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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Education)

A bill to be entitled

An act relating to postsecondary education; amending s. 1001.03, F.S.; clarifying requirements for new construction, remodeling, or renovation projects; amending s. 1001.7065, F.S.; requiring that certain academic and research excellence standards be reported annually in the accountability plan prepared by the Board of Governors; revising the academic and research excellence standards established for the preeminent state research universities program; establishing criteria for identifying state universities of distinction, rather than programs of excellence, throughout the State University System; authorizing the Board of Governors to annually submit, by a specified date, the programs for funding by the Legislature; amending s. 1004.085, F.S.; requiring certain innovative pricing techniques and payment options to contain an opt-out provision for students; amending s. 1004.346, F.S.; deleting a provision related to terms of Phosphate Research and Activities Board members; amending s. 1009.50, F.S.; revising a provision relating to the maximum annual grant amount; providing that students who receive a grant award in the fall or spring term may also receive an award in the summer term, subject to availability of funds; prohibiting institutions from dispensing grants to students whose expected family contribution exceeds a



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28 certain amount; requiring that the formula used to
29 distribute funds for the program account for changes
30 in the number of eligible students across all student
31 assistance grant programs; requiring institutions to
32 certify the amount of funds disbursed within a certain
33 timeframe; requiring institutions to remit any
34 undisbursed advances within a specified timeframe;
35 providing an exception; requiring institutions that
36 receive moneys through the program to submit to the
37 department by a specified date a biennial report that
38 includes a financial audit conducted by the Auditor
39 General; authorizing the department to conduct its own
40 annual or biennial audit under certain circumstances;
41 authorizing the department to suspend or revoke an
42 institution's eligibility or request a refund of
43 moneys overpaid to the institution under certain
44 circumstances; providing a timeframe for such refunds;
45 amending s. 1009.505, F.S.; requiring that grant
46 awards administered through the Florida Public
47 Postsecondary Career Education Student Assistance
48 Grant Program not exceed a certain amount; providing
49 that students who receive a grant award in the fall or
50 spring term may also receive an award in the summer
51 term, subject to the availability of funds; requiring
52 the formula used to distribute funds for the program
53 to account for changes in the number of eligible
54 students across all student assistance grant programs;
55 requiring institutions to certify within a certain
56 timeframe the amount of funds disbursed; requiring



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57 institutions to remit within a specified timeframe any
58 undisbursed advances; providing an exception;
59 requiring institutions that receive moneys through the
60 program to submit to the department by a specified
61 date a biennial report that includes a financial audit
62 conducted by the Auditor General; authorizing the
63 department to conduct its own annual or biennial audit
64 under certain circumstances; authorizing the
65 department to suspend or revoke an institution's
66 eligibility or to request a refund of moneys overpaid
67 to the institution under certain circumstances;
68 authorizing funds appropriated for state student
69 assistance grants to be deposited in a specified trust
70 fund; requiring that any balance in the trust fund at
71 the end of a fiscal year which has been allocated to
72 the Florida Public Postsecondary Career Education
73 Student Assistance Grant Program remain therein,
74 subject to certain statutory exceptions; amending s.
75 1009.51, F.S.; requiring that grant awards
76 administered through the Florida Private Student
77 Assistance Grant Program not exceed the maximum annual
78 award amount specified in the General Appropriations
79 Act; providing that students who receive an award in
80 the fall or spring term may also receive an award in
81 the summer term, subject to the availability of funds;
82 prohibiting institutions from dispensing grants to
83 students whose expected family contribution exceeds a
84 certain amount; requiring that the formula used to
85 distribute funds for the program account for changes



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86 in the number of eligible students across all student
87 assistance grant programs; requiring institutions to
88 certify within a certain timeframe the amount of funds
89 disbursed; requiring institutions to remit within a
90 specified timeframe any undisbursed advances;
91 providing an exception; revising a requirement for a
92 biennial report; amending s. 1009.52, F.S.; requiring
93 that grants administered through the Florida
94 Postsecondary Student Assistance Grant Program not
95 exceed a certain annual award amount; providing that
96 students who receive a grant award in the fall or
97 spring term may also receive an award in the summer
98 term, subject to the availability of funds;
99 prohibiting institutions from dispensing grants to
100 students whose expected family contribution exceeds a
101 certain amount; requiring that the formula used to
102 distribute funds for the program account for changes
103 in the number of eligible students across all student
104 assistance grant programs; requiring institutions to
105 certify within a certain timeframe the amount of funds
106 disbursed; requiring institutions to remit within a
107 specified timeframe any undisbursed advances;
108 providing an exception; revising a requirement for a
109 biennial report; amending s. 1009.893, F.S.;
110 specifying eligibility for initial awards under the
111 Benacquisto Scholarship Program; revising requirements
112 for a student to receive a renewal award; providing a
113 timeframe within which students can receive an award;
114 providing an exception to renewal requirements;



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115 amending s. 1011.45, F.S.; revising the date by which
116 a spending plan must be submitted to a university's
117 board of trustees for approval; revising the date by
118 which the Board of Governors must review and approve
119 such spending plan; authorizing certain expenditures
120 in a carry forward spending plan to include a
121 commitment of funds to a contingency reserve for
122 certain purposes; amending s. 1012.976, F.S.;
123 requiring the Board of Governors to adopt regulations
124 defining university faculty and administrative
125 personnel classifications; amending s. 1013.841, F.S.;
126 revising the dates by which a spending plan must be
127 submitted to a Florida College System institution's
128 board of trustees for approval; revising the dates by
129 which the State Board of Education shall review and
130 publish such plans; authorizing certain expenditures
131 in a carry forward spending plan to include a
132 commitment of funds to a contingency reserve for
133 certain purposes; providing an effective date.

134

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

136

137 Section 1. Paragraph (c) of subsection (18) of section
138 1001.03, Florida Statutes, is amended to read:

139 1001.03 Specific powers of State Board of Education.—

140 (18) PUBLIC EDUCATION CAPITAL OUTLAY.—The State Board of
141 Education shall develop and submit the prioritized list required
142 by s. 1013.64(4). Projects considered for prioritization shall
143 be chosen from a preliminary selection group which shall include



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144 the list of projects maintained pursuant to paragraph (d) and
145 the top two priorities of each Florida College System
146 institution.

