphs (a) and (b) of subsection (1) of
 2228 section 409.975, Florida Statutes, are amended to read:

2229 409.975 Managed care plan accountability.—In addition to
 2230 the requirements of s. 409.967, plans and providers
 2231 participating in the managed medical assistance program shall
 2232 comply with the requirements of this section.

2233 (1) PROVIDER NETWORKS.—Managed care plans must develop and

Page 77 of 120

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26-00620-18

2018622__

2234 maintain provider networks that meet the medical needs of their
 2235 enrollees in accordance with standards established pursuant to
 2236 s. 409.967(2)(c). Except as provided in this section, managed
 2237 care plans may limit the providers in their networks based on
 2238 credentials, quality indicators, and price.

2239 (a) Plans must include all providers in the region that are
 2240 classified by the agency as essential Medicaid providers, unless
 2241 the agency approves, in writing, an alternative arrangement for
 2242 securing the types of services offered by the essential
 2243 providers. Providers are essential for serving Medicaid
 2244 enrollees if they offer services that are not available from any
 2245 other provider within a reasonable access standard, or if they
 2246 provided a substantial share of the total units of a particular
 2247 service used by Medicaid patients within the region during the
 2248 last 3 years and the combined capacity of other service
 2249 providers in the region is insufficient to meet the total needs
 2250 of the Medicaid patients. The agency may not classify physicians
 2251 and other practitioners as essential providers. The agency, at a
 2252 minimum, shall determine which providers in the following
 2253 categories are essential Medicaid providers:

- 2254 1. Federally qualified health centers.
- 2255 2. Statutory teaching hospitals as defined in s. 408.07(44)
 2256 ~~s. 408.07(45)~~.
- 2257 3. Hospitals that are trauma centers as defined in s.
 2258 395.4001(14).
- 2259 4. Hospitals located at least 25 miles from any other
 2260 hospital with similar services.

2261 Managed care plans that have not contracted with all essential
 2262

Page 78 of 120

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26-00620-18

2018622__

2263 providers in the region as of the first date of recipient
 2264 enrollment, or with whom an essential provider has terminated
 2265 its contract, must negotiate in good faith with such essential
 2266 providers for 1 year or until an agreement is reached, whichever
 2267 is first. Payments for services rendered by a nonparticipating
 2268 essential provider shall be made at the applicable Medicaid rate
 2269 as of the first day of the contract between the agency and the
 2270 plan. A rate schedule for all essential providers shall be
 2271 attached to the contract between the agency and the plan. After
 2272 1 year, managed care plans that are unable to contract with
 2273 essential providers shall notify the agency and propose an
 2274 alternative arrangement for securing the essential services for
 2275 Medicaid enrollees. The arrangement must rely on contracts with
 2276 other participating providers, regardless of whether those
 2277 providers are located within the same region as the
 2278 nonparticipating essential service provider. If the alternative
 2279 arrangement is approved by the agency, payments to
 2280 nonparticipating essential providers after the date of the
 2281 agency's approval shall equal 90 percent of the applicable
 2282 Medicaid rate. Except for payment for emergency services, if the
 2283 alternative arrangement is not approved by the agency, payment
 2284 to nonparticipating essential providers shall equal 110 percent
 2285 of the applicable Medicaid rate.

2286 (b) Certain providers are statewide resources and essential
 2287 providers for all managed care plans in all regions. All managed
 2288 care plans must include these essential providers in their
 2289 networks. Statewide essential providers include:

- 2290 1. Faculty plans of Florida medical schools.
- 2291 2. Regional perinatal intensive care centers as defined in

Page 79 of 120

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26-00620-18

2018622__

2292 s. 383.16(2).

2293 3. Hospitals licensed as specialty children's hospitals as
 2294 defined in s. 395.002(27) ~~s. 395.002(28)~~.

2295 4. Accredited and integrated systems serving medically
 2296 complex children which comprise separately licensed, but
 2297 commonly owned, health care providers delivering at least the
 2298 following services: medical group home, in-home and outpatient
 2299 nursing care and therapies, pharmacy services, durable medical
 2300 equipment, and Prescribed Pediatric Extended Care.

2301 Managed care plans that have not contracted with all statewide
 2302 essential providers in all regions as of the first date of
 2303 recipient enrollment must continue to negotiate in good faith.
 2304 Payments to physicians on the faculty of nonparticipating
 2305 Florida medical schools shall be made at the applicable Medicaid
 2306 rate. Payments for services rendered by regional perinatal
 2307 intensive care centers shall be made at the applicable Medicaid
 2308 rate as of the first day of the contract between the agency and
 2309 the plan. Except for payments for emergency services, payments
 2310 to nonparticipating specialty children's hospitals shall equal
 2311 the highest rate established by contract between that provider
 2312 and any other Medicaid managed care plan.

2314 Section 77. Subsections (5) and (17) of section 429.02,
 2315 Florida Statutes, are amended to read:

2316 429.02 Definitions.—When used in this part, the term:

2317 (5) "Assisted living facility" means any building or
 2318 buildings, section or distinct part of a building, private home,
 2319 boarding home, home for the aged, or other residential facility,
 2320 regardless of whether operated for profit or not, which

Page 80 of 120

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26-00620-18

2018622__

2321 ~~undertakes~~ through its ownership or management provides ~~to~~
 2322 ~~provide~~ housing, meals, and one or more personal services for a
 2323 period exceeding 24 hours to one or more adults who are not
 2324 relatives of the owner or administrator.

2325 (17) "Personal services" means direct physical assistance
 2326 with or supervision of the activities of daily living, ~~and~~ the
 2327 self-administration of medication, ~~or and~~ other similar services
 2328 which the department may define by rule. ~~The term may "Personal~~
 2329 ~~services" shall~~ not be construed to mean the provision of
 2330 medical, nursing, dental, or mental health services.

2331 Section 78. Paragraphs (b) and (d) of subsection (2) of
 2332 section 429.04, Florida Statutes, are amended, and subsection
 2333 (3) is added that section, to read:

2334 429.04 Facilities to be licensed; exemptions.-

2335 (2) The following are exempt from licensure under this
 2336 part:

2337 (b) Any facility or part of a facility licensed by the
 2338 Agency for Persons with Disabilities under chapter 393, a mental
 2339 health facility licensed under ~~or~~ chapter 394, a hospital
 2340 licensed under chapter 395, a nursing home licensed under part
 2341 II of chapter 400, an inpatient hospice licensed under part IV
 2342 of chapter 400, a home for special services licensed under part
 2343 V of chapter 400, an intermediate care facility licensed under
 2344 part VIII of chapter 400, or a transitional living facility
 2345 licensed under part XI of chapter 400.

2346 (d) Any person who provides housing, meals, and one or more
 2347 personal services on a 24-hour basis in the person's own home to
 2348 not more than two adults who do not receive optional state
 2349 supplementation. The person who provides the housing, meals, and

Page 81 of 120

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26-00620-18

2018622__

2350 personal services must own or rent the home and must have
 2351 established the home as his or her permanent residence. For
 2352 purposes of this paragraph, any person holding a homestead
 2353 exemption at an address other than that at which the person
 2354 asserts this exemption is presumed to not have established
 2355 permanent residence ~~reside therein. This exemption does not~~
 2356 apply to a person or entity that previously held a license
 2357 issued by the agency which was revoked or for which renewal was
 2358 denied by final order of the agency, or when the person or
 2359 entity voluntarily relinquished the license during agency
 2360 enforcement proceedings.

2361 (3) Upon agency investigation of unlicensed activity, any
 2362 person or entity that claims that it is exempt under this
 2363 section must provide documentation substantiating entitlement to
 2364 the exemption.

2365 Section 79. Paragraphs (b) and (d) of subsection (1) of
 2366 section 429.08, Florida Statutes, are amended to read:

2367 429.08 Unlicensed facilities; referral of person for
 2368 residency to unlicensed facility; penalties.-

2369 (1) (b) ~~Except as provided under paragraph (d),~~ Any person
 2370 who owns, rents, or otherwise maintains a building or property
 2371 used as ~~operates, or maintains~~ an unlicensed assisted living
 2372 facility commits a felony of the third degree, punishable as
 2373 provided in s. 775.082, s. 775.083, or s. 775.084. Each day of
 2374 continued operation is a separate offense.

2375 (d) In addition to the requirements of s. 408.812, any
 2376 person who owns, operates, or maintains an unlicensed assisted
 2377 living facility after receiving notice from the agency ~~due to a~~
 2378 change in this part or a modification in rule within 6 months

Page 82 of 120

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26-00620-18

2018622__

2379 ~~after the effective date of such change and who, within 10~~
 2380 ~~working days after receiving notification from the agency, fails~~
 2381 ~~to cease operation or apply for a license under this part~~
 2382 commits a felony of the third degree, punishable as provided in
 2383 s. 775.082, s. 775.083, or s. 775.084. Each day of continued
 2384 operation is a separate offense.

2385 Section 80. Section 429.176, Florida Statutes, is amended
 2386 to read:

2387 429.176 Notice of change of administrator.—If, during the
 2388 period for which a license is issued, the owner changes
 2389 administrators, the owner must notify the agency of the change
 2390 within 10 days and provide documentation within 90 days that the
 2391 new administrator has completed the applicable core educational
 2392 requirements under s. 429.52. A facility may not be operated for
 2393 more than 120 consecutive days without an administrator who has
 2394 completed the core educational requirements.

2395 Section 81. Subsection(7) of section 429.19, Florida
 2396 Statutes, is amended to read:

2397 429.19 Violations; imposition of administrative fines;
 2398 grounds.—

2399 (7) In addition to any administrative fines imposed, the
 2400 agency may assess a survey fee, equal to the lesser of one half
 2401 of the facility's biennial license and bed fee or \$500, to cover
 2402 the cost of conducting initial complaint investigations that
 2403 result in the finding of a violation that was the subject of the
 2404 complaint or monitoring visits conducted ~~under s. 429.28(3)(c)~~
 2405 to verify the correction of the violations.

2406 Section 82. Subsection (2) of section 429.24, Florida
 2407 Statutes, is amended to read:

Page 83 of 120

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26-00620-18

2018622__

2408 429.24 Contracts.—

2409 (2) Each contract must contain express provisions
 2410 specifically setting forth the services and accommodations to be
 2411 provided by the facility; the rates or charges; provision for at
 2412 least 30 days' written notice of a rate increase; the rights,
 2413 duties, and obligations of the residents, other than those
 2414 specified in s. 429.28; and other matters that the parties deem
 2415 appropriate. A new service or accommodation added to, or
 2416 implemented in, a resident's contract for which the resident was
 2417 not previously charged does not require a 30-day written notice
 2418 of a rate increase. Whenever money is deposited or advanced by a
 2419 resident in a contract as security for performance of the
 2420 contract agreement or as advance rent for other than the next
 2421 immediate rental period:

2422 (a) Such funds shall be deposited in a banking institution
 2423 in this state that is located, if possible, in the same
 2424 community in which the facility is located; shall be kept
 2425 separate from the funds and property of the facility; may not be
 2426 represented as part of the assets of the facility on financial
 2427 statements; and shall be used, or otherwise expended, only for
 2428 the account of the resident.

2429 (b) The licensee shall, within 30 days of receipt of
 2430 advance rent or a security deposit, notify the resident or
 2431 residents in writing of the manner in which the licensee is
 2432 holding the advance rent or security deposit and state the name
 2433 and address of the depository where the moneys are being held.
 2434 The licensee shall notify residents of the facility's policy on
 2435 advance deposits.

