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2015

1 A bill to be entitled
2 An act relating to postsecondary access and
3 affordability; amending s. 446.021, F.S.; revising
4 definitions relating to state apprenticeship and job-
5 training programs; amending s. 446.032, F.S.;
6 conforming provisions; amending s. 446.045, F.S.;
7 revising criteria for certain appointments to the
8 State Apprenticeship Advisory Council; amending s.
9 446.081, F.S.; limiting applicability of state
10 apprenticeship and job-training program requirements
11 with respect to certain provisions for veterans,
12 minority persons, and women; amending s. 446.091,
13 F.S.; conforming provisions; amending s. 446.092,
14 F.S.; revising criteria for apprenticeship
15 occupations; amending s. 1001.7065, F.S.; specifying
16 that the costs of instructional materials are not
17 included in tuition for certain online degree
18 programs; amending s. 1004.015, F.S.; revising the
19 membership of the Higher Education Coordinating
20 Council; creating s. 1004.084, F.S.; requiring the
21 Board of Governors of the State University System and
22 the State Board of Education to submit annual reports
23 to the Governor and Legislature relating to college
24 affordability; amending s. 1004.085, F.S.; revising
25 provisions relating to textbook affordability to
26 include instructional materials; defining the term



27 | "instructional materials"; requiring Florida College
28 | System institution and state university boards of
29 | trustees to identify wide variances in the costs of,
30 | and in the frequency of changes in the selection of,
31 | textbooks and instructional materials for certain
32 | courses; requiring the boards of trustees to send
33 | identified courses to the academic department chairs
34 | for review; providing for legislative review and
35 | repeal of specified provisions; requiring
36 | postsecondary institutions to consult with certain
37 | school districts to identify certain practices;
38 | requiring cost-benefit analyses relating to textbooks
39 | and instructional materials; providing reporting
40 | requirements; amending s. 1004.92, F.S.; revising the
41 | program standards for career, adult, and community
42 | education programs; providing for rulemaking; amending
43 | s. 1009.23, F.S.; requiring Florida College System
44 | institutions to provide a public notice relating to
45 | increases in tuition and fees; amending s. 1009.24,
46 | F.S.; revising provisions relating to the assessment
47 | of a tuition differential by a state university board
48 | of trustees; revising requirements for the use of
49 | tuition differential revenues; deleting a requirement
50 | that a certain percentage of tuition differential
51 | revenues be used for the purpose of improvements in
52 | the quality of undergraduate education; requiring



53 state universities to provide a public notice relating
54 to increases in tuition and fees; creating s.
55 1011.802, F.S.; creating the Florida Apprenticeship
56 Grant Program within the Department of Education to
57 provide grants to specific centers and institutions
58 for the creation of new apprenticeship programs or the
59 expansion of existing apprenticeship programs;
60 providing requirements related to applications,
61 program priority, use of grant funds, and quarterly
62 reports; creating s. 1011.803, F.S.; creating the
63 Rapid Response Grant Program; providing for the
64 purpose, requirements, and administration of the
65 program; requiring certain career centers to provide
66 quarterly reports; requiring an annual analysis of the
67 program; creating s. 1001.92, F.S.; creating a
68 University System Performance-Based Incentive to be
69 awarded to state universities that meet certain
70 criteria; providing for the funding and award of the
71 incentive; requiring state universities that do not
72 meet the award criteria to submit an improvement plan;
73 providing for award of the incentive to state
74 universities with a successful improvement plan;
75 providing for the redistribution of certain funds;
76 requiring the Board of Governors to develop certain
77 benchmarks and metrics, report to specified entities
78 annually, and adopt regulations to administer the



79 | incentives; providing an effective date.

80 |

81 | Be It Enacted by the Legislature of the State of Florida:

82 |

83 | Section 1. Subsections (2), (4), and (9) of section
84 | 446.021, Florida Statutes, are amended to read:

85 | 446.021 Definitions of terms used in ss. 446.011-446.092.—
86 | As used in ss. 446.011-446.092, the term:

87 | (2) "Apprentice" means a person at least 16 years of age
88 | who is engaged in learning a recognized skilled trade through
89 | actual work experience under the supervision of a journeyworker
90 | ~~journeymen-craftsmen~~, which training should be combined with
91 | properly coordinated studies of related technical and
92 | supplementary subjects, and who has entered into a written
93 | agreement, which may be cited as an apprentice agreement, with a
94 | registered apprenticeship sponsor who may be ~~either~~ an employer,
95 | an association of employers, or a local joint apprenticeship
96 | committee.