147 (c) A new construction, remodeling, or renovation project
148 that has not received an appropriation in a previous year shall
149 not be considered for inclusion on the prioritized list required
150 by s. 1013.64(4), unless:

151 1. A plan is provided to reserve funds in an escrow
152 account, specific to the project, into which shall be deposited
153 each year an amount of funds equal to 0.5 percent of the total
154 value of the building for future maintenance;

155 2. There exists ~~are~~ sufficient capacity within the cash and
156 bonding estimate of funds by the Revenue Estimating Conference
157 to accommodate the project ~~excess funds from the allocation~~
158 ~~provided pursuant to s. 1013.60~~ within the 3-year Public
159 Education Capital Outlay funding cycle ~~planning period which are~~
160 ~~not needed to complete the projects listed pursuant to paragraph~~
161 ~~(d)~~; and

162 3. The project has been recommended pursuant to s. 1013.31.
163 Section 2. Subsections (2), (5), and (7) of section
164 1001.7065, Florida Statutes, are amended to read:

165 1001.7065 Preeminent state research universities program.—

166 (2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—The
167 following academic and research excellence standards are
168 established for the preeminent state research universities
169 program and must be reported annually in the Board of Governors
170 Accountability Plan:

171 (a) An average weighted grade point average of 4.0 or
172 higher on a 4.0 scale and an average SAT score of 1800 or higher



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173 on a 2400-point scale or 1200 or higher on a 1600-point scale
174 for fall semester incoming freshmen, as reported annually.

175 (b) A top-50 ranking on at least two well-known and highly
176 respected national public university rankings, including, but
177 not limited to, the U.S. News and World Report rankings,
178 reflecting national preeminence, using most recent rankings.

179 (c) A freshman retention rate of 90 percent or higher for
180 full-time, first-time-in-college students, ~~as reported annually~~
181 ~~to the Integrated Postsecondary Education Data System (IPEDS).~~

182 (d) A 4-year graduation rate of 60 percent or higher for
183 full-time, first-time-in-college students, ~~as reported annually~~
184 ~~to the IPEDS. However, for the 2018 determination of a state~~
185 ~~university's preeminence designation and the related~~
186 ~~distribution of the 2018-2019 fiscal year appropriation~~
187 ~~associated with preeminence and emerging preeminence, a~~
188 ~~university is considered to have satisfied this graduation rate~~
189 ~~measure by attaining a 6-year graduation rate of 70 percent or~~
190 ~~higher by October 1, 2017, for full-time, first-time-in-college~~
191 ~~students, as reported to the IPEDS and confirmed by the Board of~~
192 ~~Governors.~~

193 (e) Six or more faculty members at the state university who
194 are members of a national academy, ~~as reported by the Center for~~
195 ~~Measuring University Performance in the Top American Research~~
196 ~~Universities (TARU) annual report or the official membership~~
197 ~~directories maintained by each national academy.~~

198 (f) Total annual research expenditures, including federal
199 research expenditures, of \$200 million or more, ~~as reported~~
200 ~~annually by the National Science Foundation (NSF).~~

201 (g) Total annual research expenditures in diversified



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202 nonmedical sciences of \$150 million or more, ~~based on data~~
203 ~~reported annually by the NSF.~~

204 (h) A top-100 university national ranking for research
205 expenditures in five or more science, technology, engineering,
206 or mathematics fields of study, ~~as reported annually by the NSF.~~

207 (i) One hundred or more total patents awarded by the United
208 States Patent and Trademark Office for the most recent 3-year
209 period.

210 (j) Four hundred or more doctoral degrees awarded annually,
211 including professional doctoral degrees awarded in medical and
212 health care disciplines, ~~as reported in the Board of Governors~~
213 ~~Annual Accountability Report.~~

214 (k) Two hundred or more postdoctoral appointees annually,
215 ~~as reported in the TARU annual report.~~

216 (l) An endowment of \$500 million or more, ~~as reported in~~
217 ~~the Board of Governors Annual Accountability Report.~~

218 (5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM
219 SUPPORT.—

220 (a) A state university that is designated as a preeminent
221 state research university shall submit to the Board of Governors
222 a 5-year benchmark plan with target rankings on key performance
223 metrics for national excellence. Upon approval by the Board of
224 Governors, and upon the university's meeting the benchmark plan
225 goals annually, the Board of Governors shall award the
226 university its proportionate share of any funds provided
227 annually to support the program created under this section.

228 (b) A state university designated as an emerging preeminent
229 state research university shall submit for approval to the Board
230 of Governors a 5-year benchmark plan with target rankings on key



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231 performance metrics for national excellence. ~~Upon approval by~~
232 ~~the Board of Governors, and upon the university's meeting the~~
233 ~~benchmark plan goals annually, the Board of Governors shall~~
234 ~~award the university its proportionate share of any funds~~
235 ~~provided annually to support the program created under this~~
236 ~~section.~~

237 (c) The award of funds under this subsection is contingent
238 upon funding provided by the Legislature to support the
239 preeminent state research universities program created under
240 this section. Funding increases appropriated beyond the amounts
241 funded in the previous fiscal year shall be distributed as
242 determined annually by the Legislature to as follows:

243 ~~1. each designated preeminent state research university~~
244 ~~that meets the criteria in paragraph (a) shall receive an equal~~
245 ~~amount of funding.~~

246 ~~2. Each designated emerging preeminent state research~~
247 ~~university that meets the criteria in paragraph (b) shall,~~
248 ~~beginning in the 2018-2019 fiscal year, receive an amount of~~
249 ~~funding that is equal to one-fourth of the total increased~~
250 ~~amount awarded to each designated preeminent state research~~
251 ~~university.~~

252 (7) STATE UNIVERSITIES PROGRAMS OF DISTINCTION EXCELLENCE
253 THROUGHOUT THE STATE UNIVERSITY SYSTEM.—The Board of Governors
254 shall establish standards and measures that may be used in
255 identifying state universities that focus on one core competency
256 unique to the State University System and that achieve
257 excellence at the national or state level, meet state workforce
258 needs, and foster an innovation economy that focuses on such
259 areas as health care, security, transportation, and science,