2436 Section 83. Paragraphs (e) and (j) of subsection (1) and

Page 84 of 120

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26-00620-18

2018622__

2437 paragraphs (c), (d), and (e) of subsection (3) of section
2438 429.28, Florida Statutes, are amended to read:

2439 429.28 Resident bill of rights.—

2440 (1) No resident of a facility shall be deprived of any
2441 civil or legal rights, benefits, or privileges guaranteed by
2442 law, the Constitution of the State of Florida, or the
2443 Constitution of the United States as a resident of a facility.
2444 Every resident of a facility shall have the right to:

2445 (e) Freedom to participate in and benefit from community
2446 services and activities and to pursue achieve the highest
2447 possible level of independence, autonomy, and interaction within
2448 the community.

2449 (j) Assistance with obtaining access to adequate and
2450 appropriate health care. For purposes of this paragraph, the
2451 term "adequate and appropriate health care" means the management
2452 of medications, assistance in making appointments for health
2453 care services, the provision of or arrangement of transportation
2454 to health care appointments, and the performance of health care
2455 services in accordance with s. 429.255 which are consistent with
2456 established and recognized standards within the community.

2457 (3) ~~(e) During any calendar year in which no survey is~~
2458 ~~conducted, the agency shall conduct at least one monitoring~~
2459 ~~visit of each facility cited in the previous year for a class I~~
2460 ~~or class II violation, or more than three uncorrected class III~~
2461 ~~violations.~~

2462 ~~(d) The agency may conduct periodic followup inspections as~~
2463 ~~necessary to monitor the compliance of facilities with a history~~
2464 ~~of any class I, class II, or class III violations that threaten~~
2465 ~~the health, safety, or security of residents.~~

Page 85 of 120

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26-00620-18

2018622__

2466 ~~(e) The agency may conduct complaint investigations as~~
2467 ~~warranted to investigate any allegations of noncompliance with~~
2468 ~~requirements required under this part or rules adopted under~~
2469 ~~this part.~~

2470 Section 84. Subsection (1) of section 429.294, Florida
2471 Statutes, is amended to read:

2472 429.294 Availability of facility records for investigation
2473 of resident's rights violations and defenses; penalty.—

2474 (1) Failure to provide complete copies of a resident's
2475 records, including, but not limited to, all medical records and
2476 the resident's chart, within the control or possession of the
2477 facility ~~within 10 days~~, in accordance with the provisions of s.
2478 400.145, shall constitute evidence of failure of that party to
2479 comply with good faith discovery requirements and shall waive
2480 the good faith certificate and presuit notice requirements under
2481 this part by the requesting party.

2482 Section 85. Subsection (2) of section 429.34, Florida
2483 Statutes, is amended to read:

2484 429.34 Right of entry and inspection.—

2485 (2) (a) In addition to the requirements of s. 408.811, the
2486 agency may inspect and investigate facilities as necessary to
2487 determine compliance with this part, part II of chapter 408, and
2488 rules adopted thereunder. The agency shall inspect each licensed
2489 assisted living facility at least once every 24 months to
2490 determine compliance with this chapter and related rules. If an
2491 assisted living facility is cited for a class I violation or
2492 three or more class II violations arising from separate surveys
2493 within a 60-day period or due to unrelated circumstances during
2494 the same survey, the agency must conduct an additional licensure

Page 86 of 120

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26-00620-18

2018622__

2495 inspection within 6 months.

2496 (b) During any calendar year in which a survey is not
 2497 conducted, the agency may conduct monitoring visits of each
 2498 facility cited in the previous year for a class I or class II
 2499 violation or for more than three uncorrected class III
 2500 violations.

2501 Section 86. Subsection (4) of section 429.52, Florida
 2502 Statutes, is amended to read:

2503 429.52 Staff training and educational programs; core
 2504 educational requirement.—

2505 (4) Effective January 1, 2004, a new facility administrator
 2506 must complete the required training and education, including the
 2507 competency test, within 90 days of the date of employment a
 2508 ~~reasonable time after being employed as an administrator, as~~
 2509 ~~determined by the department.~~ Failure to do so is a violation of
 2510 this part and subjects the violator to an administrative fine as
 2511 prescribed in s. 429.19. Administrators licensed in accordance
 2512 with part II of chapter 468 are exempt from this requirement.
 2513 Other licensed professionals may be exempted, as determined by
 2514 the department by rule.

2515 Section 87. Subsection (3) of section 435.04, Florida
 2516 Statutes, is amended, and subsection (4) is added to that
 2517 section, to read:

2518 435.04 Level 2 screening standards.—

2519 (3) The security background investigations under this
 2520 section must ensure that no person subject to this section has
 2521 been arrested for and is awaiting final disposition of, been
 2522 found guilty of, regardless of adjudication, or entered a plea
 2523 of nolo contendere or guilty to, any offense that constitutes

Page 87 of 120

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26-00620-18

2018622__

2524 domestic violence as defined in s. 741.28, whether such act was
 2525 committed in this state or in another jurisdiction.

2526 (4) For the purpose of screening applicability to
 2527 participate in the Medicaid program, the security background
 2528 investigations under this section must ensure that a person
 2529 subject to screening under this section has not been arrested
 2530 for and is not awaiting final disposition of; has not been found
 2531 guilty of, regardless of adjudication, or entered a plea of nolo
 2532 contendere or guilty to; and has not been adjudicated delinquent
 2533 and the record sealed or expunged for, any of the following
 2534 offenses:

2535 (a) Violation of a federal law or a law in any state which
 2536 creates a criminal offense relating to:

2537 1. The delivery of any goods or services under Medicaid or
 2538 Medicare or any other public or private health care or health
 2539 insurance program, including the performance of management or
 2540 administrative services relating to the delivery of goods or
 2541 services under any such program;

2542 2. Neglect or abuse of a patient in connection with the
 2543 delivery of any health care good or service;

2544 3. Unlawful manufacture, distribution, prescription, or
 2545 dispensing of a controlled substance;

2546 4. Fraud, theft, embezzlement, breach of fiduciary
 2547 responsibility, or other financial misconduct; or

2548 5. Moral turpitude, if punishable by imprisonment of a year
 2549 or more.

2550 6. Interference with or obstruction of an investigation
 2551 into any criminal offense identified in this subsection.

2552 (b) Violation of the following state laws or laws of

Page 88 of 120

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26-00620-18

2018622__

2553 another jurisdiction:2554 1. Section 817.569, criminal use of a public record or
2555 information contained in a public record;2556 2. Section 838.016, unlawful compensation or reward for
2557 official behavior;2558 3. Section 838.021, corruption by threat against a public
2559 servant;2560 4. Section 838.022, official misconduct;2561 5. Section 838.22, bid tampering;2562 6. Section 839.13, falsifying records;2563 7. Section 839.26, misuse of confidential information; or
2564 (c) Violation of a federal or state law, rule, or2565 regulation governing the Florida Medicaid program or any other
2566 state Medicaid program, the Medicare program, or any other
2567 publicly funded federal or state health care or health insurance
2568 program.2569 Section 88. Paragraph (a) of subsection (2) of section
2570 435.12, Florida Statutes, is amended to read:

2571 435.12 Care Provider Background Screening Clearinghouse.—

2572 (2) (a) To ensure that the information in the clearinghouse
2573 is current, the fingerprints of an employee required to be
2574 screened by a specified agency and included in the clearinghouse
2575 must be:2576 1. Retained by the Department of Law Enforcement pursuant
2577 to s. 943.05(2)(g) and (h) and (3), and the Department of Law
2578 Enforcement must report the results of searching those
2579 fingerprints against state incoming arrest fingerprint
2580 submissions to the Agency for Health Care Administration for
2581 inclusion in the clearinghouse.

Page 89 of 120

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26-00620-18

2018622__

2582 2. Retained by the Federal Bureau of Investigation in the
2583 national retained print arrest notification program as soon as
2584 the Department of Law Enforcement begins participation in such
2585 program. Arrest prints will be searched against retained prints
2586 at the Federal Bureau of Investigation and notification of
2587 arrests will be forwarded to the Florida Department of Law
2588 Enforcement and reported to the Agency for Health Care
2589 Administration for inclusion in the clearinghouse.2590 3. Resubmitted for a Federal Bureau of Investigation
2591 national criminal history check every 5 years until such time as
2592 the fingerprints are retained by the Federal Bureau of
2593 Investigation.2594 4. Subject to retention on a 5-year renewal basis with fees
2595 collected at the time of initial submission or resubmission of
2596 fingerprints.2597 a. A person who passed a level 2 screening under s. 435.04
2598 after December 31, 2012, by a specified agency may extend the
2599 screening renewal period until January 1, 2020, unless the
2600 Department of Law Enforcement begins participation in the
2601 national retained print arrest notification program before that
2602 date.2603 b. The retention of fingerprints by the Department of Law
2604 Enforcement pursuant to s. 943.05(2)(g) and (h) and (3) is
2605 extended until the earlier of January 1, 2021, or the date that
2606 the Department of Law Enforcement begins participation in the
2607 national retained print arrest notification program.2608 5. Submitted with a photograph of the person taken at the
2609 time the fingerprints are submitted.

2610 Section 89. Subsection (4) of section 456.001, Florida

Page 90 of 120

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26-00620-18

2018622__

2611 Statutes, is amended to read:

2612 456.001 Definitions.—As used in this chapter, the term:

2613 (4) "Health care practitioner" means any person licensed
2614 under chapter 457; chapter 458; chapter 459; chapter 460;
2615 chapter 461; chapter 462; chapter 463; chapter 464; chapter 465;
2616 chapter 466; chapter 467; part I, part II, part III, part V,
2617 part X, part XIII, or part XIV of chapter 468; chapter 478;
2618 chapter 480; part II or part III ~~or part IV~~ of chapter 483;
2619 chapter 484; chapter 486; chapter 490; or chapter 491.

2620 Section 90. Subsection (3) of section 456.054, Florida
2621 Statutes, is redesignated as subsection (4), and a new
2622 subsection (3) is added to that section, to read:

2623 456.054 Kickbacks prohibited.—

2624 (3) (a) It is unlawful for any person or any entity to pay
2625 or receive, directly or indirectly, a commission, bonus,
2626 kickback, or rebate from, or to engage in any form of a split-
2627 fee arrangement with, a dialysis facility, health care
2628 practitioner, surgeon, person, or entity for referring patients
2629 to a clinical laboratory as defined in s. 483.803.

2630 (b) It is unlawful for any clinical laboratory to:

2631 1. Provide personnel to perform any functions or duties in
2632 a health care practitioner's office or dialysis facility for any
2633 purpose, including for the collection or handling of specimens,
2634 directly or indirectly through an employee, contractor,
2635 independent staffing company, lease agreement, or otherwise,
2636 unless the laboratory and the practitioner's office, or dialysis
2637 facility, are wholly owned and operated by the same entity.

2638 2. Lease space within any part of a health care
2639 practitioner's office or dialysis facility for any purpose,

Page 91 of 120

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26-00620-18

2018622__

2640 including for the purpose of establishing a collection station
2641 where materials or specimens are collected or drawn from
2642 patients.

2643 Section 91. Paragraphs (h) and (i) of subsection (2) of
2644 section 456.057, Florida Statutes, are amended to read:

2645 456.057 Ownership and control of patient records; report or
2646 copies of records to be furnished; disclosure of information.—

2647 (2) As used in this section, the terms "records owner,"
2648 "health care practitioner," and "health care practitioner's
2649 employer" do not include any of the following persons or
2650 entities; furthermore, the following persons or entities are not
2651 authorized to acquire or own medical records, but are authorized
2652 under the confidentiality and disclosure requirements of this
2653 section to maintain those documents required by the part or
2654 chapter under which they are licensed or regulated:

2655 (h) Clinical laboratory personnel licensed under part II
2656 ~~III~~ of chapter 483.

2657 (i) Medical physicists licensed under part III ~~IV~~ of
2658 chapter 483.

