

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

11 Representative(s) Sindler, Wise, Wasserman Schultz, and  
12 Mackenzie offered the following:

14 **Amendment to Senate Amendment (640144) (with title**  
15 **amendment)**

16 On page 1, line 17 through page 66 line 8,  
17 remove from the amendment all of said lines including the text  
18 of all unengrossed senate amendments to senate amendment  
19 (640144):

21 and insert in lieu thereof:

22 Section 1. Section 232.2466, Florida Statutes, is  
23 amended to read:

24 232.2466 College-ready diploma program.--

25 (1) Beginning with the 1998-1999 ~~1997-1998~~ school  
26 year, each school district shall award a differentiated  
27 college-ready diploma to each student who:

28 (a) Successfully completes the requirements for a  
29 standard high school diploma as prescribed by s. 232.246.

30 Among courses taken to fulfill the 24-academic-credit  
31 requirement, a student must take high school courses that are

1 adopted by the Board of Regents and recommended by the State  
2 Board of Community Colleges as college-preparatory academic  
3 courses.+

4 ~~1. Two credits in algebra and one credit in geometry,~~  
5 ~~or their equivalents, as determined by the state board.~~

6 ~~2. One credit in biology, one credit in chemistry, and~~  
7 ~~one credit in physics, or their equivalents, as determined by~~  
8 ~~the state board.~~

9 ~~3. Two credits in the same foreign language, taken for~~  
10 ~~elective credit. A student whose native language is not~~  
11 ~~English is exempt from this requirement if the student~~  
12 ~~demonstrates proficiency in the native language. American sign~~  
13 ~~language constitutes a foreign language.~~

14 (b) Takes the postsecondary education common placement  
15 test prescribed in s. 240.117, or an equivalent test  
16 identified by the State Board of Education, before graduation  
17 and scores at or above the established statewide passing score  
18 in each test area.

19 (2) A college-ready diploma entitles a student to  
20 admission without additional placement testing to a public  
21 postsecondary education program that terminates in a technical  
22 certificate, an applied technology diploma, an associate in  
23 applied science degree, an associate in science degree, or an  
24 associate in arts degree, if the student enters postsecondary  
25 education within 2 years after earning the college-ready  
26 diploma.

27 (3) The Department of Education shall periodically  
28 convene a task force of educators and employers to recommend  
29 additional incentives for students to pursue a college-ready  
30 diploma. The incentives may include awards and recognition,  
31 preference for positions in firms, and early registration

1 | privileges in postsecondary education institutions.

2 |       Section 2. Paragraphs (o) and (p) are added to  
3 | subsection (2) of section 233.061, Florida Statutes, to read:

4 |       233.061 Required instruction.--

5 |       (2) Members of the instructional staff of the public  
6 | schools, subject to the rules and regulations of the  
7 | commissioner, the state board, and the school board, shall  
8 | teach efficiently and faithfully, using the books and  
9 | materials required, following the prescribed courses of study,  
10 | and employing approved methods of instruction, the following:

11 |       (o) The study of Hispanic contributions to the United  
12 | States.

13 |       (p) The study of Women's Contributions to the United  
14 | States.

15 |       Section 3. Paragraph (f) is added to subsection (4) of  
16 | section 239.117, Florida Statutes, to read:

17 |       239.117 Postsecondary student fees.--

18 |       (4) The following students are exempt from the payment  
19 | of registration, matriculation, and laboratory fees:

20 |       (f) A student who is a proprietor, owner, or worker of  
21 | a company whose business has been at least 50 percent  
22 | negatively financially impacted by the buy-out of property  
23 | around Lake Apopka by the State of Florida. Such a student may  
24 | receive a fee exemption only if the student has not received  
25 | compensation because of the buy-out, the student is designated  
26 | a Florida resident for tuition purposes, pursuant to s.  
27 | 240.1201, and the student has applied for and been denied  
28 | financial aid, pursuant to s. 240.404, which would have  
29 | provided, at a minimum, payment of all student fees. The  
30 | student is responsible for providing evidence to the  
31 | postsecondary education institution verifying that the

1 conditions of this paragraph have been met, including support  
2 documentation provided by the Department of Revenue. The  
3 student must be currently enrolled in, or begin coursework  
4 within, a program area by fall semester 2000. The exemption  
5 is valid for a period of 4 years from the date that the  
6 postsecondary education institution confirms that the  
7 conditions of this paragraph have been met.

8 Section 4. Subsection (1) and paragraph (c) of  
9 subsection (3) of section 239.225, Florida Statutes, are  
10 amended, and subsection (5) is added to said section, to read:

11 239.225 Vocational Improvement Program.--

12 (1) There is established the Vocational Improvement  
13 Program to be administered by the Department of Education  
14 pursuant to this section ~~and rules of the State Board for~~  
15 ~~Career Education. Such rules must provide for the submission~~  
16 ~~of applications and distribution of funds pursuant to this~~  
17 ~~section.~~ The priorities for allocation of funds for the  
18 program are the development of vocational programs for  
19 disadvantaged persons; recruitment, preservice and inservice  
20 activities for vocational counselors and teachers; the  
21 development of information systems that are compatible between  
22 school districts and community colleges; job placement  
23 services for vocational completers; the development of  
24 exploratory vocational courses; activities that provide  
25 faculty articulation for the purpose of integrating vocational  
26 and academic instruction; and activities that ensure greater  
27 community involvement in career education.