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260 technology, engineering, and mathematics (STEM), including
261 supply chain management. By each January 1, the Board of
262 Governors may submit such programs ~~whereby individual~~
263 ~~undergraduate, graduate, and professional degree programs in~~
264 ~~state universities which objectively reflect national excellence~~
265 ~~can be identified and make recommendations to the Legislature~~
266 ~~for funding by September 1, 2018, as to how any such programs~~
267 ~~could be enhanced and promoted.~~

268 Section 3. Subsection (4) of section 1004.085, Florida
269 Statutes, is amended to read:

270 1004.085 Textbook and instructional materials
271 affordability.—

272 (4) Each Florida College System institution and state
273 university board of trustees is authorized to adopt policies in
274 consultation with providers, including bookstores, which allow
275 for the use of innovative pricing techniques and payment options
276 for textbooks and instructional materials. Such policies may
277 include bulk pricing arrangements that enable students to
278 purchase course materials or texts that are delivered digitally;
279 delivered through other technologies that are, or the licenses
280 of which are, required for use within a course; or delivered in
281 a print format. Innovative pricing techniques and payment
282 options must include an opt-in or opt-out provision for students
283 and may be approved only if there is documented evidence that
284 the options reduce the cost of textbooks and instructional
285 materials for students taking a course.

286 Section 4. Paragraph (c) of subsection (2) of section
287 1004.346, Florida Statutes, is amended to read:

288 1004.346 Florida Industrial and Phosphate Research



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289 Institute.-

290 (2) PHOSPHATE RESEARCH AND ACTIVITIES BOARD.—The Phosphate
291 Research and Activities Board is created to monitor the
292 expenditure of funds appropriated to the university from the
293 Phosphate Research Trust Fund.

294 (c) Members of the board appointed by the Governor shall be
295 appointed to 3-year terms. A board member may continue to serve
296 until a successor is appointed, ~~but not more than 180 days after~~
297 ~~the expiration of his or her term.~~ A board member is eligible
298 for reappointment to subsequent terms.

299 Section 5. Section 1009.50, Florida Statutes, is amended to
300 read:

301 1009.50 Florida Public Student Assistance Grant Program;
302 eligibility for grants.—

303 (1) There is hereby created a Florida Public Student
304 Assistance Grant Program. The program shall be administered by
305 the participating institutions in accordance with rules of the
306 state board.

307 (2) (a) State student assistance grants through the program
308 may be made only to degree-seeking students who enroll in at
309 least 6 semester hours, or the equivalent per term, and who meet
310 the general requirements for student eligibility as provided in
311 s. 1009.40, except as otherwise provided in this section. The
312 grants shall be awarded annually for the amount of demonstrated
313 unmet need for the cost of education and may not exceed the
314 maximum annual award ~~an amount equal to the average prior~~
315 ~~academic year cost of tuition fees and other registration fees~~
316 ~~for 30 credit hours at state universities or such other amount~~
317 ~~as~~ specified in the General Appropriations Act, ~~to any~~



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318 ~~recipient~~. A demonstrated unmet need of less than \$200 shall
319 render the applicant ineligible for a state student assistance
320 grant. Recipients of the grants must have been accepted at a
321 state university or Florida College System institution
322 authorized by Florida law. If funds are available, a student who
323 received an award in the fall or spring term may receive a
324 summer term award. A student is eligible for the award for 110
325 percent of the number of credit hours required to complete the
326 program in which enrolled, except as otherwise provided in s.
327 1009.40(3).

328 (b) A student applying for a Florida public student
329 assistance grant shall be required to apply for the Pell Grant.
330 The Pell Grant entitlement shall be considered when conducting
331 an assessment of the financial resources available to each
332 student.

333 ~~(c) Priority in the distribution of grant moneys shall be~~
334 ~~given to students with the lowest total family resources, in~~
335 ~~accordance with a nationally recognized system of need analysis.~~
336 ~~Using the system of need analysis, the department shall~~
337 ~~establish a maximum expected family contribution.~~ An institution
338 may not make a grant from this program to a student whose
339 expected family contribution exceeds one and one-half times the
340 maximum Pell Grant-eligible family contribution level
341 ~~established by the department~~. An institution may not impose
342 additional criteria to determine a student's eligibility to
343 receive a grant award.

344 (d) Each participating institution shall report, to the
345 department by the established date, the ~~eligible~~ students
346 eligible for the program for to whom grant moneys are disbursed



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347 each academic term. Each institution shall also report to the
348 department necessary demographic and eligibility data for such
349 students.

350 (3) Based on the unmet financial need of an eligible
351 applicant, the amount of a Florida public student assistance
352 grant must be between \$200 and the ~~weighted average of the cost~~
353 ~~of tuition and other registration fees for 30 credit hours at~~
354 ~~state universities per academic year or the amount specified in~~
355 the General Appropriations Act.

356 (4) (a) The funds appropriated for the Florida Public
357 Student Assistance Grant shall be distributed to eligible
358 institutions in accordance with a formula approved by the State
359 Board of Education. The formula must ~~shall~~ consider at least the
360 prior year's distribution of funds, the number of ~~full-time~~
361 eligible applicants who did not receive awards, the
362 standardization of the expected family contribution, and
363 provisions for unused funds. The formula must account for
364 changes in the number of eligible students across all student
365 assistance grant programs established pursuant to this section
366 and ss. 1009.505, 1009.51, and 1009.52.

367 (b) Payment of Florida public student assistance grants
368 shall be transmitted to the president of the state university or
369 Florida College System institution, or to his or her
370 representative, in advance of the registration period.
371 Institutions shall notify students of the amount of their
372 awards.

373 (c) The eligibility status of each student to receive a
374 disbursement shall be determined by each institution as of the
375 end of its regular registration period, inclusive of a drop-add



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376 period. Institutions shall not be required to reevaluate a
377 student's eligibility status after this date for purposes of
378 changing eligibility determinations previously made.