2659 Section 92. Paragraph (j) of subsection (1) of section
2660 456.076, Florida Statutes, is amended to read:

2661 456.076 Impaired practitioner programs.—

2662 (1) As used in this section, the term:

2663 (j) "Practitioner" means a person licensed, registered,
2664 certified, or regulated by the department under part III of
2665 chapter 401; chapter 457; chapter 458; chapter 459; chapter 460;
2666 chapter 461; chapter 462; chapter 463; chapter 464; chapter 465;
2667 chapter 466; chapter 467; part I, part II, part III, part V,
2668 part X, part XIII, or part XIV of chapter 468; chapter 478;

Page 92 of 120

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26-00620-18 2018622__

2669 chapter 480; part II or part III ~~or part IV~~ of chapter 483;
 2670 chapter 484; chapter 486; chapter 490; or chapter 491; or an
 2671 applicant for a license, registration, or certification under
 2672 the same laws.

2673 Section 93. Subsection (2) of section 458.307, Florida
 2674 Statutes, is amended to read:
 2675 458.307 Board of Medicine.—
 2676 (2) Twelve members of the board must be licensed physicians
 2677 in good standing in this state who are residents of the state
 2678 and who have been engaged in the active practice or teaching of
 2679 medicine for at least 4 years immediately preceding their
 2680 appointment. One of the physicians must be on the full-time
 2681 faculty of a medical school in this state, and one of the
 2682 physicians must be in private practice and on the full-time
 2683 staff of a statutory teaching hospital in this state as defined
 2684 in s. 408.07. At least one of the physicians must be a graduate
 2685 of a foreign medical school. The remaining three members must be
 2686 residents of the state who are not, and never have been,
 2687 licensed health care practitioners. One member must be a health
 2688 care risk manager ~~licensed under s. 395.10974~~. At least one
 2689 member of the board must be 60 years of age or older.

2690 Section 94. Subsection (1) of section 458.345, Florida
 2691 Statutes, is amended to read:
 2692 458.345 Registration of resident physicians, interns, and
 2693 fellows; list of hospital employees; prescribing of medicinal
 2694 drugs; penalty.—
 2695 (1) Any person desiring to practice as a resident
 2696 physician, assistant resident physician, house physician,
 2697 intern, or fellow in fellowship training which leads to

26-00620-18 2018622__

2698 subspecialty board certification in this state, or any person
 2699 desiring to practice as a resident physician, assistant resident
 2700 physician, house physician, intern, or fellow in fellowship
 2701 training in a teaching hospital in this state as defined in s.
 2702 408.07 ~~s. 408.07(45)~~ or s. 395.805(2), who does not hold a
 2703 valid, active license issued under this chapter shall apply to
 2704 the department to be registered and shall remit a fee not to
 2705 exceed \$300 as set by the board. The department shall register
 2706 any applicant the board certifies has met the following
 2707 requirements:
 2708 (a) Is at least 21 years of age.
 2709 (b) Has not committed any act or offense within or without
 2710 the state which would constitute the basis for refusal to
 2711 certify an application for licensure pursuant to s. 458.331.
 2712 (c) Is a graduate of a medical school or college as
 2713 specified in s. 458.311(1)(f).

2714 Section 95. Subsection (1) of s. 459.021, Florida Statutes,
 2715 is amended to read:
 2716 459.021 Registration of resident physicians, interns, and
 2717 fellows; list of hospital employees; penalty.—
 2718 (1) Any person who holds a degree of Doctor of Osteopathic
 2719 Medicine from a college of osteopathic medicine recognized and
 2720 approved by the American Osteopathic Association who desires to
 2721 practice as a resident physician, intern, or fellow in
 2722 fellowship training which leads to subspecialty board
 2723 certification in this state, or any person desiring to practice
 2724 as a resident physician, intern, or fellow in fellowship
 2725 training in a teaching hospital in this state as defined in s.
 2726 408.07 ~~s. 408.07(45)~~ or s. 395.805(2), who does not hold an

26-00620-18 2018622__

2727 active license issued under this chapter shall apply to the
 2728 department to be registered, on an application provided by the
 2729 department, before commencing such a training program and shall
 2730 remit a fee not to exceed \$300 as set by the board.

2731 Section 96. Part I of chapter 483, Florida Statutes,
 2732 consisting of sections 483.011, 483.021, 483.031, 483.035,
 2733 483.041, 483.051, 483.061, 483.091, 483.101, 483.111, 483.172,
 2734 483.181, 483.191, 483.201, 483.221, 483.23, 483.245, and 483.26,
 2735 is repealed.

2736 Section 97. Section 483.294, Florida Statutes, is amended
 2737 to read:

2738 483.294 Inspection of centers.—In accordance with s.
 2739 408.811, the agency shall, ~~at least once annually,~~ inspect the
 2740 premises and operations of all centers subject to licensure
 2741 under this part.

2742 Section 98. Subsections (3) and (5) of section 483.801,
 2743 Florida Statutes, are amended, and subsection (6) is added to
 2744 that section, to read:

2745 483.801 Exemptions.—This part applies to all clinical
 2746 laboratories and clinical laboratory personnel within this
 2747 state, except:

2748 (3) Persons engaged in testing performed by laboratories
 2749 that are wholly owned and operated by one or more practitioners
 2750 licensed under chapter 458, chapter 459, chapter 460, chapter
 2751 461, chapter 462, chapter 463, or chapter 466 who practice in
 2752 the same group practice, and in which no clinical laboratory
 2753 work is performed for patients referred by any health care
 2754 provider who is not a member of that group practice regulated
 2755 under s. 483.035(1) or exempt from regulation under s.

26-00620-18 2018622__

2756 ~~483.031(2).~~

2757 (5) Advanced registered nurse practitioners licensed under
 2758 part I of chapter 464 who perform provider-performed microscopy
 2759 procedures (PPMP) in a an-exclusive-use laboratory setting
 2760 pursuant to subsection (3).

2761 (6) Persons performing laboratory testing within a
 2762 physician office practice for patients referred by a health care
 2763 provider who is a member of the same physician office practice,
 2764 if the laboratory or entity operating the laboratory within a
 2765 physician office practice is under common ownership, directly or
 2766 indirectly, with an entity licensed pursuant to chapter 395.

2767 Section 99. Subsections (2), (3), and (4) of section
 2768 483.803, Florida Statutes, are amended to read:

2769 483.803 Definitions.—As used in this part, the term:

2770 (2) "Clinical laboratory" means the physical location in
 2771 which one or more of the following services are performed to
 2772 provide information or materials for use in the diagnosis,
 2773 prevention, or treatment of a disease or the identification or
 2774 assessment of a medical or physical condition:

2775 (a) Clinical laboratory services, which entail the
 2776 examination of fluids or other materials taken from the human
 2777 body.

2778 (b) Anatomic laboratory services, which entail the
 2779 examination of tissue taken from the human body.

2780 (c) Cytology laboratory services, which entail the
 2781 examination of cells from individual tissues or fluid taken from
 2782 the human body ~~a clinical laboratory as defined in s. 483.041.~~

2783 (3) "Clinical laboratory examination" means a procedure
 2784 performed to deliver the services identified in subsection (2),

26-00620-18

2018622__

2785 including the oversight or interpretation of such services
 2786 ~~clinical laboratory examination as defined in s. 483.041.~~

2787 (4) "Clinical laboratory personnel" includes a clinical
 2788 laboratory director, supervisor, technologist, blood gas
 2789 analyst, or technician who performs or is responsible for
 2790 laboratory test procedures, but the term does not include
 2791 trainees, persons who perform screening for blood banks or
 2792 plasmapheresis centers, phlebotomists, or persons employed by a
 2793 clinical laboratory to perform manual pretesting duties or
 2794 clerical, personnel, or other administrative responsibilities,
 2795 ~~or persons engaged in testing performed by laboratories~~
 2796 ~~regulated under s. 483.035(1) or exempt from regulation under s.~~
 2797 ~~483.031(2).~~

2798 Section 100. Section 483.813, Florida Statutes, is amended
 2799 to read:

2800 483.813 Clinical laboratory personnel license.—A person may
 2801 not conduct a clinical laboratory examination or report the
 2802 results of such examination unless such person is licensed under
 2803 this part to perform such procedures. However, this provision
 2804 does not apply to any practitioner of the healing arts
 2805 authorized to practice in this state ~~or to persons engaged in~~
 2806 ~~testing performed by laboratories regulated under s. 483.035(1)~~
 2807 ~~or exempt from regulation under s. 483.031(2).~~ The department
 2808 may grant a temporary license to any candidate it deems properly
 2809 qualified, for a period not to exceed 1 year.

2810 Section 101. Subsection (2) of section 483.823, Florida
 2811 Statutes, is amended to read:

2812 483.823 Qualifications of clinical laboratory personnel.—
 2813 (2) Personnel qualifications may require appropriate

26-00620-18

2018622__

2814 education, training, or experience or the passing of an
 2815 examination in appropriate subjects or any combination of these,
 2816 but a ~~ne~~ practitioner of the healing arts licensed to practice
 2817 in this state is not required to obtain any license ~~under this~~
 2818 ~~part~~ or to pay any fee ~~under this part hereunder except the fee~~
 2819 ~~required for clinical laboratory licensure.~~

2820 Section 102. Paragraph (c) of subsection (7), and
 2821 subsections (8) and (9) of section 491.003, Florida Statutes,
 2822 are amended to read:

2823 491.003 Definitions.—As used in this chapter:

2824 (7) The "practice of clinical social work" is defined as
 2825 the use of scientific and applied knowledge, theories, and
 2826 methods for the purpose of describing, preventing, evaluating,
 2827 and treating individual, couple, marital, family, or group
 2828 behavior, based on the person-in-situation perspective of
 2829 psychosocial development, normal and abnormal behavior,
 2830 psychopathology, unconscious motivation, interpersonal
 2831 relationships, environmental stress, differential assessment,
 2832 differential planning, and data gathering. The purpose of such
 2833 services is the prevention and treatment of undesired behavior
 2834 and enhancement of mental health. The practice of clinical
 2835 social work includes methods of a psychological nature used to
 2836 evaluate, assess, diagnose, treat, and prevent emotional and
 2837 mental disorders and dysfunctions (whether cognitive, affective,
 2838 or behavioral), sexual dysfunction, behavioral disorders,
 2839 alcoholism, and substance abuse. The practice of clinical social
 2840 work includes, but is not limited to, psychotherapy,
 2841 hypnotherapy, and sex therapy. The practice of clinical social
 2842 work also includes counseling, behavior modification,

26-00620-18

2018622__

2843 consultation, client-centered advocacy, crisis intervention, and
 2844 the provision of needed information and education to clients,
 2845 when using methods of a psychological nature to evaluate,
 2846 assess, diagnose, treat, and prevent emotional and mental
 2847 disorders and dysfunctions (whether cognitive, affective, or
 2848 behavioral), sexual dysfunction, behavioral disorders,
 2849 alcoholism, or substance abuse. The practice of clinical social
 2850 work may also include clinical research into more effective
 2851 psychotherapeutic modalities for the treatment and prevention of
 2852 such conditions.

2853 (c) The terms "diagnose" and "treat," as used in this
 2854 chapter, when considered in isolation or in conjunction with ~~any~~
 2855 ~~provision of~~ the rules of the board, may ~~shall~~ not be construed
 2856 to permit the performance of any act which clinical social
 2857 workers are not educated and trained to perform, including, but
 2858 not limited to, admitting persons to hospitals for treatment of
 2859 the foregoing conditions, treating persons in hospitals without
 2860 medical supervision, prescribing medicinal drugs as defined in
 2861 chapter 465, authorizing clinical laboratory procedures ~~pursuant~~
 2862 ~~to chapter 493,~~ or radiological procedures, or use of
 2863 electroconvulsive therapy. In addition, this definition ~~shall~~
 2864 may not be construed to permit any person licensed,
 2865 provisionally licensed, registered, or certified pursuant to
 2866 this chapter to describe or label any test, report, or procedure
 2867 as "psychological," except to relate specifically to the
 2868 definition of practice authorized in this subsection.