97 | (4) "Journeyworker Journeyman" means a worker who has
98 | attained a level of skill and the abilities and competencies
99 | recognized within an industry as having mastered the skills and
100 | competencies required for the occupation. The term includes a
101 | mentor, technician, or specialist or other skilled worker who
102 | has documented sufficient skills and knowledge of an occupation,
103 | either through formal apprenticeship or through practical on-
104 | the-job experience and formal training ~~person working in an~~



105 ~~apprenticeable occupation who has successfully completed a~~
 106 ~~registered apprenticeship program or who has worked the number~~
 107 ~~of years required by established industry practices for the~~
 108 ~~particular trade or occupation.~~

109 (9) "Related instruction" means an organized and
 110 systematic form of instruction designed to provide the
 111 apprentice with knowledge of the theoretical and technical
 112 subjects related to a specific trade or occupation. Such
 113 instruction may be given in a classroom, through occupational or
 114 industrial courses or correspondence courses of equivalent
 115 value, through electronic media, or through other forms of self-
 116 study approved by the department.

117 Section 2. Subsection (1) of section 446.032, Florida
 118 Statutes, is amended to read:

119 446.032 General duties of the department for
 120 apprenticeship training.—The department shall:

121 (1) Establish uniform minimum standards and policies
 122 governing apprentice programs and agreements. The standards and
 123 policies shall govern the terms and conditions of the
 124 apprentice's employment and training, including the quality
 125 training of the apprentice for, but not limited to, such matters
 126 as ratios of apprentices to journeyworkers ~~journeymen~~, safety,
 127 related instruction, and on-the-job training; but these
 128 standards and policies may not include rules, standards, or
 129 guidelines that require the use of apprentices and job trainees
 130 on state, county, or municipal contracts. The department may



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131 adopt rules necessary to administer the standards and policies.

132 Section 3. Paragraph (b) of subsection (2) of section
133 446.045, Florida Statutes, is amended to read:

134 446.045 State Apprenticeship Advisory Council.—

135 (2) (b) The Commissioner of Education or the commissioner's
136 designee shall serve ex officio as chair of the State
137 Apprenticeship Advisory Council, but may not vote. The state
138 director of the Office of Apprenticeship of the United States
139 Department of Labor shall serve ex officio as a nonvoting member
140 of the council. The Governor shall appoint to the council four
141 members representing employee organizations and four members
142 representing employer organizations. Each of these eight members
143 shall represent industries that have registered apprenticeship
144 programs. The Governor shall also appoint two public members who
145 are knowledgeable about registered apprenticeship and
146 apprenticeable occupations and who are independent of any joint
147 or nonjoint organization, ~~one of whom shall be recommended by~~
148 ~~joint organizations, and one of whom shall be recommended by~~
149 ~~nonjoint organizations~~. Members shall be appointed for 4-year
150 staggered terms. A vacancy shall be filled for the remainder of
151 the unexpired term.

152 Section 4. Subsection (4) is added to section 446.081,
153 Florida Statutes, to read:

154 446.081 Limitation.—

155 (4) Nothing in ss. 446.011-446.092 or in any rules
156 adopted, or in any apprentice agreement approved, under those



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157 sections shall operate to invalidate any special provision for
158 veterans, minority persons, or women in the standards,
159 apprentice qualifications, or operation of the program, which is
160 not otherwise prohibited by law, executive order, or authorized
161 regulation.

162 Section 5. Section 446.091, Florida Statutes, is amended
163 to read:

164 446.091 On-the-job training program.—All provisions of ss.
165 446.011-446.092 relating to apprenticeship and
166 preapprenticeship, including, but not limited to, programs,
167 agreements, standards, administration, procedures, definitions,
168 expenditures, local committees, powers and duties, limitations,
169 grievances, and ratios of apprentices and job trainees to
170 journeyworkers ~~journeymen~~ on state, county, and municipal
171 contracts, shall be appropriately adapted and made applicable to
172 a program of on-the-job training authorized under those
173 provisions for persons other than apprentices.

174 Section 6. Section 446.092, Florida Statutes, is amended
175 to read:

176 446.092 Criteria for apprenticeship occupations.—An
177 apprenticeable occupation is a skilled trade which possesses all
178 of the following characteristics:

179 (1) It is customarily learned in a practical way through a
180 structured, systematic program of on-the-job, supervised
181 training.

182 (2) It is clearly identified and commonly recognized



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183 throughout an the industry ~~or recognized with a positive view~~
184 ~~towards changing technology.~~

185 (3) It involves manual, mechanical, or technical skills
186 and knowledge which, in accordance with the industry standards
187 for the occupation, would require a minimum of 2,000 hours of
188 on-the-job ~~work and~~ training, which hours are excluded from the
189 time spent at related instruction.

190 (4) It requires related instruction to supplement on-the-
191 job training. Such instruction may be given in a classroom,
192 through occupational or industrial courses or ~~through~~
193 correspondence courses of equivalent value, through electronic
194 media, or through other forms of self-study approved by the
195 department.