379 (d) Institutions shall certify to the department within 30
380 days after the end of regular registration each term the amount
381 of funds disbursed to each student and shall remit to the
382 department any undisbursed advances within 60 days after the end
383 of regular registration each spring term ~~any advances by June 1~~
384 ~~of each year.~~ An exception to the remittance deadline may be
385 granted if the institution documents to the department how it
386 plans to disburse awards to students for the subsequent summer
387 term. An institution that uses funds for the summer term shall
388 certify to the department the amount of funds disbursed to each
389 student and shall remit to the department any undisbursed
390 advances within 30 days after the end of the summer term.

391 (e) Each institution that receives moneys through the
392 Florida Public Student Assistance Grant Program shall prepare a
393 biennial report that includes a financial audit, conducted by
394 the Auditor General, of the institution's administration of the
395 program and a complete accounting of moneys allocated to the
396 institution for the program. Such report shall be submitted to
397 the department by March 1 every other year. The department may
398 conduct its own annual or biennial audit of an institution's
399 administration of the program and its allocated funds in lieu of
400 the required biennial report and financial audit report. The
401 department may suspend or revoke an institution's eligibility to
402 receive future moneys for the program or may request a refund of
403 any moneys overpaid to the institution for the program if the
404 department finds that an institution has not complied with this



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405 section. Any refund requested pursuant to this paragraph shall
406 be remitted within 60 days after notification by the department.

407 (5) Funds appropriated by the Legislature for state student
408 assistance grants may be deposited in the State Student
409 Financial Assistance Trust Fund. Notwithstanding ~~the provisions~~
410 ~~of~~ s. 216.301 and pursuant to s. 216.351, any balance in the
411 trust fund at the end of any fiscal year which has been
412 allocated to the Florida Public Student Assistance Grant Program
413 shall remain therein and shall be available for carrying out the
414 purposes of this section.

415 (6) The State Board of Education shall establish rules
416 necessary to implement this section.

417 Section 6. Present subsections (5) and (6) of section
418 1009.505, Florida Statutes, are redesignated as subsections (6)
419 and (7), respectively, a new subsection (5) is added to that
420 section, and subsections (3) and (4) of that section are
421 amended, to read:

422 1009.505 Florida Public Postsecondary Career Education
423 Student Assistance Grant Program.—

424 (3) (a) Student assistance grants through the program may be
425 made only to certificate-seeking students enrolled at least
426 half-time in a public postsecondary career certificate program
427 who meet the general requirements for student eligibility as
428 provided in s. 1009.40, except as otherwise provided in this
429 section. The grants shall be awarded annually to any recipient
430 for the amount of demonstrated unmet need for the cost of
431 education and may not exceed the ~~average annual cost of tuition~~
432 ~~and registration fees or such other~~ amount as specified in the
433 General Appropriations Act. A demonstrated unmet need of less



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434 than \$200 shall render the applicant ineligible for a grant
435 under this section. Recipients of the grants must have been
436 accepted at a Florida College System institution authorized by
437 Florida law or a career center operated by a district school
438 board under s. 1001.44. If funds are available, a student who
439 received an award in the fall or spring term may receive a
440 summer term award. A student is eligible for the award for 110
441 percent of the number of clock hours required to complete the
442 program in which enrolled.

443 (b) A student applying for a Florida public postsecondary
444 career education student assistance grant shall be required to
445 apply for the Pell Grant. A Pell Grant entitlement shall be
446 considered when conducting an assessment of the financial
447 resources available to each student; however, a Pell Grant
448 entitlement shall not be required as a condition of receiving a
449 grant under this section.

450 (c) Each participating institution shall report, to the
451 department by the established date, the ~~eligible~~ students
452 eligible for the program for to whom grant moneys are disbursed
453 each academic term. Each institution shall also report to the
454 department necessary demographic and eligibility data for such
455 students.

456 (4) (a) The funds appropriated for the Florida Public
457 Postsecondary Career Education Student Assistance Grant Program
458 shall be distributed to eligible Florida College System
459 institutions and district school boards in accordance with a
460 formula approved by the department. The formula must account for
461 changes in the number of eligible students across all student
462 assistance grant programs established pursuant to this section



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463 and ss. 1009.50, 1009.51, and 1009.52.

464 (b) Payment of Florida public postsecondary career
465 education student assistance grants shall be transmitted to the
466 president of the Florida College System institution or to the
467 district school superintendent, or to the designee thereof, in
468 advance of the registration period. Institutions shall notify
469 students of the amount of their awards.

470 (c) The eligibility status of each student to receive a
471 disbursement shall be determined by each institution as of the
472 end of its regular registration period, inclusive of a drop-add
473 period. Institutions shall not be required to reevaluate a
474 student's eligibility status after this date for purposes of
475 changing eligibility determinations previously made.

476 (d) Participating institutions shall certify to the
477 department within 30 days after the end of regular registration
478 each term the amount of funds disbursed to each student and
479 shall remit to the department any undisbursed advances within 60
480 days after the end of regular registration each spring term ~~by~~
481 ~~June 1 of each year.~~ An exception to the remittance deadline may
482 be granted if the institution documents to the department how it
483 plans to disburse awards to students for the subsequent summer
484 term. An institution that uses funds for the summer term shall
485 certify to the department the amount of funds disbursed to each
486 student and shall remit to the department any undisbursed
487 advances within 30 days after the end of the summer term.

488 (e) Each institution that receives moneys through the
489 Florida Public Postsecondary Career Education Student Assistance
490 Grant Program shall prepare a biennial report that includes a
491 financial audit, conducted by the Auditor General, of the



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492 institution's administration of the program and a complete
493 accounting of moneys allocated to the institution for the
494 program. Such report shall be submitted to the department by
495 March 1 every other year. The department may conduct its own
496 annual or biennial audit of an institution's administration of
497 the program and its allocated funds in lieu of the required
498 biennial report and financial audit report. The department may
499 suspend or revoke an institution's eligibility to receive future
500 moneys for the program or may request a refund of any moneys
501 overpaid to the institution if the department finds that an
502 institution has not complied with this section. Any refund
503 requested pursuant to this paragraph shall be remitted within 60
504 days after notification by the department.