2869 (8) The term "practice of marriage and family therapy"
 2870 ~~means is defined as~~ the use of scientific and applied marriage
 2871 and family theories, methods, and procedures for the purpose of

Page 99 of 120

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26-00620-18

2018622__

2872 describing, evaluating, and modifying marital, family, and
 2873 individual behavior, within the context of marital and family
 2874 systems, including the context of marital formation and
 2875 dissolution, and is based on marriage and family systems theory,
 2876 marriage and family development, human development, normal and
 2877 abnormal behavior, psychopathology, human sexuality,
 2878 psychotherapeutic and marriage and family therapy theories and
 2879 techniques. The practice of marriage and family therapy includes
 2880 methods of a psychological nature used to evaluate, assess,
 2881 diagnose, treat, and prevent emotional and mental disorders or
 2882 dysfunctions (whether cognitive, affective, or behavioral),
 2883 sexual dysfunction, behavioral disorders, alcoholism, and
 2884 substance abuse. The practice of marriage and family therapy
 2885 includes, but is not limited to, marriage and family therapy,
 2886 psychotherapy, including behavioral family therapy,
 2887 hypnotherapy, and sex therapy. The practice of marriage and
 2888 family therapy also includes counseling, behavior modification,
 2889 consultation, client-centered advocacy, crisis intervention, and
 2890 the provision of needed information and education to clients,
 2891 when using methods of a psychological nature to evaluate,
 2892 assess, diagnose, treat, and prevent emotional and mental
 2893 disorders and dysfunctions (whether cognitive, affective, or
 2894 behavioral), sexual dysfunction, behavioral disorders,
 2895 alcoholism, or substance abuse. The practice of marriage and
 2896 family therapy may also include clinical research into more
 2897 effective psychotherapeutic modalities for the treatment and
 2898 prevention of such conditions.

2899 (a) Marriage and family therapy may be rendered to
 2900 individuals, including individuals affected by termination of

Page 100 of 120

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26-00620-18

2018622__

2901 marriage, to couples, whether married or unmarried, to families,
2902 or to groups.

2903 (b) The use of specific methods, techniques, or modalities
2904 within the practice of marriage and family therapy is restricted
2905 to marriage and family therapists appropriately trained in the
2906 use of such methods, techniques, or modalities.

2907 (c) The terms "diagnose" and "treat," as used in this
2908 chapter, when considered in isolation or in conjunction with ~~any~~
2909 ~~provision of~~ the rules of the board, may ~~shall~~ not be construed
2910 to permit the performance of any act that ~~which~~ marriage and
2911 family therapists are not educated and trained to perform,
2912 including, but not limited to, admitting persons to hospitals
2913 for treatment of the foregoing conditions, treating persons in
2914 hospitals without medical supervision, prescribing medicinal
2915 drugs as defined in chapter 465, authorizing clinical laboratory
2916 procedures ~~pursuant to chapter 493,~~ or radiological procedures,
2917 or the use of electroconvulsive therapy. In addition, this
2918 definition may ~~shall~~ not be construed to permit any person
2919 licensed, provisionally licensed, registered, or certified
2920 pursuant to this chapter to describe or label any test, report,
2921 or procedure as "psychological," except to relate specifically
2922 to the definition of practice authorized in this subsection.

2923 (d) The definition of "marriage and family therapy"
2924 contained in this subsection includes all services offered
2925 directly to the general public or through organizations, whether
2926 public or private, and applies whether payment is requested or
2927 received for services rendered.

2928 (9) The term "practice of mental health counseling" means
2929 ~~is defined as~~ the use of scientific and applied behavioral

Page 101 of 120

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26-00620-18

2018622__

2930 science theories, methods, and techniques for the purpose of
2931 describing, preventing, and treating undesired behavior and
2932 enhancing mental health and human development and is based on
2933 the person-in-situation perspectives derived from research and
2934 theory in personality, family, group, and organizational
2935 dynamics and development, career planning, cultural diversity,
2936 human growth and development, human sexuality, normal and
2937 abnormal behavior, psychopathology, psychotherapy, and
2938 rehabilitation. The practice of mental health counseling
2939 includes methods of a psychological nature used to evaluate,
2940 assess, diagnose, and treat emotional and mental dysfunctions or
2941 disorders, ~~(whether cognitive, affective, or behavioral),~~
2942 ~~behavioral disorders,~~ interpersonal relationships, sexual
2943 dysfunction, alcoholism, and substance abuse. The practice of
2944 mental health counseling includes, but is not limited to,
2945 psychotherapy, hypnotherapy, and sex therapy. The practice of
2946 mental health counseling also includes counseling, behavior
2947 modification, consultation, client-centered advocacy, crisis
2948 intervention, and the provision of needed information and
2949 education to clients, when using methods of a psychological
2950 nature to evaluate, assess, diagnose, treat, and prevent
2951 emotional and mental disorders and dysfunctions (whether
2952 cognitive, affective, or behavioral), behavioral disorders,
2953 sexual dysfunction, alcoholism, or substance abuse. The practice
2954 of mental health counseling may also include clinical research
2955 into more effective psychotherapeutic modalities for the
2956 treatment and prevention of such conditions.

2957 (a) Mental health counseling may be rendered to
2958 individuals, including individuals affected by the termination

Page 102 of 120

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26-00620-18

2018622__

2959 of marriage, and to couples, families, groups, organizations,
2960 and communities.

2961 (b) The use of specific methods, techniques, or modalities
2962 within the practice of mental health counseling is restricted to
2963 mental health counselors appropriately trained in the use of
2964 such methods, techniques, or modalities.

2965 (c) The terms "diagnose" and "treat," as used in this
2966 chapter, when considered in isolation or in conjunction with any
2967 provision of the rules of the board, may ~~shall~~ not be construed
2968 to permit the performance of any act that ~~which~~ mental health
2969 counselors are not educated and trained to perform, including,
2970 but not limited to, admitting persons to hospitals for treatment
2971 of the foregoing conditions, treating persons in hospitals
2972 without medical supervision, prescribing medicinal drugs as
2973 defined in chapter 465, authorizing clinical laboratory
2974 procedures ~~pursuant to chapter 483~~, or radiological procedures,
2975 or the use of electroconvulsive therapy. In addition, this
2976 definition may ~~shall~~ not be construed to permit any person
2977 licensed, provisionally licensed, registered, or certified
2978 pursuant to this chapter to describe or label any test, report,
2979 or procedure as "psychological," except to relate specifically
2980 to the definition of practice authorized in this subsection.

2981 (d) The definition of "mental health counseling" contained
2982 in this subsection includes all services offered directly to the
2983 general public or through organizations, whether public or
2984 private, and applies whether payment is requested or received
2985 for services rendered.

2986 Section 103. Paragraph (h) of subsection (4) of section
2987 627.351, Florida Statutes, is amended to read:

Page 103 of 120

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26-00620-18

2018622__

2988 627.351 Insurance risk apportionment plans.-

2989 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.-

2990 (h) As used in this subsection:

2991 1. "Health care provider" means hospitals licensed under
2992 chapter 395; physicians licensed under chapter 458; osteopathic
2993 physicians licensed under chapter 459; podiatric physicians
2994 licensed under chapter 461; dentists licensed under chapter 466;
2995 chiropractic physicians licensed under chapter 460; naturopaths
2996 licensed under chapter 462; nurses licensed under part I of
2997 chapter 464; midwives licensed under chapter 467; clinical
2998 ~~laboratories registered under chapter 483~~; physician assistants
2999 licensed under chapter 458 or chapter 459; physical therapists
3000 and physical therapist assistants licensed under chapter 486;
3001 health maintenance organizations certificated under part I of
3002 chapter 641; ambulatory surgical centers licensed under chapter
3003 395; other medical facilities as defined in subparagraph 2.;
3004 blood banks, plasma centers, industrial clinics, and renal
3005 dialysis facilities; or professional associations, partnerships,
3006 corporations, joint ventures, or other associations for
3007 professional activity by health care providers.

3008 2. "Other medical facility" means a facility the primary
3009 purpose of which is to provide human medical diagnostic services
3010 or a facility providing nonsurgical human medical treatment, to
3011 which facility the patient is admitted and from which facility
3012 the patient is discharged within the same working day, and which
3013 facility is not part of a hospital. However, a facility existing
3014 for the primary purpose of performing terminations of pregnancy
3015 or an office maintained by a physician or dentist for the
3016 practice of medicine may ~~shall~~ not be construed to be an "other

Page 104 of 120

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26-00620-18

2018622__

3017 medical facility.”

3018 3. “Health care facility” means any hospital licensed under
 3019 chapter 395, health maintenance organization certificated under
 3020 part I of chapter 641, ambulatory surgical center licensed under
 3021 chapter 395, or other medical facility as defined in
 3022 subparagraph 2.

3023 Section 104. Paragraph (h) of subsection (1) of section
 3024 627.602, Florida Statutes, is amended to read:

3025 627.602 Scope, format of policy.—

3026 (1) Each health insurance policy delivered or issued for
 3027 delivery to any person in this state must comply with all
 3028 applicable provisions of this code and all of the following
 3029 requirements:

3030 (h) Section 641.312 and the provisions of the Employee
 3031 Retirement Income Security Act of 1974, as implemented by 29
 3032 C.F.R. s. 2560.503-1, relating to internal grievances. This
 3033 paragraph does not apply to a health insurance policy that is
 3034 ~~subject to the Subscriber Assistance Program under s. 408.7056~~
 3035 ~~or~~ to the types of benefits or coverages provided under s.
 3036 627.6513(1)-(14) issued in any market.

3037 Section 105. Subsection (1) of section 627.6406, Florida
 3038 Statutes, is amended to read:

3039 627.6406 Maternity care.—

3040 (1) Any policy of health insurance ~~which that~~ provides
 3041 coverage for maternity care must also cover the services of
 3042 certified nurse-midwives and midwives licensed pursuant to
 3043 chapter 467, and the services of birth centers licensed under
 3044 ss. 383.30-383.332 ~~383.30-383.335~~.

3045 Section 106. Paragraphs (b) and (e) of subsection (1) of

Page 105 of 120

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26-00620-18

2018622__

3046 section 627.64194, Florida Statutes, are amended to read:

3047 627.64194 Coverage requirements for services provided by
 3048 nonparticipating providers; payment collection limitations.—

3049 (1) As used in this section, the term:

3050 (b) “Facility” means a licensed facility as defined in s.
 3051 395.002(16) and an urgent care center as defined in s. 395.002
 3052 ~~s. 395.002(30)~~.

3053 (e) “Nonparticipating provider” means a provider who is not
 3054 a preferred provider as defined in s. 627.6471 or a provider who
 3055 is not an exclusive provider as defined in s. 627.6472. For
 3056 purposes of covered emergency services under this section, a
 3057 facility licensed under chapter 395 or an urgent care center
 3058 defined in s. 395.002 ~~s. 395.002(30)~~ is a nonparticipating
 3059 provider if the facility has not contracted with an insurer to
 3060 provide emergency services to its insureds at a specified rate.

3061 Section 107. Section 627.6513, Florida Statutes, is amended
 3062 to read:

3063 627.6513 Scope.—Section 641.312 and the provisions of the
 3064 Employee Retirement Income Security Act of 1974, as implemented
 3065 by 29 C.F.R. s. 2560.503-1, relating to internal grievances,
 3066 apply to all group health insurance policies issued under this
 3067 part. This section does not apply to a ~~group health insurance~~
 3068 ~~policy that is subject to the Subscriber Assistance Program in~~
 3069 ~~s. 408.7056 or to:~~

3070 (1) Coverage only for accident insurance, or disability
 3071 income insurance, or any combination thereof.

3072 (2) Coverage issued as a supplement to liability insurance.

3073 (3) Liability insurance, including general liability
 3074 insurance and automobile liability insurance.