196 ~~(5) It involves the development of skill sufficiently~~
197 ~~broad to be applicable in like occupations throughout an~~
198 ~~industry, rather than of restricted application to the products~~
199 ~~or services of any one company.~~

200 ~~(6) It does not fall into any of the following categories:~~

201 ~~(a) Selling, retailing, or similar occupations in the~~
202 ~~distributive field.~~

203 ~~(b) Managerial occupations.~~

204 ~~(c) Professional and scientific vocations for which~~
205 ~~entrance requirements customarily require an academic degree.~~

206 Section 7. Paragraph (k) of subsection (4) of section
207 1001.7065, Florida Statutes, is amended to read:

208 1001.7065 Preeminent state research universities program.—



209 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
210 ONLINE LEARNING.—A state research university that, as of July 1,
211 2013, meets all 12 of the academic and research excellence
212 standards identified in subsection (2), as verified by the Board
213 of Governors, shall establish an institute for online learning.
214 The institute shall establish a robust offering of high-quality,
215 fully online baccalaureate degree programs at an affordable cost
216 in accordance with this subsection.

217 (k) The university shall establish a tuition structure for
218 its online institute in accordance with this paragraph,
219 notwithstanding any other provision of law.

220 1. For students classified as residents for tuition
221 purposes, tuition for an online baccalaureate degree program
222 shall be set at no more than 75 percent of the tuition rate as
223 specified in the General Appropriations Act pursuant to s.
224 1009.24(4) and 75 percent of the tuition differential pursuant
225 to s. 1009.24(16). No distance learning fee, fee for campus
226 facilities, or fee for on-campus services may be assessed,
227 except that online students shall pay the university's
228 technology fee, financial aid fee, and Capital Improvement Trust
229 Fund fee. The revenues generated from the Capital Improvement
230 Trust Fund fee shall be dedicated to the university's institute
231 for online learning.

232 2. For students classified as nonresidents for tuition
233 purposes, tuition may be set at market rates in accordance with
234 the business plan.



235 3. Tuition for an online degree program shall include all
236 costs associated with instruction, materials, and enrollment,
237 excluding costs associated with the provision of textbooks and
238 instructional materials pursuant to s. 1004.085 and physical
239 laboratory supplies.

240 4. Subject to the limitations in subparagraph 1., tuition
241 may be differentiated by degree program as appropriate to the
242 instructional and other costs of the program in accordance with
243 the business plan. Pricing must incorporate innovative
244 approaches that incentivize persistence and completion,
245 including, but not limited to, a fee for assessment, a bundled
246 or all-inclusive rate, and sliding scale features.

247 5. The university must accept advance payment contracts
248 and student financial aid.

249 6. Fifty percent of the net revenues generated from the
250 online institute of the university shall be used to enhance and
251 enrich the online institute offerings, and 50 percent of the net
252 revenues generated from the online institute shall be used to
253 enhance and enrich the university's campus state-of-the-art
254 research programs and facilities.

255 7. The institute may charge additional local user fees
256 pursuant to s. 1009.24(14) upon the approval of the Board of
257 Governors.

258 8. The institute shall submit a proposal to the president
259 of the university authorizing additional user fees for the
260 provision of voluntary student participation in activities and



261 additional student services.

262 Section 8. Subsection (2) of section 1004.015, Florida
263 Statutes, is amended to read:

264 1004.015 Higher Education Coordinating Council.—

265 (2) Members of the council shall include:

266 (a) One member of the Board of Governors, appointed by the
267 chair of the Board of Governors.

268 (b) The Chancellor of the State University System.

269 (c) The Chancellor of the Florida College System.

270 (d) The Chancellor of Career and Adult Education.

271 (e)~~(d)~~ One member of the State Board of Education,
272 appointed by the chair of the State Board of Education.

273 (f)~~(e)~~ The Executive Director of the Florida Association
274 of Postsecondary Schools and Colleges.

275 (g)~~(f)~~ The president of the Independent Colleges and
276 Universities of Florida.

277 (h)~~(g)~~ The president of Workforce Florida, Inc., or his or
278 her designee.

279 (i)~~(h)~~ The president of Enterprise Florida, Inc., or a
280 designated member of the Stakeholders Council appointed by the
281 president.

282 (j)~~(i)~~ Three representatives of the business community,
283 one appointed by the President of the Senate, one appointed by
284 the Speaker of the House of Representatives, and one appointed
285 by the Governor, who are committed to developing and enhancing
286 world class workforce infrastructure necessary for Florida's



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287 citizens to compete and prosper in the ever-changing economy of
288 the 21st century.

289 Section 9. Section 1004.084, Florida Statutes, is created
290 to read:

291 1004.084 College affordability.-

292 (1) The Board of Governors and the State Board of
293 Education shall annually identify strategies to promote college
294 affordability for all Floridians by evaluating, at a minimum,
295 the impact of:

296 (a) Tuition and fees on undergraduate, graduate, and
297 professional students at public colleges and universities and
298 graduate assistants employed by public universities.