505 (5) Funds appropriated by the Legislature for state student
506 assistance grants may be deposited in the State Student
507 Financial Assistance Trust Fund. Notwithstanding s. 216.301, and
508 pursuant to s. 216.351, any balance in the trust fund at the end
509 of any fiscal year which has been allocated to the Florida
510 Public Postsecondary Career Education Student Assistance Grant
511 Program shall remain therein and shall be available for carrying
512 out the purposes of this section.

513 Section 7. Section 1009.51, Florida Statutes, is amended to
514 read:

515 1009.51 Florida Private Student Assistance Grant Program;
516 eligibility for grants.—

517 (1) There is created a Florida Private Student Assistance
518 Grant Program. The program shall be administered by the
519 participating institutions in accordance with rules of the State
520 Board of Education.



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521 (2) (a) Florida private student assistance grants ~~from the~~
522 ~~State Student Financial Assistance Trust Fund~~ may be made only
523 to full-time degree-seeking students who meet the general
524 requirements for student eligibility as provided in s. 1009.40,
525 except as otherwise provided in this section. Such grants shall
526 be awarded for the amount of demonstrated unmet need for tuition
527 and fees and may not exceed the maximum annual award ~~an amount~~
528 ~~equal to the average tuition and other registration fees for 30~~
529 ~~credit hours at state universities plus \$1,000 per academic~~
530 ~~year, or as specified in the General Appropriations Act, to any~~
531 ~~applicant~~. A demonstrated unmet need of less than \$200 shall
532 render the applicant ineligible for a Florida private student
533 assistance grant. Recipients of such grants must have been
534 accepted at a baccalaureate-degree-granting independent
535 nonprofit college or university, which is accredited by the
536 Commission on Colleges of the Southern Association of Colleges
537 and Schools and which is located in and chartered as a domestic
538 corporation by the state. If funds are available, a student who
539 received an award in the fall or spring term may receive a
540 summer term award. No student may receive an award for more than
541 the equivalent of 9 semesters or 14 quarters of full-time
542 enrollment, except as otherwise provided in s. 1009.40(3).

543 (b) A student applying for a Florida private student
544 assistance grant shall be required to apply for the Pell Grant.
545 The Pell Grant entitlement shall be considered when conducting
546 an assessment of the financial resources available to each
547 student.

548 (c) ~~Priority in the distribution of grant moneys shall be~~
549 ~~given to students with the lowest total family resources, in~~



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550 ~~accordance with a nationally recognized system of need analysis.~~
551 ~~Using the system of need analysis, the department shall~~
552 ~~establish a maximum expected family contribution.~~ An institution
553 may not make a grant from this program to a student whose
554 expected family contribution exceeds one and one-half times the
555 maximum Pell Grant-eligible family contribution level
556 ~~established by the department.~~ An institution may not impose
557 additional criteria to determine a student's eligibility to
558 receive a grant award.

559 (d) Each participating institution shall report, to the
560 department by the established date, ~~the eligible students~~
561 eligible for the program for to whom grant moneys are disbursed
562 each academic term. Each institution shall also report to the
563 department necessary demographic and eligibility data for such
564 students.

565 (3) Based on the unmet financial need of an eligible
566 applicant, the amount of a Florida private student assistance
567 grant must be between \$200 and ~~the average cost of tuition and~~
568 ~~other registration fees for 30 credit hours at state~~
569 ~~universities plus \$1,000 per academic year or~~ the amount
570 specified in the General Appropriations Act.

571 (4) (a) The funds appropriated for the Florida Private
572 Student Assistance Grant shall be distributed to eligible
573 institutions in accordance with a formula approved by the State
574 Board of Education. The formula must ~~shall~~ consider at least the
575 prior year's distribution of funds, the number of ~~full-time~~
576 eligible applicants who did not receive awards, the
577 standardization of the expected family contribution, and
578 provisions for unused funds. The formula must account for



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579 changes in the number of eligible students across all student
580 assistance grant programs established pursuant to this section
581 and ss. 1009.50, 1009.505, and 1009.52.

582 (b) Payment of Florida private student assistance grants
583 shall be transmitted to the president of the college or
584 university, or to his or her representative, in advance of the
585 registration period. Institutions shall notify students of the
586 amount of their awards.

587 (c) The eligibility status of each student to receive a
588 disbursement shall be determined by each institution as of the
589 end of its regular registration period, inclusive of a drop-add
590 period. Institutions shall not be required to reevaluate a
591 student's eligibility status after this date for purposes of
592 changing eligibility determinations previously made.

593 (d) Institutions shall certify to the department within 30
594 days after the end of regular registration each term the amount
595 of funds disbursed to each student and shall remit to the
596 department any undisbursed advances within 60 days after the end
597 of regular registration each spring term ~~by June 1 of each year.~~
598 An exception to the remittance deadline may be granted if the
599 institution documents to the department how it plans to disburse
600 awards to students for the subsequent summer term. An
601 institution that uses funds for the summer term shall certify to
602 the department the amount of funds disbursed to each student and
603 shall remit to the department any undisbursed advances within 30
604 days after the end of the summer term.

605 (e) Each institution that receives moneys through the
606 Florida Private Student Assistance Grant Program shall prepare a
607 biennial report that includes a financial audit, conducted by an



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608 independent certified public accountant, of the institution's
609 administration of the program and a complete accounting of
610 moneys ~~in the State Student Financial Assistance Trust Fund~~
611 allocated to the institution for the program. Such report shall
612 be submitted to the department by March 1 every other year. The
613 department may conduct its own annual or biennial audit of an
614 institution's administration of the program and its allocated
615 funds in lieu of the required biennial report and financial
616 audit report. The department may suspend or revoke an
617 institution's eligibility to receive future moneys ~~from the~~
618 ~~trust fund~~ for the program or request a refund of any moneys
619 overpaid to the institution ~~through the trust fund~~ for the
620 program if the department finds that an institution has not
621 complied with ~~the provisions of~~ this section. Any refund
622 requested pursuant to this paragraph shall be remitted within 60
623 days after notification by the department.