Page 106 of 120

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26-00620-18

2018622__

- 3075 (4) Workers' compensation or similar insurance.
- 3076 (5) Automobile medical payment insurance.
- 3077 (6) Credit-only insurance.
- 3078 (7) Coverage for onsite medical clinics, including prepaid
- 3079 health clinics under part II of chapter 641.
- 3080 (8) Other similar insurance coverage, specified in rules
- 3081 adopted by the commission, under which benefits for medical care
- 3082 are secondary or incidental to other insurance benefits. To the
- 3083 extent possible, such rules must be consistent with regulations
- 3084 adopted by the United States Department of Health and Human
- 3085 Services.
- 3086 (9) Limited scope dental or vision benefits, if offered
- 3087 separately.
- 3088 (10) Benefits for long-term care, nursing home care, home
- 3089 health care, or community-based care, or any combination
- 3090 thereof, if offered separately.
- 3091 (11) Other similar, limited benefits, if offered
- 3092 separately, as specified in rules adopted by the commission.
- 3093 (12) Coverage only for a specified disease or illness, if
- 3094 offered as independent, noncoordinated benefits.
- 3095 (13) Hospital indemnity or other fixed indemnity insurance,
- 3096 if offered as independent, noncoordinated benefits.
- 3097 (14) Benefits provided through a Medicare supplemental
- 3098 health insurance policy, as defined under s. 1882(g) (1) of the
- 3099 Social Security Act, coverage supplemental to the coverage
- 3100 provided under 10 U.S.C. chapter 55, and similar supplemental
- 3101 coverage provided to coverage under a group health plan, which
- 3102 are offered as a separate insurance policy and as independent,
- 3103 noncoordinated benefits.

Page 107 of 120

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26-00620-18

2018622__

- 3104 Section 108. Subsection (1) of section 627.6574, Florida
- 3105 Statutes, is amended to read:
- 3106 627.6574 Maternity care.—
- 3107 (1) Any group, blanket, or franchise policy of health
- 3108 insurance which ~~that~~ provides coverage for maternity care must
- 3109 also cover the services of certified nurse-midwives and midwives
- 3110 licensed pursuant to chapter 467, and the services of birth
- 3111 centers licensed under ss. 383.30-383.332 ~~383.30-383.335~~.
- 3112 Section 109. Paragraph (j) of subsection (1) of section
- 3113 641.185, Florida Statutes, is amended to read:
- 3114 641.185 Health maintenance organization subscriber
- 3115 protections.—
- 3116 (1) With respect to the provisions of this part and part
- 3117 III, the principles expressed in the following statements ~~shall~~
- 3118 serve as standards to be followed by the commission, the office,
- 3119 the department, and the Agency for Health Care Administration in
- 3120 exercising their powers and duties, in exercising administrative
- 3121 discretion, in administrative interpretations of the law, in
- 3122 enforcing its provisions, and in adopting rules:
- 3123 ~~(j) A health maintenance organization should receive timely~~
- 3124 ~~and, if necessary, urgent review by an independent state~~
- 3125 ~~external review organization for unresolved grievances and~~
- 3126 ~~appeals pursuant to s. 408.7056.~~
- 3127 Section 110. Paragraph (a) of subsection (18) of section
- 3128 641.31, Florida Statutes, is amended to read:
- 3129 641.31 Health maintenance contracts.—
- 3130 (18) (a) Health maintenance contracts that provide coverage,
- 3131 benefits, or services for maternity care must provide, as an
- 3132 option to the subscriber, the services of nurse-midwives and

Page 108 of 120

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26-00620-18

2018622__

3133 midwives licensed pursuant to chapter 467, and the services of
 3134 birth centers licensed pursuant to ss. 383.30-383.332 ~~383.30-~~
 3135 ~~383.335~~, if such services are available within the service area.

3136 Section 111. Section 641.312, Florida Statutes, is amended
 3137 to read:

3138 641.312 Scope.—The Office of Insurance Regulation may adopt
 3139 rules to administer ~~the provisions of~~ the National Association
 3140 of Insurance Commissioners' Uniform Health Carrier External
 3141 Review Model Act, issued by the National Association of
 3142 Insurance Commissioners and dated April 2010. This section does
 3143 not apply to a health maintenance contract that is subject to
 3144 the Subscriber Assistance Program under s. 408.7056 or to the
 3145 types of benefits or coverages provided under s. 627.6513(1)-
 3146 (14) issued in any market.

3147 Section 112. Subsection (4) of section 641.3154, Florida
 3148 Statutes, is amended to read:

3149 641.3154 Organization liability; provider billing
 3150 prohibited.—

3151 (4) A provider or any representative of a provider,
 3152 regardless of whether the provider is under contract with the
 3153 health maintenance organization, may not collect or attempt to
 3154 collect money from, maintain any action at law against, or
 3155 report to a credit agency a subscriber of an organization for
 3156 payment of services for which the organization is liable, if the
 3157 provider in good faith knows or should know that the
 3158 organization is liable. This prohibition applies during the
 3159 pendency of any claim for payment made by the provider to the
 3160 organization for payment of the services and any legal
 3161 proceedings or dispute resolution process to determine whether

Page 109 of 120

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26-00620-18

2018622__

3162 the organization is liable for the services if the provider is
 3163 informed that such proceedings are taking place. It is presumed
 3164 that a provider does not know and should not know that an
 3165 organization is liable unless:

3166 (a) The provider is informed by the organization that it
 3167 accepts liability;

3168 (b) A court of competent jurisdiction determines that the
 3169 organization is liable; or

3170 ~~(c) The office or agency makes a final determination that~~
 3171 ~~the organization is required to pay for such services subsequent~~
 3172 ~~to a recommendation made by the Subscriber Assistance Panel~~
 3173 ~~pursuant to s. 408.7056; or~~

3174 (c) (d) The agency issues a final order that the
 3175 organization is required to pay for such services subsequent to
 3176 a recommendation made by a resolution organization pursuant to
 3177 s. 408.7057.

3178 Section 113. Paragraph (c) of subsection (5) of section
 3179 641.51, Florida Statutes, is amended to read:

3180 641.51 Quality assurance program; second medical opinion
 3181 requirement.—

3182 (5) (c) For second opinions provided by contract physicians
 3183 the organization is prohibited from charging a fee to the
 3184 subscriber in an amount in excess of the subscriber fees
 3185 established by contract for referral contract physicians. The
 3186 organization shall pay the amount of all charges, which are
 3187 usual, reasonable, and customary in the community, for second
 3188 opinion services performed by a physician not under contract
 3189 with the organization, but may require the subscriber to be
 3190 responsible for up to 40 percent of such amount. The

Page 110 of 120

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26-00620-18

2018622__

3191 organization may require that any tests deemed necessary by a
 3192 noncontract physician shall be conducted by the organization.
 3193 The organization may deny reimbursement rights granted under
 3194 this section in the event the subscriber seeks in excess of
 3195 three such referrals per year if such subsequent referral costs
 3196 are deemed by the organization to be evidence that the
 3197 subscriber has unreasonably overutilized the second opinion
 3198 privilege. A subscriber ~~that~~ denied reimbursement under this
 3199 section has ~~shall have~~ recourse to grievance procedures as
 3200 specified in ss. ~~408.7056~~, 641.495, and 641.511. The
 3201 organization's physician's professional judgment concerning the
 3202 treatment of a subscriber derived after review of a second
 3203 opinion is ~~shall be~~ controlling as to the treatment obligations
 3204 of the health maintenance organization. Treatment not authorized
 3205 by the health maintenance organization is ~~shall be~~ at the
 3206 subscriber's expense.

3207 Section 114. Subsection (1), paragraph (e) of subsection
 3208 (3), paragraph (d) of subsection (4), paragraphs (g) and (h) of
 3209 subsection (6), and subsections (7) through (12) of section
 3210 641.511, Florida Statutes, are amended to read:

3211 641.511 Subscriber grievance reporting and resolution
 3212 requirements.—

3213 (1) Every organization must have a grievance procedure
 3214 available to its subscribers for the purpose of addressing
 3215 complaints and grievances. Every organization must notify its
 3216 subscribers that a subscriber must submit a grievance within 1
 3217 year after the date of occurrence of the action that initiated
 3218 the grievance, ~~and may submit the grievance for review to the~~
 3219 ~~Subscriber Assistance Program panel as provided in s. 408.7056~~

Page 111 of 120

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26-00620-18

2018622__

3220 ~~after receiving a final disposition of the grievance through the~~
 3221 ~~organization's grievance process.~~ An organization shall maintain
 3222 records of all grievances and shall report annually to the
 3223 agency the total number of grievances handled, a categorization
 3224 of the cases underlying the grievances, and the final
 3225 disposition of the grievances.

3226 (3) Each organization's grievance procedure, as required
 3227 under subsection (1), must include, at a minimum:

3228 (e) A notice that a subscriber may voluntarily pursue
 3229 binding arbitration in accordance with the terms of the contract
 3230 if offered by the organization, after completing the
 3231 organization's grievance procedure ~~and as an alternative to the~~
 3232 ~~Subscriber Assistance Program.~~ Such notice shall include an
 3233 explanation that the subscriber may incur some costs if the
 3234 subscriber pursues binding arbitration, depending upon the terms
 3235 of the subscriber's contract.

3236 (4) ~~(d) In any case when the review process does not resolve~~
 3237 ~~a difference of opinion between the organization and the~~
 3238 ~~subscriber or the provider acting on behalf of the subscriber,~~
 3239 ~~the subscriber or the provider acting on behalf of the~~
 3240 ~~subscriber may submit a written grievance to the Subscriber~~
 3241 ~~Assistance Program.~~

3242 (6) ~~(g) In any case when the expedited review process does~~
 3243 ~~not resolve a difference of opinion between the organization and~~
 3244 ~~the subscriber or the provider acting on behalf of the~~
 3245 ~~subscriber, the subscriber or the provider acting on behalf of~~
 3246 ~~the subscriber may submit a written grievance to the Subscriber~~
 3247 ~~Assistance Program.~~

3248 (g) ~~(h)~~ An organization shall not provide an expedited

Page 112 of 120

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26-00620-18

2018622__

3249 retrospective review of an adverse determination.

3250 ~~(7) Each organization shall send to the agency a copy of~~
 3251 ~~its quarterly grievance reports submitted to the office pursuant~~
 3252 ~~to s. 408.7056(12).~~

3253 ~~(7)(8)~~ The agency shall investigate all reports of
 3254 unresolved quality of care grievances received from+

3255 ~~(a) annual and quarterly grievance reports submitted by the~~
 3256 ~~organization to the office.~~

3257 ~~(b) Review requests of subscribers whose grievances remain~~
 3258 ~~unresolved after the subscriber has followed the full grievance~~
 3259 ~~procedure of the organization.~~

3260 ~~(9)(a) The agency shall advise subscribers with grievances~~
 3261 ~~to follow their organization's formal grievance process for~~
 3262 ~~resolution prior to review by the Subscriber Assistance Program.~~
 3263 ~~The subscriber may, however, submit a copy of the grievance to~~
 3264 ~~the agency at any time during the process.~~

3265 ~~(b) Requiring completion of the organization's grievance~~
 3266 ~~process before the Subscriber Assistance Program panel's review~~
 3267 ~~does not preclude the agency from investigating any complaint or~~
 3268 ~~grievance before the organization makes its final determination.~~

3269 ~~(10) Each organization must notify the subscriber in a~~
 3270 ~~final decision letter that the subscriber may request review of~~
 3271 ~~the organization's decision concerning the grievance by the~~
 3272 ~~Subscriber Assistance Program, as provided in s. 408.7056, if~~
 3273 ~~the grievance is not resolved to the satisfaction of the~~
 3274 ~~subscriber. The final decision letter must inform the subscriber~~
 3275 ~~that the request for review must be made within 365 days after~~
 3276 ~~receipt of the final decision letter, must explain how to~~
 3277 ~~initiate such a review, and must include the addresses and toll-~~

Page 113 of 120

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26-00620-18

2018622__

3278 ~~free telephone numbers of the agency and the Subscriber~~
 3279 ~~Assistance Program.~~

3280 (8)(11) Each organization, as part of its contract with any
 3281 provider, must require the provider to post a consumer
 3282 assistance notice prominently displayed in the reception area of
 3283 the provider and clearly noticeable by all patients. The
 3284 consumer assistance notice must state the addresses and toll-
 3285 free telephone numbers of the Agency for Health Care
 3286 Administration, ~~the Subscriber Assistance Program,~~ and the
 3287 Department of Financial Services. The consumer assistance notice
 3288 must also clearly state that the address and toll-free telephone
 3289 number of the organization's grievance department shall be
 3290 provided upon request. The agency may adopt rules to implement
 3291 this section.