299 (b) Federal, state, and institutional financial aid
300 policies on the actual cost of attendance for students and their
301 families.

302 (c) The costs of textbooks and instructional materials.

303 (2) By December 31 of each year, beginning in 2015, the
304 Board of Governors and the State Board of Education shall submit
305 a report on their respective college affordability initiatives
306 to the Governor, the President of the Senate, and the Speaker of
307 the House of Representatives.

308 Section 10. Section 1004.085, Florida Statutes, is amended
309 to read:

310 1004.085 Textbook and instructional materials
311 affordability.-

312 (1) As used in this section, the term "instructional



313 materials" means educational materials for use within a course
314 which may be available in printed or digital format.

315 (2)~~(1)~~ An ~~No~~ employee of a Florida College System
316 institution or state university may not demand or receive any
317 payment, loan, subscription, advance, deposit of money, service,
318 or anything of value, present or promised, in exchange for
319 requiring students to purchase a specific textbook or
320 instructional material for coursework or instruction.

321 (3)~~(2)~~ An employee may receive:

322 (a) Sample copies, instructor copies, or instructional
323 materials. These materials may not be sold for any type of
324 compensation if they are specifically marked as free samples not
325 for resale.

326 (b) Royalties or other compensation from sales of
327 textbooks or instructional materials that include the
328 instructor's own writing or work.

329 (c) Honoraria for academic peer review of course
330 materials.

331 (d) Fees associated with activities such as reviewing,
332 critiquing, or preparing support materials for textbooks or
333 instructional materials pursuant to guidelines adopted by the
334 State Board of Education or the Board of Governors.

335 (e) Training in the use of course materials and learning
336 technologies.

337 (4) Each Florida College System institution and state
338 university board of trustees shall, each semester, examine the



339 cost of textbooks and instructional materials by course and
340 course section for all general education courses offered at the
341 institution to identify any variance in the cost of textbooks
342 and instructional materials among different sections of the same
343 course and the percentage of textbooks and instructional
344 materials that remain in use for more than one term. Courses
345 that have a wide variance in costs among sections or that have
346 frequent changes in textbook and instructional material
347 selections shall be identified and sent to the appropriate
348 academic department chair for review. This subsection is
349 repealed July 1, 2017, unless reviewed and saved from repeal
350 through reenactment by the Legislature.

351 (5)(3) Each Florida College System institution
352 institutions and state university universities shall post
353 prominently in the course registration system and on its website
354 on their websites, as early as is feasible, but at least 45 not
355 less than 30 days before prior to the first day of class for
356 each term, a hyperlink to lists list of each textbook required
357 and recommended textbooks and instructional materials for at
358 least 95 percent of all courses and each course sections offered
359 at the institution during the upcoming term. The lists posted
360 list must include the International Standard Book Number (ISBN)
361 for each required and recommended textbook and instructional
362 material or other identifying information, which must include,
363 at a minimum, all of the following: the title, all authors
364 listed, publishers, edition number, copyright date, published



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365 | date, and other relevant information necessary to identify the
366 | specific ~~textbook or~~ textbooks or instructional materials
367 | required and recommended for each course. The State Board of
368 | Education and the Board of Governors shall include in the
369 | policies, procedures, and guidelines adopted under subsection
370 | (6) ~~(4)~~ certain limited exceptions to this notification
371 | requirement for classes added after the notification deadline.

372 | (6) ~~(4)~~ After receiving input from students, faculty,
373 | bookstores, and publishers, the State Board of Education and the
374 | Board of Governors each shall adopt textbook and instructional
375 | material affordability policies, procedures, and guidelines for
376 | implementation by Florida College System institutions and state
377 | universities, respectively, that further efforts to minimize the
378 | cost of textbooks and instructional materials for students
379 | attending such institutions while maintaining the quality of
380 | education and academic freedom. The policies, procedures, and
381 | guidelines shall address ~~provide for the following:~~

382 | (a) The establishment of deadlines for an instructor or
383 | department to notify the bookstore of required and recommended
384 | textbooks and instructional materials so that a bookstore may
385 | verify availability, source lower cost options when practicable,
386 | explore alternatives with faculty when academically appropriate,
387 | and maximize availability of used textbooks and instructional
388 | materials ~~That textbook adoptions are made with sufficient lead~~
389 | ~~time to bookstores so as to confirm availability of the~~
390 | ~~requested materials and, where possible, ensure maximum~~



391 ~~availability of used books.~~

392 (b) Confirmation by the course instructor or academic
393 department offering the course, before the textbook or
394 instructional material adoption is finalized ~~That, in the~~
395 ~~textbook adoption process, of the intent to use all items~~
396 ~~ordered, particularly each individual item sold as part of a~~
397 ~~bundled package, is confirmed by the course instructor or the~~
398 ~~academic department offering the course before the adoption is~~
399 ~~finalized.~~

400 (c) Determination by ~~That~~ a course instructor or the
401 academic department offering the course ~~determines~~, before a
402 textbook or instructional material is adopted, of the extent to
403 which a new edition differs significantly and substantively from
404 earlier versions and the value to the student of changing to a
405 new edition or the extent to which an open-access textbook or
406 instructional material is available ~~may exist and be used.~~

407 (d) ~~That the establishment of policies shall address~~ The
408 availability of required and recommended textbooks and
409 instructional materials to students otherwise unable to afford
410 the cost, including consideration of the extent to which an
411 open-access textbook or instructional material may be used.