624 (5) Funds appropriated by the Legislature for Florida
625 private student assistance grants may be deposited in the State
626 Student Financial Assistance Trust Fund. Notwithstanding ~~the~~
627 ~~provisions of~~ s. 216.301 and pursuant to s. 216.351, any balance
628 in the trust fund at the end of any fiscal year which has been
629 allocated to the Florida Private Student Assistance Grant
630 Program shall remain therein and shall be available for carrying
631 out the purposes of this section and as otherwise provided by
632 law.

633 (6) The State Board of Education shall adopt rules
634 necessary to implement this section.

635 Section 8. Section 1009.52, Florida Statutes, is amended to
636 read:



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637 1009.52 Florida Postsecondary Student Assistance Grant
638 Program; eligibility for grants.—

639 (1) There is created a Florida Postsecondary Student
640 Assistance Grant Program. The program shall be administered by
641 the participating institutions in accordance with rules of the
642 State Board of Education.

643 (2) (a) Florida postsecondary student assistance grants
644 ~~through the State Student Financial Assistance Trust Fund~~ may be
645 made only to full-time degree-seeking students who meet the
646 general requirements for student eligibility as provided in s.
647 1009.40, except as otherwise provided in this section. Such
648 grants shall be awarded for the amount of demonstrated unmet
649 need for tuition and fees and may not exceed the maximum annual
650 award ~~an amount equal to the average prior academic year cost of~~
651 ~~tuition and other registration fees for 30 credit hours at state~~
652 ~~universities plus \$1,000 per academic year, or as specified in~~
653 ~~the General Appropriations Act, to any applicant.~~ A demonstrated
654 unmet need of less than \$200 shall render the applicant
655 ineligible for a Florida postsecondary student assistance grant.
656 Recipients of such grants must have been accepted at a
657 postsecondary institution that is located in this ~~the~~ state and
658 that is:

659 1. A private nursing diploma school approved by the Florida
660 Board of Nursing; or

661 2. A college or university licensed by the Commission for
662 Independent Education, excluding those institutions the students
663 of which are eligible to receive a Florida private student
664 assistance grant pursuant to s. 1009.51.

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666 If funds are available, a student who received an award in the
667 fall or spring term may receive a summer term award. No student
668 may receive an award for more than the equivalent of 9 semesters
669 or 14 quarters of full-time enrollment, except as otherwise
670 provided in s. 1009.40(3).

671 (b) A student applying for a Florida postsecondary student
672 assistance grant shall be required to apply for the Pell Grant.
673 The Pell Grant entitlement shall be considered when conducting
674 an assessment of the financial resources available to each
675 student.

676 ~~(c) Priority in the distribution of grant moneys shall be~~
677 ~~given to students with the lowest total family resources, in~~
678 ~~accordance with a nationally recognized system of need analysis.~~
679 ~~Using the system of need analysis, the department shall~~
680 ~~establish a maximum expected family contribution. An institution~~
681 may not make a grant from this program to a student whose
682 expected family contribution exceeds one and one-half times the
683 maximum Pell Grant-eligible family contribution level
684 ~~established by the department.~~ An institution may not impose
685 additional criteria to determine a student's eligibility to
686 receive a grant award.

687 (d) Each participating institution shall report~~7~~ to the
688 department by the established date~~7~~, the ~~eligible~~ students
689 eligible for the program for to whom grant moneys are disbursed
690 each academic term. Each institution shall also report to the
691 department necessary demographic and eligibility data for such
692 students.

693 (3) Based on the unmet financial need of an eligible
694 applicant, the amount of a Florida postsecondary student



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695 assistance grant must be between \$200 and ~~the average cost of~~
696 ~~tuition and other registration fees for 30 credit hours at state~~
697 ~~universities plus \$1,000 per academic year or~~ the amount
698 specified in the General Appropriations Act.

699 (4) (a) The funds appropriated for the Florida Postsecondary
700 Student Assistance Grant shall be distributed to eligible
701 institutions in accordance with a formula approved by the State
702 Board of Education. The formula must ~~shall~~ consider at least the
703 prior year's distribution of funds, the number of ~~full-time~~
704 eligible applicants who did not receive awards, the
705 standardization of the expected family contribution, and
706 provisions for unused funds. The formula must account for
707 changes in the number of eligible students across all student
708 assistance grant programs established pursuant to this section
709 and ss. 1009.50, 1009.505, and 1009.51.

710 (b) Payment of Florida postsecondary student assistance
711 grants shall be transmitted to the president of the eligible
712 institution, or to his or her representative, in advance of the
713 registration period. Institutions shall notify students of the
714 amount of their awards.

715 (c) The eligibility status of each student to receive a
716 disbursement shall be determined by each institution as of the
717 end of its regular registration period, inclusive of a drop-add
718 period. Institutions shall not be required to reevaluate a
719 student's eligibility status after this date for purposes of
720 changing eligibility determinations previously made.

721 (d) Institutions shall certify to the department within 30
722 days after the end of regular registration each term the amount
723 of funds disbursed to each student and shall remit to the



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724 department any undisbursed advances within 60 days after the end
725 of regular registration each spring term by June 1 of each year.
726 An exception to the remittance deadline may be granted if the
727 institution documents to the department how it plans to disburse
728 awards to students for the subsequent summer term. An
729 institution that uses funds for the summer term shall certify to
730 the department the amount of funds disbursed to each student and
731 shall remit to the department any undisbursed advances within 30
732 days after the end of the summer term.

733 (e) Each institution that receives moneys through the
734 Florida Postsecondary Student Assistance Grant Program shall
735 prepare a biennial report that includes a financial audit,
736 conducted by an independent certified public accountant, of the
737 institution's administration of the program and a complete
738 accounting of moneys ~~in the State Student Financial Assistance~~
739 ~~Trust Fund allocated to the institution~~ for the program. Such
740 report shall be submitted to the department by March 1 every
741 other year. The department may conduct its own annual or
742 biennial audit of an institution's administration of the program
743 and its allocated funds in lieu of the required biennial report
744 and financial audit report. The department may suspend or revoke
745 an institution's eligibility to receive future moneys ~~from the~~
746 ~~trust fund~~ for the program or request a refund of any moneys
747 overpaid to the institution ~~through the trust fund~~ for the
748 program if the department finds that an institution has not
749 complied with ~~the provisions of~~ this section. Any refund
750 requested pursuant to this paragraph shall be remitted within 60
751 days after notification by the department.