3292 (9)(12) The agency may impose administrative sanction, in
 3293 accordance with s. 641.52, against an organization for
 3294 noncompliance with this section.

3295 Section 115. Subsection (1) of section 641.515, Florida
 3296 Statutes, is amended to read:

3297 641.515 Investigation by the agency.—

3298 (1) The agency shall investigate further any quality of
 3299 care issue contained in recommendations and reports submitted
 3300 pursuant to s. ss. 408.7056 and 641.511. The agency shall also
 3301 investigate further any information that indicates that the
 3302 organization does not meet accreditation standards or the
 3303 standards of the review organization performing the external
 3304 quality assurance assessment pursuant to reports submitted under
 3305 s. 641.512. Every organization shall submit its books and
 3306 records and take other appropriate action as may be necessary to

Page 114 of 120

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26-00620-18

2018622__

3307 facilitate an examination. The agency shall have access to the
 3308 organization's medical records of individuals and records of
 3309 employed and contracted physicians, with the consent of the
 3310 subscriber or by court order, as necessary to administer ~~carry~~
 3311 ~~out the provisions of~~ this part.

3312 Section 116. Subsection (2) of section 641.55, Florida
 3313 Statutes, is amended to read:

3314 641.55 Internal risk management program.—

3315 (2) The risk management program shall be the responsibility
 3316 of the governing authority or board of the organization. Every
 3317 organization which has an annual premium volume of \$10 million
 3318 or more and which directly provides health care in a building
 3319 owned or leased by the organization shall hire a risk manager,
 3320 ~~certified under ss. 395.10971-395.10975, who is shall be~~
 3321 responsible for implementation of the organization's risk
 3322 management program required by this section. A part-time risk
 3323 manager may shall not be responsible for risk management
 3324 programs in more than four organizations or facilities. Every
 3325 organization that which does not directly provide health care in
 3326 a building owned or leased by the organization and every
 3327 organization with an annual premium volume of less than \$10
 3328 million shall designate an officer or employee of the
 3329 organization to serve as the risk manager.

3330
 3331 The gross data compiled under this section or s. 395.0197 shall
 3332 be furnished by the agency upon request to organizations to be
 3333 utilized for risk management purposes. The agency shall adopt
 3334 rules necessary to administer ~~carry out the provisions of~~ this
 3335 section.

Page 115 of 120

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26-00620-18

2018622__

3336 Section 117. Section 641.60, Florida Statutes, is repealed.

3337 Section 118. Section 641.65, Florida Statutes, is repealed.

3338 Section 119. Section 641.67, Florida Statutes, is repealed.

3339 Section 120. Section 641.68, Florida Statutes, is repealed.

3340 Section 121. Section 641.70, Florida Statutes, is repealed.

3341 Section 122. Section 641.75, Florida Statutes, is repealed.

3342 Section 123. Paragraph (b) of subsection (6) of section

3343 766.118, Florida Statutes, is amended to read:

3344 766.118 Determination of noneconomic damages.—

3345 (6) LIMITATION ON NONECONOMIC DAMAGES FOR NEGLIGENCE OF A
 3346 PRACTITIONER PROVIDING SERVICES AND CARE TO A MEDICAID
 3347 RECIPIENT.—Notwithstanding subsections (2), (3), and (5), with
 3348 respect to a cause of action for personal injury or wrongful
 3349 death arising from medical negligence of a practitioner
 3350 committed in the course of providing medical services and
 3351 medical care to a Medicaid recipient, regardless of the number
 3352 of such practitioner defendants providing the services and care,
 3353 noneconomic damages may not exceed \$300,000 per claimant, unless
 3354 the claimant pleads and proves, by clear and convincing
 3355 evidence, that the practitioner acted in a wrongful manner. A
 3356 practitioner providing medical services and medical care to a
 3357 Medicaid recipient is not liable for more than \$200,000 in
 3358 noneconomic damages, regardless of the number of claimants,
 3359 unless the claimant pleads and proves, by clear and convincing
 3360 evidence, that the practitioner acted in a wrongful manner. The
 3361 fact that a claimant proves that a practitioner acted in a
 3362 wrongful manner does not preclude the application of the
 3363 limitation on noneconomic damages prescribed elsewhere in this
 3364 section. For purposes of this subsection:

Page 116 of 120

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26-00620-18

2018622__

3365 (b) The term "practitioner," in addition to the meaning
 3366 prescribed in subsection (1), includes any hospital or
 3367 ambulatory surgical center, ~~or mobile surgical facility~~ as
 3368 defined and licensed under chapter 395.

3369 Section 124. Subsection (4) of section 766.202, Florida
 3370 Statutes, is amended to read:

3371 766.202 Definitions; ss. 766.201-766.212.—As used in ss.
 3372 766.201-766.212, the term:

3373 (4) "Health care provider" means any hospital or
 3374 ambulatory surgical center, ~~or mobile surgical facility~~ as
 3375 defined and licensed under chapter 395; a birth center licensed
 3376 under chapter 383; any person licensed under chapter 458,
 3377 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
 3378 part I of chapter 464, chapter 466, chapter 467, part XIV of
 3379 chapter 468, or chapter 486; ~~a clinical lab licensed under~~
 3380 ~~chapter 483~~; a health maintenance organization certified
 3381 under part I of chapter 641; a blood bank; a plasma center; an
 3382 industrial clinic; a renal dialysis facility; or a professional
 3383 association partnership, corporation, joint venture, or other
 3384 association for professional activity by health care providers.

3385 Section 125. Section 945.36, Florida Statutes, is amended
 3386 to read:

3387 945.36 ~~Exemption from health testing regulations for~~ Law
 3388 enforcement personnel authorized to conduct ~~conducting~~ drug
 3389 tests on inmates and releasees.—

3390 (1) Any law enforcement officer, state or county probation
 3391 officer, employee of the Department of Corrections, or employee
 3392 of a contracted community correctional center who is certified
 3393 by the Department of Corrections pursuant to subsection (2) may

Page 117 of 120

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26-00620-18

2018622__

3394 ~~administer, is exempt from part I of chapter 483, for the~~
 3395 ~~limited purpose of administering~~ a urine screen drug test to:

- 3396 (a) Persons during incarceration;
 3397 (b) Persons released as a condition of probation for either
 3398 a felony or misdemeanor;
 3399 (c) Persons released as a condition of community control;
 3400 (d) Persons released as a condition of conditional release;
 3401 (e) Persons released as a condition of parole;
 3402 (f) Persons released as a condition of provisional release;
 3403 (g) Persons released as a condition of pretrial release; or
 3404 (h) Persons released as a condition of control release.

3405 (2) The Department of Corrections shall develop a procedure
 3406 for certification of any law enforcement officer, state or
 3407 county probation officer, employee of the Department of
 3408 Corrections, or employee of a contracted community correctional
 3409 center to perform a urine screen drug test on the persons
 3410 specified in subsection (1).

3411 Section 126. Paragraph (b) of subsection (2) of section
 3412 1009.65, Florida Statutes, is amended to read:

3413 1009.65 Medical Education Reimbursement and Loan Repayment
 3414 Program.—

3415 (2) From the funds available, the Department of Health
 3416 shall make payments to selected medical professionals as
 3417 follows:

3418 (b) All payments are ~~shall be~~ contingent on continued proof
 3419 of primary care practice in an area defined in s. 395.602(2)(b)
 3420 ~~s. 395.602(2)(c)~~, or an underserved area designated by the
 3421 Department of Health, provided the practitioner accepts Medicaid
 3422 reimbursement if eligible for such reimbursement. Correctional

Page 118 of 120

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26-00620-18

2018622__

3423 facilities, state hospitals, and other state institutions that
 3424 employ medical personnel shall be designated by the Department
 3425 of Health as underserved locations. Locations with high
 3426 incidences of infant mortality, high morbidity, or low Medicaid
 3427 participation by health care professionals may be designated as
 3428 underserved.

3429 Section 127. Subsection (2) of section 1011.52, Florida
 3430 Statutes, is amended to read:

3431 1011.52 Appropriation to first accredited medical school.-

3432 (2) In order for a medical school to qualify under ~~the~~
 3433 ~~provisions of~~ this section and to be entitled to the benefits
 3434 herein, such medical school:

3435 (a) Must be primarily operated and established to offer,
 3436 afford, and render a medical education to residents of the state
 3437 qualifying for admission to such institution;

3438 (b) Must be operated by a municipality or county of this
 3439 state, or by a nonprofit organization heretofore or hereafter
 3440 established exclusively for educational purposes;

3441 (c) Must, upon the formation and establishment of an
 3442 accredited medical school, transmit and file with the Department
 3443 of Education documentary proof evidencing the facts that such
 3444 institution has been certified and approved by the council on
 3445 medical education and hospitals of the American Medical
 3446 Association and has adequately met the requirements of that
 3447 council in regard to its administrative facilities,
 3448 administrative plant, clinical facilities, curriculum, and all
 3449 other such requirements as may be necessary to qualify with the
 3450 council as a recognized, approved, and accredited medical
 3451 school;

Page 119 of 120

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26-00620-18

2018622__

3452 (d) Must certify to the Department of Education the name,
 3453 address, and educational history of each student approved and
 3454 accepted for enrollment in such institution for the ensuing
 3455 school year; and

3456 (e) Must have in place an operating agreement with a
 3457 government-owned hospital that is located in the same county as
 3458 the medical school and that is a statutory teaching hospital as
 3459 defined in s. 408.07(44) ~~s. 408.07(45)~~. The operating agreement
 3460 must shall provide for the medical school to maintain the same
 3461 level of affiliation with the hospital, including the level of
 3462 services to indigent and charity care patients served by the
 3463 hospital, which was in place in the prior fiscal year. Each
 3464 year, documentation demonstrating that an operating agreement is
 3465 in effect shall be submitted jointly to the Department of
 3466 Education by the hospital and the medical school prior to the
 3467 payment of moneys from the annual appropriation.

3468 Section 128. This act shall take effect July 1, 2018.

Page 120 of 120

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The Florida Senate

Committee Agenda Request

To: Senator Rob Bradley, Chair
Committee on Appropriations

Subject: Committee Agenda Request

Date: January 16, 2018

I respectfully request that **Senate Bill #364**, relating to State Group Health Insurance and Prescription Drug Program and **Senate Bill #622**, relating to Health Care Facility Regulation, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Denise Grimsley".

Senator Denise Grimsley
Florida Senate, District 26

cc: Mike Hansen, Staff Director
Alicia Weiss, Committee Administrative Assistant

THE FLORIDA SENATE
APPEARANCE RECORD

1-24-18

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 622

Bill Number (if applicable)

Topic Health Care Facility Regulation

Amendment Barcode (if applicable)

Name James McFaddin

Job Title _____

Address 123 S. Adams St.