412 (e) Participation by ~~That~~ course instructors and academic
413 departments ~~are encouraged to participate~~ in the development,
414 adaptation, and review of open-access textbooks and
415 instructional materials and, in particular, open-access
416 textbooks and instructional materials for high-demand general



417 education courses.

418 (f) Consultation with school districts to identify
419 practices that impact the cost of dual enrollment textbooks and
420 instructional materials to school districts, including but not
421 limited to, the length of time that textbooks or instructional
422 materials remain in use.

423 (g) Selection of textbooks and instructional materials
424 through cost-benefit analyses that enable students to obtain the
425 highest-quality product at the lowest available price, by
426 considering:

427 1. Purchasing digital textbooks in bulk.

428 2. Expanding the use of open-access textbooks and
429 instructional materials.

430 3. Providing rental options for textbooks and
431 instructional materials.

432 4. Increasing the availability and use of affordable
433 digital textbooks and learning objects.

434 5. Developing mechanisms to assist in buying, renting,
435 selling, and sharing textbooks and instructional materials.

436 6. The length of time that textbooks and instructional
437 materials remain in use.

438 (7) The board of trustees of each Florida College System
439 institution and state university shall report, by September 30
440 of each year, beginning in 2015, to the Chancellor of the
441 Florida College System or the Chancellor of the State University
442 System, as applicable, the textbook and instructional material



443 selection process for general education courses with a wide cost
444 variance identified pursuant to subsection (4) and high-
445 enrollment courses; specific initiatives of the institution
446 designed to reduce the costs of textbooks and instructional
447 materials; policies implemented in accordance with subsection
448 (6); the number of courses and course sections that were not
449 able to meet the textbook and instructional materials posting
450 deadline for the previous academic year; and any additional
451 information determined by the chancellors. By November 1 of each
452 year, beginning in 2015, each chancellor shall provide a summary
453 of the information provided by institutions to the State Board
454 of Education and the Board of Governors, as applicable.

455 Section 11. Paragraph (b) of subsection (2) of section
456 1004.92, Florida Statutes, is amended, and subsection (4) is
457 added to that section, to read:

458 1004.92 Purpose and responsibilities for career
459 education.—

460 (2)

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

463 1. The provision of timely, accurate technical assistance
464 to school districts and Florida College System institutions.

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

467 3. The development of policies, rules, and procedures that
468 facilitate institutional attainment of the accountability



469 standards and coordinate the efforts of all divisions within the
 470 department.

471 4. The development of program standards and industry-
 472 driven benchmarks for career, adult, and community education
 473 programs, which must be updated every 3 years. The standards
 474 must reflect the quality components of a career and technical
 475 education program and include career, academic, and workplace
 476 skills; viability of distance learning for instruction; and
 477 work/learn cycles that are responsive to business and industry.

478 5. Overseeing school district and Florida College System
 479 institution compliance with the provisions of this chapter.

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

485 (4) The State Board of Education shall adopt rules to
 486 administer this section.

487 Section 12. Subsection (20) is added to section 1009.23,
 488 Florida Statutes, to read:

489 1009.23 Florida College System institution student fees.-

490 (20) Each Florida College System institution shall
 491 publicly notice and notify all enrolled students of any proposal
 492 to increase tuition or fees at least 28 days before its
 493 consideration at a board of trustees meeting. The notice must:

494 (a) Include the date and time of the meeting at which the



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495 proposal will be considered.

496 (b) Specifically outline the details of existing tuition
497 and fees, the rationale for the proposed increase, and how the
498 funds from the proposed increase will be used.

499 (c) Be posted on the institution's website and issued in a
500 press release.

501 Section 13. Paragraph (b) of subsection (4) and subsection
502 (16) of section 1009.24, Florida Statutes, are amended, and
503 subsection (20) is added to that section, to read:

504 1009.24 State university student fees.—

505 (4)

506 (b) The Board of Governors, ~~or the board's designee,~~ may
507 establish tuition for graduate and professional programs, and
508 out-of-state fees for all programs. Except as otherwise provided
509 in this section, the sum of tuition and out-of-state fees
510 assessed to nonresident students must be sufficient to offset
511 the full instructional cost of serving such students. However,
512 adjustments to out-of-state fees or tuition for graduate
513 programs and professional programs may not exceed 15 percent in
514 any year.