752 (5) Any institution that was eligible to receive state



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753 student assistance grants on January 1, 1989, and that is not
754 eligible to receive grants pursuant to s. 1009.51 is eligible to
755 receive grants pursuant to this section.

756 (6) Funds appropriated by the Legislature for Florida
757 postsecondary student assistance grants may be deposited in the
758 State Student Financial Assistance Trust Fund. Notwithstanding
759 ~~the provisions of~~ s. 216.301 and pursuant to s. 216.351, any
760 balance in the trust fund at the end of any fiscal year which
761 has been allocated to the Florida Postsecondary Student
762 Assistance Grant Program shall remain therein and shall be
763 available for carrying out the purposes of this section and as
764 otherwise provided by law.

765 (7) The State Board of Education shall adopt rules
766 necessary to implement this section.

767 Section 9. Subsections (2), (4), (5), and (6) of section
768 1009.893, Florida Statutes, are amended to read:

769 1009.893 Benacquisto Scholarship Program.—

770 (2) The Benacquisto Scholarship Program is created to
771 reward a high school graduate who receives recognition as a
772 National Merit Scholar ~~or National Achievement Scholar~~ and who
773 initially enrolls in the 2014-2015 academic year or, later, in a
774 baccalaureate degree program at an eligible Florida public or
775 independent postsecondary educational institution.

776 (4) In order to be eligible for an initial award under the
777 scholarship program, a student must meet the requirements of
778 paragraph (a) or paragraph (b).

779 (a) A student who is a resident of this state, as
780 determined in s. 1009.40 and rules of the State Board of
781 Education, must:



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782 1. Earn a standard Florida high school diploma or its
783 equivalent pursuant to s. 1002.3105, s. 1003.4281, s. 1003.4282,
784 or s. 1003.435 unless:

785 a. The student completes a home education program according
786 to s. 1002.41; or

787 b. The student earns a high school diploma from a non-
788 Florida school while living with a parent who is on military or
789 public service assignment out of this state;

790 2. Be accepted by and enroll in a Florida public or
791 independent postsecondary educational institution that is
792 regionally accredited; and

793 3. Be enrolled full-time in a baccalaureate degree program
794 at an eligible regionally accredited Florida public or
795 independent postsecondary educational institution during the
796 fall academic term following high school graduation.

797 (b) A student who initially enrolls in a baccalaureate
798 degree program in the 2018-2019 academic year or later and who
799 is not a resident of this state, as determined in s. 1009.40 and
800 rules of the State Board of Education, must:

801 1. Physically reside in this state on or near the campus of
802 the postsecondary educational institution in which the student
803 is enrolled;

804 2. Earn a high school diploma from a school outside Florida
805 which is comparable to a standard Florida high school diploma or
806 its equivalent pursuant to s. 1002.3105, s. 1003.4281, s.
807 1003.4282, or s. 1003.435 or must complete a home education
808 program in another state; and

809 3. Be accepted by and enrolled full-time in a baccalaureate
810 degree program at an eligible regionally accredited Florida



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811 public or independent postsecondary educational institution
812 during the fall academic term following high school graduation.

813 (5) (a) 1. An eligible student who meets the requirements of
814 paragraph (4) (a), who is a National Merit Scholar ~~or National~~
815 ~~Achievement Scholar~~, and who attends a Florida public
816 postsecondary educational institution shall receive a
817 scholarship award equal to the institutional cost of attendance
818 minus the sum of the student's Florida Bright Futures
819 Scholarship and National Merit Scholarship ~~or National~~
820 ~~Achievement Scholarship~~.

821 2. An eligible student who meets the requirements of
822 paragraph (4) (b), who is a National Merit Scholar, and who
823 attends a Florida public postsecondary educational institution
824 shall receive a scholarship award equal to the institutional
825 cost of attendance for a resident of this state minus the
826 student's National Merit Scholarship. Such student is exempt
827 from the payment of out-of-state fees.

828 (b) An eligible student who is a National Merit Scholar ~~or~~
829 ~~National Achievement Scholar~~ and who attends a Florida
830 independent postsecondary educational institution shall receive
831 a scholarship award equal to the highest cost of attendance for
832 a resident of this state enrolled at a Florida public
833 university, as reported by the Board of Governors of the State
834 University System, minus the sum of the student's Florida Bright
835 Futures Scholarship and National Merit Scholarship ~~or National~~
836 ~~Achievement Scholarship~~.

837 (6) (a) To be eligible for a renewal award, a student must
838 be enrolled full time, earn all credits for which he or she was
839 enrolled, and maintain a 3.0 or higher grade point average. An



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840 eligible Benacquisto Scholar who has fewer than 12 credits
841 remaining to complete his or her first baccalaureate degree may
842 receive funding for one term in order to complete the degree.

843 (b) A student's renewal status is not affected by
844 subsequent changes in the residency status of the student or the
845 residency status of the student's family.

846 (c) ~~(b)~~ A student may receive the scholarship award for a
847 maximum of 100 percent of the number of credit hours required to
848 complete a baccalaureate degree program, or until completion of
849 a baccalaureate degree program, whichever comes first.

850 (d) A student may receive an award for up to 5 years
851 following high school graduation and may not receive the award
852 for more than 10 semesters.

853 (e) A student who receives an award under this program and
854 fails to meet the renewal requirements due to a verifiable
855 illness or other documented emergency may be granted an
856 exception pursuant to s. 1009.40(1)(b)4.

857 Section 10. Section 1011.45, Florida Statutes, is amended
858 to read:

859 1011.45 End of year balance of funds.—Unexpended amounts in
860 any fund in a university current year operating budget shall be
861 carried forward and included as the balance forward for that
862 fund in the approved operating budget for the following year.

863 (1) Each university shall maintain a minimum carry forward
864 balance of at least 7 percent of its state operating budget. If
865 a university fails to maintain a 7 percent balance in state
866 operating funds, the university shall submit a plan to the Board
867 of Governors to attain the 7 percent balance of state operating
868 funds within the next fiscal year.