Phone 850-671-4401

Street

Tallahassee FL 32301

City

State

Zip

Email mcfaddin@sstrategy.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Senior Living Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 1134

INTRODUCER: Health Policy Committee and Senator Rouson and others

SUBJECT: Department of Health Responsibilities Related to the Medical Use of Marijuana

DATE: January 23, 2018 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Looke</u>	<u>Stovall</u>	<u>HP</u>	<u>Fav/CS</u>
2.	<u>Loe</u>	<u>Hansen</u>	<u>AP</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1334 amends the Department of Health’s (DOH) responsibilities under s. 381.986, F.S., relating to the medical use of marijuana. The bill:

- Requires the DOH to adopt rules that allow qualified patients to change qualified physicians while remaining registered with the Medical Marijuana Use Registry.
- Eliminates the requirement that an applicant be a member of the Black Farmers and Agriculturists Association – Florida Chapter (BFAA-FC) for the one Medical Marijuana Treatment Center (MMTC) license designated to be issued to a recognized class member of *Pigford v. Glickman*¹ or *In Re Black Farmers Litigation*.²
- Requires all applicants for the one Recognized Class Member License be registered to do business in Florida for five consecutive years before applying for the license.
- Strikes an obsolete date by which such license was to be issued.

The bill has no impact on state revenues or expenditures.

The effective date of the bill is July 1, 2018.

¹ 185 F.R.D. 82 (D.D.C. 1999).
² 856 F. Supp. 2d 1 (D.D.C. 2011).

II. Present Situation:

On November 4, 2016, Amendment 2 was voted into law and established Article X, s. 29 of the State Constitution. This section of the constitution became effective on January 3, 2017, and created several exemptions from criminal and civil liability for:

- Qualifying patients medically using marijuana in compliance with the amendment;
- Physicians, solely for issuing physician certifications with reasonable care and in compliance with the amendment; and
- MMTCs, their agents, and employees for actions or conduct under the amendment and in compliance with DOH rules.

Physician Certifications

The Legislature passed chapter 2017-232, L.O.F., during the 2017 Special Session A to implement Amendment 2. The law established a system to allow qualified physicians who have successfully completed the required training and examination to issue physician certifications to qualified patients. Prior to issuing a physician certification, the law requires that each qualified physician check the Medical Marijuana Use Registry to ensure that the patient does not have an active physician certification from another physician.³ The law also requires that a physician deactivate his or her patient's registration on the Medical Marijuana Use Registry when the physician no longer recommends the medical use of marijuana for the patient.⁴ However, the law does not include any provisions to allow a qualified patient to deactivate his or her own registration or remove a physician relationship from the registry. As established, a qualified physician may prevent a qualified patient from switching to a different qualified physician for treatment with medical marijuana by refusing to deactivate the physician certification for that qualified patient.

Medical Marijuana Treatment Centers

The law requires the DOH to license a number of MMTCs including:

- All dispensing organizations that were licensed under the Compassionate Medical Cannabis Act.⁵
- Ten additional MMTCs, as follows:
 - By August 1, 2017, any denied dispensing organization applicant whose application was scored by DOH and had one or more administrative or legal challenges pending as of January 1, 2017, or had a final ranking within one point of the highest final ranking applicant in its region, and proves to the DOH that it has the infrastructure and ability to begin cultivating marijuana within 30 days after registration as an MMTC;

³ Section 381.986(4)(a)6., F.S.

⁴ Section 381.986(4)(a)7.c., F.S.

⁵ The Compassionate Medical Cannabis Act (Act) was the precursor to the full-strength medical marijuana program established by Amendment 2 and ch. 2017-232, L.O.F. The Act allowed the use of low-THC cannabis to treat cancer and epilepsy disorders and the use of full-strength medical cannabis for the treatment of terminal patients. The Act required the DOH to license five dispensing organizations to grow, process, and dispense low-THC and medical cannabis and three additional dispensing organizations upon the registration of 250,000 active qualified patients in the compassionate use registry. The Act required one of the three additional dispensing organizations to be owned and operated by a recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011), and a member of the Black Farmers and Agriculturalists Association. See s. 381.986(5)(c), F.S. (2016).

- By October 3, 2017, one license to an applicant that is a recognized class member of *Pigford v. Glickman* or *In Re Black Farmers Litigation*, and a member of the BFAA-FC. These applicants are exempt from the requirement to be a registered business in Florida for five consecutive years prior to applying and the requirement to possess a valid certificate of registration as a nursery issued by the Department of Agriculture and Consumer Services; and
- By October 3, 2017, all remaining ten licenses.
- Four additional licenses each time the total number of patients registered by the medical marijuana use registry increases by 100,000 patients.⁶

On September 22, 2017, Columbus Smith (Smith) filed a lawsuit challenging the requirement that a Recognized Class Member License applicant be a member of the BFAA-FC. Smith is a recognized class member of *Pigford v. Glickman*, or *In Re Black Farmers Litigation*, but is not a member of the Florida Black Farmers and Agriculturalists Association. According to Smith, he was denied membership in the BFAA-FC. Smith also sought an injunction to enjoin DOH from awarding a Recognized Class Member License, which the court granted on January 9, 2018, preventing the DOH from issuing the Recognized Class Member License. The DOH has delayed issuing any of the additional MMTC licenses that it was required to grant by October 3, 2017, due to this lawsuit.^{7, 8}

III. Effect of Proposed Changes:

Section 1 amends the DOH's responsibilities under s. 381.986, F.S. The bill:

- Requires the DOH to adopt rules to establish a process for qualified patients to change qualified physicians while remaining registered with the Medical Marijuana Use Registry. The system may not allow a qualified patient to exceed statutory limits on the supply of marijuana when changing their qualified physician.⁹
- Eliminates the requirement that an applicant be a member of the Black Farmers and Agriculturalists Association – Florida Chapter (BFAA-FC) for the one MMTC license designated to be issued to a recognized class member of *Pigford v. Glickman*¹⁰ or *In Re Black Farmers Litigation*.¹¹
- Requires all applicants for the Recognized Class Member License be registered to do business in Florida for five consecutive years before applying for the license by eliminating the exemption from this requirement. This change will ensure that any applicant for this license is a Florida-based applicant despite the elimination of the requirement that the applicant be a member of the BFAA-FC.
- Strikes an obsolete date by which such license was to be issued.

⁶ Section 381.986(8)(a), F.S.

⁷ *Smith v. Florida Department of Health*, case number 17-CA-1972, in the Circuit Court for the Second Judicial Circuit of Florida.

⁸ Letter from Christian Bax to Chair Dana Young, (September 29, 2017) (on file with the Senate Committee on Health Policy).

⁹ Section 381.986(4)(c), F.S., restricts a qualified physician from certifying a patient for more than three 70-day supplies of marijuana and 381.986(8)(e)13.b., F.S., restricts an MMTC from dispensing more than a 70-day supply to a qualified patient or caregiver. The effects of these provisions require that the patient or caregiver must return to an MMTC for a refill at least every 70 days and return to the physician for recertification at a minimum every 210 days.

¹⁰ 185 F.R.D. 82 (D.D.C. 1999).

¹¹ 856 F. Supp. 2d 1 (D.D.C. 2011).

Section 2 provides the bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

CS/SB 1134 may have an indeterminate positive fiscal impact on an applicant for licensure as an MMTC that is a recognized class member of *Pigford v. Glickman* or *In Re Black Farmers Litigation*, but that is not a member of the BFAA-FC, if the applicant is chosen to receive a license to operate as an MMTC.

The bill may have an indeterminate negative fiscal impact on an applicant for licensure as an MMTC that is a recognized class member of *Pigford v. Glickman* or *In Re Black Farmers Litigation*, and a member of the BFAA-FC, if such applicant would have been chosen to receive the Recognized Class Member License to operate as an MMTC under current law but is not chosen to receive such license due to changes made by the bill.

The bill may have an indeterminate negative fiscal impact on Recognized Class Member License applicants that have not been registered businesses in Florida for the past five consecutive years and that, consequently, no longer qualify as an MMTC applicant due to changes made by the bill.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 381.986 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health Policy on January 16, 2018:

The committee substitute:

- Requires the DOH to adopt rules that allow qualified patients to change qualified physicians while remaining registered with the Medical Marijuana Use Registry. The process may not allow a qualified patient to exceed statutory limits on the supply of marijuana.
- Requires all applicants for the Recognized Class Member License to be registered to do business in Florida for five consecutive years before applying for the license.

- B. **Amendments:**

None.



382248

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Appropriations (Rouson) recommended the following:

1 **Senate Amendment**

2
3 Delete line 182

4 and insert:

5 Section 2. This act shall take effect upon becoming a law.

By the Committee on Health Policy; and Senators Rouson, Bradley,
and Young

588-02150A-18

20181134c1

1 A bill to be entitled
2 An act relating to Department of Health
3 responsibilities related to the medical use of
4 marijuana; amending s. 381.986, F.S.; requiring the
5 department to adopt rules to allow qualified patients
6 to change qualified physicians; deleting an obsolete
7 date; revising a requirement that the department
8 license one applicant who is a member of a certain
9 class to exclude a requirement that the applicant also
10 be a member of the Black Farmers and Agriculturalist
11 Association-Florida Chapter; providing an effective
12 date.
13
14 Be It Enacted by the Legislature of the State of Florida:
15
16 Section 1. Paragraph (h) of subsection (4) and paragraph
17 (a) of subsection (8) of section 381.986, Florida Statutes, are
18 amended to read:
19 381.986 Medical use of marijuana.—
20 (4) PHYSICIAN CERTIFICATION.—
21 (h) The department, the Board of Medicine, and the Board of
22 Osteopathic Medicine may adopt rules pursuant to ss. 120.536(1)
23 and 120.54 to implement this subsection. Rules adopted pursuant
24 to this subsection must include a process by which a qualified
25 patient may change qualified physicians while retaining an
26 active registration on the medical marijuana use registry. This
27 process must include safeguards to ensure that any new physician
28 certification issued to the patient after he or she changes
29 physicians does not combine with any existing patient

Page 1 of 7

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588-02150A-18

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30 certification to allow the patient to possess more than the 70-
31 day supply limits.
32 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—
33 (a) The department shall license medical marijuana
34 treatment centers to ensure reasonable statewide accessibility
35 and availability as necessary for qualified patients registered
36 in the medical marijuana use registry and who are issued a
37 physician certification under this section.
38 1. As soon as practicable, but no later than July 3, 2017,
39 the department shall license as a medical marijuana treatment
40 center any entity that holds an active, unrestricted license to
41 cultivate, process, transport, and dispense low-THC cannabis,
42 medical cannabis, and cannabis delivery devices, under former s.
43 381.986, Florida Statutes 2016, before July 1, 2017, and which
44 meets the requirements of this section. In addition to the
45 authority granted under this section, these entities are
46 authorized to dispense low-THC cannabis, medical cannabis, and
47 cannabis delivery devices ordered pursuant to former s. 381.986,
48 Florida Statutes 2016, which were entered into the compassionate
49 use registry before July 1, 2017, and are authorized to begin
50 dispensing marijuana under this section on July 3, 2017. The
51 department may grant variances from the representations made in
52 such an entity's original application for approval under former
53 s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).
54 2. The department shall license as medical marijuana
55 treatment centers 10 applicants that meet the requirements of
56 this section, under the following parameters:
57 a. As soon as practicable, but no later than August 1,
58 2017, the department shall license any applicant whose

Page 2 of 7

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588-02150A-18 20181134c1

59 application was reviewed, evaluated, and scored by the
60 department and which was denied a dispensing organization
61 license by the department under former s. 381.986, Florida
62 Statutes 2014; which had one or more administrative or judicial
63 challenges pending as of January 1, 2017, or had a final ranking
64 within one point of the highest final ranking in its region
65 under former s. 381.986, Florida Statutes 2014; which meets the
66 requirements of this section; and which provides documentation
67 to the department that it has the existing infrastructure and
68 technical and technological ability to begin cultivating
69 marijuana within 30 days after registration as a medical
70 marijuana treatment center.