515 (16) Each university board of trustees may assess
516 ~~establish~~ a tuition differential for undergraduate courses if
517 such fee was approved by the Board of Governors before July 1,
518 2014 upon receipt of approval from the Board of Governors.
519 ~~However, beginning July 1, 2014, the Board of Governors may only~~
520 ~~approve the establishment of or an increase in tuition~~



521 ~~differential for a state research university designated as a~~
522 ~~preeminent state research university pursuant to s.~~
523 ~~1001.7065(3).~~ The tuition differential shall promote
524 improvements in the quality of ~~undergraduate~~ education and shall
525 provide financial aid to undergraduate students who exhibit
526 financial need.

527 (a) Thirty ~~Seventy~~ percent of the revenues from the
528 ~~tuition differential shall be expended for purposes of~~
529 ~~undergraduate education. Such expenditures may include, but are~~
530 ~~not limited to, increasing course offerings, improving~~
531 ~~graduation rates, increasing the percentage of undergraduate~~
532 ~~students who are taught by faculty, decreasing student-faculty~~
533 ~~ratios, providing salary increases for faculty who have a~~
534 ~~history of excellent teaching in undergraduate courses,~~
535 ~~improving the efficiency of the delivery of undergraduate~~
536 ~~education through academic advisement and counseling, and~~
537 ~~reducing the percentage of students who graduate with excess~~
538 ~~hours. This expenditure for undergraduate education may not be~~
539 ~~used to pay the salaries of graduate teaching assistants. Except~~
540 ~~as otherwise provided in this subsection, the remaining 30~~
541 percent of the revenues from the tuition differential, or the
542 equivalent amount of revenue from private sources, shall be
543 expended to provide financial aid to undergraduate students who
544 exhibit financial need, including students who are scholarship
545 recipients under s. 1009.984, to meet the cost of university
546 attendance. This expenditure for need-based financial aid shall



547 not supplant the amount of need-based aid provided to
548 undergraduate students in the preceding fiscal year from
549 financial aid fee revenues, the direct appropriation for
550 financial assistance provided to state universities in the
551 General Appropriations Act, or from private sources. The total
552 amount of tuition differential waived under subparagraph (b) 7.
553 ~~(b) 8.~~ may be included in calculating the expenditures for need-
554 based financial aid to undergraduate students required by this
555 subsection. This expenditure for need-based financial aid is not
556 required if the entire tuition and fee costs of resident
557 students who have applied for and received Pell Grant funds have
558 been met and the university has excess funds remaining from the
559 30 percent of the revenues from the tuition differential
560 required to be used to assist students who exhibit financial
561 need, ~~the university may expend the excess portion in the same~~
562 ~~manner as required for the other 70 percent of the tuition~~
563 ~~differential revenues.~~

564 (b) Each tuition differential is subject to the following
565 conditions:

566 1. The tuition differential may be assessed on one or more
567 undergraduate courses or on all undergraduate courses at a state
568 university.

569 2. The tuition differential may vary by course or courses,
570 by campus or center location, and by institution. Each
571 university board of trustees shall strive to maintain and
572 increase enrollment in degree programs related to math, science,



573 high technology, and other state or regional high-need fields
574 when establishing tuition differentials by course.

575 ~~3. For each state university that is designated as a~~
576 ~~preeminent state research university by the Board of Governors,~~
577 ~~pursuant to s. 1001.7065, the aggregate sum of tuition and the~~
578 ~~tuition differential may be increased by no more than 6 percent~~
579 ~~of the total charged for the aggregate sum of these fees in the~~
580 ~~preceding fiscal year. The tuition differential may be increased~~
581 ~~if the university meets or exceeds performance standard targets~~
582 ~~for that university established annually by the Board of~~
583 ~~Governors for the following performance standards, amounting to~~
584 ~~no more than a 2-percent increase in the tuition differential~~
585 ~~for each performance standard:~~

586 ~~a. An increase in the 6-year graduation rate for full-~~
587 ~~time, first-time-in-college students, as reported annually to~~
588 ~~the Integrated Postsecondary Education Data System.~~

589 ~~b. An increase in the total annual research expenditures.~~

590 ~~c. An increase in the total patents awarded by the United~~
591 ~~States Patent and Trademark Office for the most recent years.~~

592 3.4. The aggregate sum of undergraduate tuition and fees
593 per credit hour, including the tuition differential, may not
594 exceed the national average of undergraduate tuition and fees at
595 4-year degree-granting public postsecondary educational
596 institutions.

597 4.5. The tuition differential shall not be included in any
598 award under the Florida Bright Futures Scholarship Program



599 established pursuant to ss. 1009.53-1009.538.

600 ~~5.6.~~ Beneficiaries having prepaid tuition contracts
601 pursuant to s. 1009.98(2)(b) which were in effect on July 1,
602 2007, and which remain in effect, are exempt from the payment of
603 the tuition differential.