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869 (2) Each university that retains a state operating fund
870 carry forward balance in excess of the 7 percent minimum shall
871 submit a spending plan for its excess carry forward balance. The
872 spending plan shall be submitted to the university's board of
873 trustees for review, approval, or, if necessary, amendment by
874 September 30 ~~1~~, 2020, and each September 30 ~~1~~ thereafter. The
875 Board of Governors shall review, approve, and amend, if
876 necessary, each university's carry forward spending plan by
877 November 15 ~~October 1~~, 2020, and each November 15 ~~October 1~~
878 thereafter.

879 (3) A university's carry forward spending plan shall
880 include the estimated cost per planned expenditure and a
881 timeline for completion of the expenditure. Authorized
882 expenditures in a carry forward spending plan may include:

883 (a) Commitment of funds to a public education capital
884 outlay project for which an appropriation has previously been
885 provided that requires additional funds for completion and which
886 is included in the list required by s. 1001.706(12)(d);

887 (b) Completion of a renovation, repair, or maintenance
888 project that is consistent with ~~the provisions of~~ s. 1013.64(1),
889 up to \$5 million per project, and replacement of a minor
890 facility that does not exceed 10,000 gross square feet in size
891 up to \$2 million;

892 (c) Completion of a remodeling or infrastructure project,
893 including a project for a development research school, up to \$10
894 million per project, if such project is survey recommended
895 pursuant to s. 1013.31;

896 (d) Completion of a repair or replacement project necessary
897 due to damage caused by a natural disaster for buildings



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898 included in the inventory required pursuant to s. 1013.31;

899 (e) Operating expenditures that support the university
900 mission ~~and that are nonrecurring~~; and

901 (f) Any purpose specified by the board or in the General
902 Appropriations Act; and

903 (g) A commitment of funds to a contingency reserve to
904 assist in addressing unforeseen circumstances that may arise,
905 including natural disasters and other emergencies.

906 (4) Annually, by September 30, the chief financial officer
907 of each university shall certify the unexpended amount of funds
908 appropriated to the university from the General Revenue Fund,
909 the Educational Enhancement Trust Fund, and the
910 Education/General Student and Other Fees Trust Fund as of June
911 30 of the previous fiscal year.

912 (5) A university may spend the minimum carry forward
913 ~~carryforward~~ balance of 7 percent if a demonstrated emergency
914 exists and the plan is approved by the university's board of
915 trustees and the Board of Governors.

916 Section 11. Subsection (3) of section 1012.976, Florida
917 Statutes, is amended to read:

918 1012.976 Remuneration of state university administrative
919 employees; limitations.—

920 (3) EXCEPTIONS.—This section does not prohibit any party
921 from providing cash or cash-equivalent compensation from funds
922 that are not appropriated state funds to a state university
923 administrative employee in excess of the limit in subsection
924 (2). If a party is unable or unwilling to fulfill an obligation
925 to provide cash or cash-equivalent compensation to a state
926 university administrative employee as permitted under this



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927 subsection, appropriated state funds may not be used to fulfill
928 such obligation. This section does not apply to university
929 teaching faculty or medical school faculty or staff. The Board
930 of Governors shall define in regulation the university faculty
931 and administrative personnel classifications.

932 Section 12. Paragraph (b) of subsection (2), paragraph (b)
933 of subsection (3), and subsection (4) of section 1013.841,
934 Florida Statutes, are amended to read:

935 1013.841 End of year balance of Florida College System
936 institution funds.—

937 (2) (b) Each Florida College System institution with a final
938 FTE less than 15,000 for the prior year that retains a state
939 operating fund carry forward balance in excess of the 5 percent
940 minimum shall submit a spending plan for its excess carry
941 forward balance. The spending plan shall include all excess
942 carry forward funds from state operating funds. The spending
943 plan shall be submitted to the Florida College System
944 institution's board of trustees for approval by September 30 ~~1~~,
945 2020, and each September 30 ~~1~~ thereafter. The State Board of
946 Education shall review and publish each Florida College System
947 institution's carry forward spending plan by November 15 ~~October~~
948 ~~1~~, 2020, and each November 15 ~~October 1~~ thereafter.

949 (3) (b) Each Florida College System institution with a final
950 FTE of 15,000 or greater for the prior year that retains a state
951 operating fund carry forward balance in excess of the 7 percent
952 minimum shall submit a spending plan for its excess carry
953 forward balance. The spending plan shall include all excess
954 carry forward funds from state operating funds. The spending
955 plan shall be submitted to the Florida College System



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956 institution's board of trustees for approval by September 30 ~~±~~,
957 2020, and each September 30 ~~±~~ thereafter. The State Board of
958 Education shall review and publish each Florida College System
959 institution's carry forward spending plan by November 15 ~~October~~
960 ~~±~~, 2020, and each November 15 ~~October~~ ~~±~~ thereafter.

961 (4) A Florida College System institution identified in
962 paragraph (3) (a) must include in its carry forward spending plan
963 the estimated cost per planned expenditure and a timeline for
964 completion of the expenditure. Authorized expenditures in a
965 carry forward spending plan may include:

966 (a) Commitment of funds to a public education capital
967 outlay project for which an appropriation was previously
968 provided, which requires additional funds for completion, and
969 which is included in the list required by s. 1001.03(18) (d);

970 (b) Completion of a renovation, repair, or maintenance
971 project that is consistent with ~~the provisions of~~ s. 1013.64(1),
972 up to \$5 million per project;

973 (c) Completion of a remodeling or infrastructure project,
974 up to \$10 million per project, if such project is survey
975 recommended pursuant to s. 1013.31;

976 (d) Completion of a repair or replacement project necessary
977 due to damage caused by a natural disaster for buildings
978 included in the inventory required pursuant to s. 1013.31;

979 (e) Operating expenditures that support the Florida College
980 System institution's mission ~~which are nonrecurring; and~~

981 (f) Any purpose approved by the state board or specified in
982 the General Appropriations Act; and

983 (g) A commitment of funds to a contingency reserve to
984 assist in addressing unforeseen circumstances that may arise,



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985 including natural disasters and other emergencies.

986 Section 13. This act shall take effect July 1, 2020.