71 b. As soon as practicable, ~~but no later than October 3,~~
72 ~~2017,~~ the department shall license one applicant that is a
73 recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82
74 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1
75 (D.D.C. 2011) ~~and is a member of the Black Farmers and~~
76 ~~Agriculturalists Association-Florida Chapter.~~ An applicant
77 licensed under this sub-subparagraph is exempt from the
78 requirement of subparagraph (b)2 ~~requirements of subparagraphs~~
79 ~~(b)1. and 2.~~

80 c. As soon as practicable, but no later than October 3,
81 2017, the department shall license applicants that meet the
82 requirements of this section in sufficient numbers to result in
83 10 total licenses issued under this subparagraph, while
84 accounting for the number of licenses issued under sub-
85 subparagraphs a. and b.

86 3. For up to two of the licenses issued under subparagraph
87 2., the department shall give preference to applicants that

588-02150A-18 20181134c1

88 demonstrate in their applications that they own one or more
89 facilities that are, or were, used for the canning,
90 concentrating, or otherwise processing of citrus fruit or citrus
91 molasses and will use or convert the facility or facilities for
92 the processing of marijuana.

93 4. Within 6 months after the registration of 100,000 active
94 qualified patients in the medical marijuana use registry, the
95 department shall license four additional medical marijuana
96 treatment centers that meet the requirements of this section.
97 Thereafter, the department shall license four medical marijuana
98 treatment centers within 6 months after the registration of each
99 additional 100,000 active qualified patients in the medical
100 marijuana use registry that meet the requirements of this
101 section.

102 5. Dispensing facilities are subject to the following
103 requirements:

104 a. A medical marijuana treatment center may not establish
105 or operate more than a statewide maximum of 25 dispensing
106 facilities, unless the medical marijuana use registry reaches a
107 total of 100,000 active registered qualified patients. When the
108 medical marijuana use registry reaches 100,000 active registered
109 qualified patients, and then upon each further instance of the
110 total active registered qualified patients increasing by
111 100,000, the statewide maximum number of dispensing facilities
112 that each licensed medical marijuana treatment center may
113 establish and operate increases by five.

114 b. A medical marijuana treatment center may not establish
115 more than the maximum number of dispensing facilities allowed in
116 each of the Northwest, Northeast, Central, Southwest, and

588-02150A-18

20181134c1

117 Southeast Regions. The department shall determine a medical
 118 marijuana treatment center's maximum number of dispensing
 119 facilities allowed in each region by calculating the percentage
 120 of the total statewide population contained within that region
 121 and multiplying that percentage by the medical marijuana
 122 treatment center's statewide maximum number of dispensing
 123 facilities established under sub-subparagraph a., rounded to the
 124 nearest whole number. The department shall ensure that such
 125 rounding does not cause a medical marijuana treatment center's
 126 total number of statewide dispensing facilities to exceed its
 127 statewide maximum. The department shall initially calculate the
 128 maximum number of dispensing facilities allowed in each region
 129 for each medical marijuana treatment center using county
 130 population estimates from the Florida Estimates of Population
 131 2016, as published by the Office of Economic and Demographic
 132 Research, and shall perform recalculations following the
 133 official release of county population data resulting from each
 134 United States Decennial Census. For the purposes of this
 135 subparagraph:

136 (I) The Northwest Region consists of Bay, Calhoun,
 137 Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson,
 138 Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,
 139 Walton, and Washington Counties.

140 (II) The Northeast Region consists of Alachua, Baker,
 141 Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist,
 142 Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns,
 143 Suwannee, and Union Counties.

144 (III) The Central Region consists of Brevard, Citrus,
 145 Hardee, Hernando, Indian River, Lake, Orange, Osceola, Pasco,

588-02150A-18

20181134c1

146 Pinellas, Polk, Seminole, St. Lucie, Sumter, and Volusia
 147 Counties.

148 (IV) The Southwest Region consists of Charlotte, Collier,
 149 DeSoto, Glades, Hendry, Highlands, Hillsborough, Lee, Manatee,
 150 Okeechobee, and Sarasota Counties.

151 (V) The Southeast Region consists of Broward, Miami-Dade,
 152 Martin, Monroe, and Palm Beach Counties.

153 c. If a medical marijuana treatment center establishes a
 154 number of dispensing facilities within a region that is less
 155 than the number allowed for that region under sub-subparagraph
 156 b., the medical marijuana treatment center may sell one or more
 157 of its unused dispensing facility slots to other licensed
 158 medical marijuana treatment centers. For each dispensing
 159 facility slot that a medical marijuana treatment center sells,
 160 that medical marijuana treatment center's statewide maximum
 161 number of dispensing facilities, as determined under sub-
 162 subparagraph a., is reduced by one. The statewide maximum number
 163 of dispensing facilities for a medical marijuana treatment
 164 center that purchases an unused dispensing facility slot is
 165 increased by one per slot purchased. Additionally, the sale of a
 166 dispensing facility slot shall reduce the seller's regional
 167 maximum and increase the purchaser's regional maximum number of
 168 dispensing facilities, as determined in sub-subparagraph b., by
 169 one for that region. For any slot purchased under this sub-
 170 subparagraph, the regional restriction applied to that slot's
 171 location under sub-subparagraph b. before the purchase shall
 172 remain in effect following the purchase. A medical marijuana
 173 treatment center that sells or purchases a dispensing facility
 174 slot must notify the department within 3 days of sale.

588-02150A-18

20181134c1

175 d. This subparagraph shall expire on April 1, 2020.

176

177 If this subparagraph or its application to any person or
178 circumstance is held invalid, the invalidity does not affect
179 other provisions or applications of this act which can be given
180 effect without the invalid provision or application, and to this
181 end, the provisions of this subparagraph are severable.

182 Section 2. This act shall take effect July 1, 2018.



The Florida Senate

Committee Agenda Request

To: Senator Rob Bradley, Chair
Committee on Appropriations

Subject: Committee Agenda Request

Date: January 17, 2018

I respectfully request that **Senate Bill # 1134**, relating to Medical Marijuana Treatment, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Darryl Rouson".

Senator Darryl Rouson
Florida Senate, District 19

CourtSmart Tag Report

Room: KN 412

Case No.:

Type:

Caption: Senate Appropriations Committee

Judge:

Started: 1/24/2018 2:07:48 PM

Ends: 1/24/2018 3:28:49 PM

Length: 01:21:02

2:08:07 PM Sen. Bradley (Chair)
2:09:36 PM S 222
2:09:57 PM Sen. Bean
2:10:49 PM Sen. Bradley
2:11:07 PM Alan Abramowitz, Director, Guardian Ad Litem Program (waives in support)
2:11:24 PM Erin Choy, Immediate Past Chair, Junior League of Florida (waives in support)
2:11:35 PM Sen. Bradley
2:12:23 PM S 498
2:12:34 PM Sen. Garcia
2:13:22 PM Sen. Bradley
2:13:32 PM John Conley, Director of Legislative Affairs, Department of Elder Affairs (waives in support)
2:13:56 PM Sen. Bradley
2:14:43 PM S 1134
2:15:31 PM Sen. Rouson
2:15:36 PM Sen. Bradley
2:15:56 PM S 540
2:16:22 PM Sen. Hukill
2:29:08 PM Sen. Bradley
2:29:31 PM Sen. Montford
2:29:51 PM Sen. Bradley
2:30:17 PM Am. 294156
2:30:22 PM Sen. Hukill
2:31:24 PM Sen. Bradley
2:31:39 PM Am. 866876
2:31:44 PM Sen. Galvano
2:32:51 PM Sen. Bradley
2:33:47 PM Am. 294156 (cont.)
2:33:55 PM Sen. Bradley
2:34:11 PM Sen. Hukill
2:34:17 PM Sen. Bradley
2:34:26 PM S 540 (cont.)
2:34:33 PM Sen. Bradley
2:34:47 PM Sen. Powell
2:35:40 PM Sen. Bradley
2:35:53 PM Sen. Hukill
2:36:38 PM Sen. Powell
2:36:47 PM Sen. Hukill
2:37:09 PM Sen. Powell
2:38:09 PM Sen. Hukill
2:38:13 PM Sen. Powell
2:38:32 PM Sen. Hukill
2:38:37 PM Sen. Gainer
2:39:25 PM Sen. Hukill
2:41:59 PM Sen. Gainer
2:42:33 PM Sen. Hukill
2:44:02 PM Sen. Gainer
2:44:25 PM Sen. Hukill
2:46:09 PM Sen. Montford
2:48:45 PM Sen. Hukill
2:50:49 PM Sen. Montford
2:51:27 PM Sen. Hukill
2:52:13 PM Sen. Montford

2:52:57 PM Sen. Hukill
2:54:36 PM Sen. Montford
2:55:29 PM Sen. Hukill
2:55:49 PM Sen. Montford
2:55:56 PM Sen. Hukill
2:57:27 PM Sen. Gibson
2:58:42 PM Sen. Hukill
2:59:20 PM Sen. Gibson
2:59:32 PM Sen. Hukill
3:00:00 PM Sen. Gibson
3:00:36 PM Sen. Hukill
3:01:15 PM Sen. Gibson
3:01:23 PM Sen. Hukill
3:01:42 PM Sen. Gibson
3:02:34 PM Sen. Hukill
3:02:51 PM Sen. Gibson
3:02:57 PM Sen. Hukill
3:03:57 PM Sen. Bradley
3:04:11 PM Sen. Gibson
3:05:14 PM Sen. Hukill
3:06:11 PM Sen. Gibson
3:06:35 PM Sen. Hukill
3:07:01 PM Sen. Gibson
3:07:27 PM Sen. Hukill
3:07:33 PM Sen. Gibson
3:07:58 PM Sen. Bradley
3:08:56 PM Madeline Pumariega, Chancellor, Department of Education
3:12:16 PM Sen. Bradley
3:12:47 PM Jacobi Bedenfield, President, Florida College System
3:14:29 PM Sen. Bradley
3:15:30 PM S 520
3:15:36 PM Sen. Young
3:16:14 PM David Ramba, Florida Optometric Association (waives in support)
3:16:15 PM Gus Corbella, Sr. Director-Greenberg Traurig, National Vision (waives in support)
3:16:16 PM Sandi Harris, Nova Southeastern University (waives in support)
3:16:19 PM Sen. Bradley
3:17:00 PM S 8
3:17:15 PM Sen. Benaquisto
3:20:14 PM Sen. Flores
3:20:45 PM Toni Large, Florida Orthopedic Society
3:22:28 PM Sen. Flores
3:23:04 PM Jian Jones, Occupational Therapist, Florida Occupational Therapy Association
3:24:45 PM Sen. Flores
3:25:18 PM Mark Fontaine, CEO, Florida Behavioral Health Association (waives in support)
3:25:18 PM Melanie Brown Woofter, Interim President, Florida Council for Behavioral Health (waives in support)
3:25:19 PM Devon West, Policy Advisor, Broward County (waives in support)
3:25:20 PM Roger Beaubien. Special Counsel, Office of the Attorney General (waives in support)
3:25:21 PM Bill Bunkley, President, Florida Ethics and Religious Liberty Commision (waives in support)
3:25:21 PM Christopher Nolan, Lobbyist, American College of Physicians (waives against)
3:25:25 PM Robert Brown, Associate Director of Public Policy, Florida Association of Counties (waives in support)
3:25:26 PM Candice Ericks, Palm Beach County (waives in support)
3:25:26 PM Erin Choy, Immediate Past Chair, Junior League of Florida (waives in support)
3:25:26 PM Stephen Dembinsky, Chief of Police-Daytona Beach Shores PD, The Florida Police Chiefs Association
(waives in support)
3:26:00 PM Hansel Tookes, Assistant Professor of Medicine, Florida Medical Association
3:27:12 PM Sen. Bradley
3:27:26 PM Sen. Benaquisto
3:28:23 PM Sen. Bradley