604 ~~6.7.~~ The tuition differential may not be charged to any
605 student who was in attendance at the university before July 1,
606 2007, and who maintains continuous enrollment.

607 ~~7.8.~~ The tuition differential may be waived by the
608 university for students who meet the eligibility requirements
609 for the Florida public student assistance grant established in
610 s. 1009.50.

611 ~~9.~~ ~~Subject to approval by the Board of Governors, the~~
612 ~~tuition differential authorized pursuant to this subsection may~~
613 ~~take effect with the 2009 fall term.~~

614 (c) Each state university that is designated as a
615 preeminent state research university by the Board of Governors
616 pursuant to s. 1001.7065 may increase the tuition differential
617 annually in accordance with this subsection. However, the
618 aggregate sum of tuition and the tuition differential may be
619 increased by no more than 6 percent of the total charged for the
620 aggregate sum of these fees in the preceding fiscal year. The
621 tuition differential may be increased only if the university
622 meets or exceeds performance standard targets for that
623 university established annually by the Board of Governors for
624 the following performance standards, amounting to no more than a



625 2-percent increase in the tuition differential for each
626 performance standard:

627 1. An increase in the 6-year graduation rate for full-
628 time, first-time-in-college students, as reported annually to
629 the Integrated Postsecondary Education Data System.

630 2. An increase in total annual research expenditures.

631 3. An increase in total patents awarded by the United
632 States Patent and Trademark Office for the most recent years.

633 ~~(c) A university board of trustees may submit a proposal~~
634 ~~to the Board of Governors to implement a tuition differential~~
635 ~~for one or more undergraduate courses. At a minimum, the~~
636 ~~proposal shall:~~

637 ~~1. Identify the course or courses for which the tuition~~
638 ~~differential will be assessed.~~

639 ~~2. Indicate the amount that will be assessed for each~~
640 ~~tuition differential proposed.~~

641 ~~3. Indicate the purpose of the tuition differential.~~

642 ~~4. Indicate how the revenues from the tuition differential~~
643 ~~will be used.~~

644 ~~5. Indicate how the university will monitor the success of~~
645 ~~the tuition differential in achieving the purpose for which the~~
646 ~~tuition differential is being assessed.~~

647 ~~(d) The Board of Governors shall review each proposal and~~
648 ~~advise the university board of trustees of approval of the~~
649 ~~proposal, the need for additional information or revision to the~~
650 ~~proposal, or denial of the proposal. The Board of Governors~~



651 ~~shall establish a process for any university to revise a~~
652 ~~proposal or appeal a decision of the board.~~

653 (d)~~(e)~~ The Board of Governors shall submit a report to the
654 President of the Senate, the Speaker of the House of
655 Representatives, and the Governor describing the implementation
656 of the provisions of this subsection no later than February 1 of
657 each year. The report shall ~~summarize proposals received by the~~
658 ~~board during the preceding fiscal year and actions taken by the~~
659 ~~board in response to such proposals. In addition, the report~~
660 ~~shall~~ provide the following information for each university that
661 assesses ~~has been approved by the board to assess~~ a tuition
662 differential:

663 1. The course or courses for which the tuition
664 differential was assessed and the amount assessed.

665 2. The total revenues generated by the tuition
666 differential.

667 3. With respect to waivers authorized under subparagraph
668 (b) 7. ~~(b) 8.~~, the number of students eligible for a waiver, the
669 number of students receiving a waiver, and the value of waivers
670 provided.

671 4. Detailed expenditures of the revenues generated by the
672 tuition differential.

673 5. Changes in retention rates, graduation rates, the
674 percentage of students graduating with more than 110 percent of
675 the hours required for graduation, pass rates on licensure
676 examinations, the number of undergraduate course offerings, the



677 percentage of undergraduate students who are taught by faculty,
678 student-faculty ratios, and the average salaries of faculty who
679 teach undergraduate courses.

680 (e) ~~(f)~~ A No state university is not shall be required to
681 lower a any tuition differential that was approved by the Board
682 of Governors and in effect before July 1, 2014 ~~prior to January~~
683 ~~1, 2009~~, in order to comply with ~~the provisions of~~ this
684 subsection.

685 (20) Each state university shall publicly notice and
686 notify all enrolled students of any proposal to increase tuition
687 or fees at least 28 days before its consideration at a board of
688 trustees meeting. The notice must:

689 (a) Include the date and time of the meeting at which the
690 proposal will be considered.

691 (b) Specifically outline the details of existing tuition
692 and fees, the rationale for the proposed increase, and how the
693 funds from the proposed increase will be used.

694 (c) Be posted on the university's website and issued in a
695 press release.

696 Section 14. Section 1011.802, Florida Statutes, is created
697 to read:

698 1011.802 Florida Apprenticeship Grant (FLAG) Program.—

699 (1) The Florida Apprenticeship Grant Program is created to
700 provide grants, in an amount provided in the General
701 Appropriations Act, to career centers, charter technical career
702 centers, and Florida College System institutions on a



703 competitive basis to establish new apprenticeship programs and
704 expand existing apprenticeship programs. The Division of Career
705 and Adult Education within the Department of Education shall
706 administer the grant program.

707 (2) Applications from career centers, charter technical
708 career centers, and Florida College System institutions must
709 contain projected enrollment and projected costs for the new or
710 expanded apprenticeship program.

711 (3) The department shall give priority to apprenticeship
712 programs in the areas of information technology, health, and
713 machining and manufacturing. Grant funds may be used for
714 instructional equipment, supplies, personnel, student services,
715 and other expenses associated with the creation or expansion of
716 an apprenticeship program. Grant funds may not be used for
717 recurring instructional costs or for a center's or an
718 institution's indirect costs. Grant recipients must submit
719 quarterly reports in a format prescribed by the department.

720 Section 15. Section 1011.803, Florida Statutes, is created
721 to read:

722 1011.803 Rapid Response Grant Program.—

723 (1) The Rapid Response Grant Program is established to
724 competitively award grants, in an amount provided in the General
725 Appropriations Act, for the expansion or implementation of high-
726 demand postsecondary programs at career centers, as defined in
727 ss. 1001.44 and 1002.34.

728 (2) Each career center applying for a grant shall submit



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729 an application to the Department of Education in the format
730 prescribed by the department. The application must include, but
731 is not limited to, program expansion or development details,
732 projected enrollment, and projected costs.

733 (3) Each career center that is awarded a grant under this
734 section shall submit quarterly reports to the department in the
735 format prescribed by the department. Grant funds may not be used
736 to supplant current funds and must be used to expand enrollment
737 in existing postsecondary programs or develop new postsecondary
738 programs.

739 (4) The Department of Education shall administer the
740 program and shall conduct an annual analysis and assessment of
741 the effectiveness of the postsecondary programs funded under
742 this section in meeting labor market demand.

743 Section 16. Section 1001.92, Florida Statutes, is created
744 to read:

745 1001.92 State University System Performance-Based
746 Incentive.—

747 (1) A University System Performance-Based Incentive shall
748 be awarded to state universities using performance-based metrics
749 adopted by the Board of Governors of the State University
750 System. The performance-based metrics shall include graduation
751 rates, retention rates, postgraduation education rates, degree
752 production, affordability, postgraduation employment and
753 salaries, access, and other metrics approved by the board in a
754 formally noticed meeting and adopted by board regulation. The



755 | board shall adopt benchmarks to evaluate each state university's
756 | performance on the metrics to measure the university's
757 | achievement of institutional excellence or need for improvement
758 | and minimum requirements for eligibility to receive performance
759 | funding.

760 | (2) Each fiscal year, the amount of funds available for
761 | allocation to the state universities based on the performance-
762 | based metrics shall consist of the state's appropriation for
763 | performance funding, including increases in base funding plus
764 | institutional investments consisting of funds deducted from the
765 | base funding of each state university in the State University
766 | System, in an amount provided in the General Appropriations Act.
767 | The institutional investment shall be restored for each
768 | institution eligible for the state's investment under the
769 | performance-based metrics.

770 | (3) (a) A state university that fails to meet the Board of
771 | Governors' minimum requirements shall have a portion of its
772 | institutional investment withheld by the board and must submit
773 | an improvement plan to the board that specifies the activities
774 | and strategies for improving the state university's performance.
775 | The board must review and approve the improvement plan and, if
776 | the plan is approved, must monitor the state university's
777 | progress in implementing the activities and strategies specified
778 | in the improvement plan. The state university shall submit
779 | monitoring reports to the board by December 31 and May 31 of
780 | each year in which an improvement plan is in place.



781 (b) The Chancellor of the State University System shall
782 withhold disbursement of the institutional investment until the
783 monitoring report is approved by the Board of Governors. A state
784 university that is determined by the board to be making
785 satisfactory progress on implementing the improvement plan shall
786 receive no more than one half of the withheld institutional
787 investment in January and the balance of the withheld
788 institutional investment in June. A state university that fails
789 to make satisfactory progress may not have its full
790 institutional investment restored. Any institutional investment
791 funds that are not restored shall be redistributed in accordance
792 with the board's performance-based metrics.

793 (4) Distributions of performance funding, as provided in
794 this section, shall be made to each of the state universities
795 listed in the Education and General Activities category in the
796 General Appropriations Act.

797 (5) By October 1 of each year, the Board of Governors
798 shall submit to the Governor, the President of the Senate, and
799 the Speaker of the House of Representatives a report on the
800 previous fiscal year's performance funding allocation which
801 shall reflect the rankings and award distributions.

802 (6) The Board of Governors shall adopt regulations to
803 implement this section.

804 Section 17. This act shall take effect July 1, 2015.