28 (3)

29 ~~(c) The State Board for Career Education may adopt~~  
30 ~~rules necessary to implement the provisions of this~~  
31 ~~subsection.~~

1           (5) The State Board for Career Education may adopt  
2 rules to implement this program.

3           Section 5. Subsections (4) and (5) are added to  
4 section 240.1163, Florida Statutes, to read:

5           240.1163 Joint dual enrollment and advanced placement  
6 instruction.--

7           (4) School districts and community colleges must weigh  
8 college-level dual enrollment courses the same as honors  
9 courses and advanced placement courses when grade point  
10 averages are calculated. Alternative grade calculation or  
11 weighting systems that discriminate against dual enrollment  
12 courses are prohibited.

13           (5) The Commissioner of Education may approve dual  
14 enrollment agreements for limited course offerings that have  
15 statewide appeal. Such programs shall be limited to a single  
16 site with multiple county participation.

17           Section 6. Subsections (6), (7), (8), and (9) of  
18 section 240.235, Florida Statutes, are renumbered as  
19 subsections (7), (8), (9), and (10), respectively, and a new  
20 subsection (6) is added to said section to read:

21           240.235 Fees.--

22           (6) Any proprietor, owner, or worker of a company  
23 whose business has been at least 50 percent negatively  
24 financially impacted by the buy-out of property around Lake  
25 Apopka by the State of Florida is exempt from the payment of  
26 registration, matriculation, and laboratory fees. A student  
27 receiving a fee exemption in accordance with this subsection  
28 must not have received compensation because of the buy-out,  
29 must be designated a Florida resident for tuition purposes,  
30 pursuant to s. 240.1201, and must first have applied for and  
31 been denied financial aid, pursuant to s. 240.404, which would

1 have provided, at a minimum, payment of all student fees. The  
2 student is responsible for providing evidence to the  
3 postsecondary education institution verifying that the  
4 conditions of this subsection have been met, including support  
5 documentation provided by the Department of Revenue. The  
6 student must be currently enrolled in, or begin coursework  
7 within, a program area by fall semester 2000. The exemption is  
8 valid for a period of 4 years from the date that the  
9 postsecondary education institution confirms that the  
10 conditions of this subsection have been met.

11 Section 7. Subsection (3) of section 240.311, Florida  
12 Statutes, is amended to read:

13 240.311 State Board of Community Colleges; powers and  
14 duties.--

15 (3) The State Board of Community Colleges shall:

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

19 (b) Provide, through rule, for the coordination of the  
20 state community college system.

21 (c) Review new associate degree or certificate  
22 programs for relationship to student demand; conduct periodic  
23 reviews of existing programs; and provide rules for  
24 termination of associate degree or certificate programs when  
25 excessive duplication exists.

26 (d) Ensure that the rules and procedures of community  
27 college district boards relating to admission to, enrollment  
28 in, employment in, and programs, services, functions, and  
29 activities of each college provide equal access and equal  
30 opportunity for all persons.

31 (e) Advise presidents of community colleges of the

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

1 fiscal policies adopted by the Legislature and of their  
2 responsibilities to follow such policies.

3 (f) Specify, by rule, procedures to be used by the  
4 boards of trustees in the periodic evaluations of presidents  
5 and formally review the evaluations of presidents by the  
6 boards of trustees.

7 (g) Recommend to the State Board of Education minimum  
8 standards for the operation of each community college as  
9 required in s. 240.325, which standards may include, but are  
10 not limited to, general qualifications of personnel,  
11 budgeting, accounting and financial procedures, educational  
12 programs, student admissions and services, and community  
13 services.

14 (h) Establish an effective information system which  
15 will provide composite data about the community colleges and  
16 assure that special analyses and studies about the colleges  
17 are conducted, as necessary, for provision of accurate and  
18 cost-effective information about the colleges and about the  
19 community college system as a whole.

20 (i) Encourage the colleges and the system as a whole  
21 to cooperate with other educational institutions and agencies  
22 and with all levels and agencies of government in the interest  
23 of effective utilization of all resources, programs, and  
24 services.

25 (j) Establish criteria for making recommendations  
26 relative to modifying district boundary lines and for making  
27 recommendations upon all proposals for the establishment of  
28 additional centers or campuses for community colleges.

29 (k) Develop a plan in cooperation with the local  
30 school district and the Department of Education to include any  
31 and all counties in a community college service district.

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

1           (1) Assess the need to consolidate any community  
2 colleges.

3           (m) Develop and adopt guidelines relating to salary  
4 and fringe benefit policies for community college  
5 administrators, including community college presidents.

6           (n) Develop and adopt guidelines relating to official  
7 travel by community college employees.

8           (o) Receive an annual administrative review of each  
9 community college.

10           1. Such review shall include, but is not limited to,  
11 the administrator-to-faculty ratio, the percent of funds for  
12 administrative costs in the total budget, and the percent of  
13 funds in support programs compared to the percent of funds in  
14 instructional programs and may include such other indicators  
15 of quality as are necessary.

16           2. The review shall also include all courses offered  
17 by a community college outside its district. Courses offered  
18 outside the home district which are not approved by the State  
19 Board of Community Colleges shall not be counted for funding  
20 purposes or to meet enrollment assignments. For purposes of  
21 this subparagraph, electronically originated instruction, to  
22 include satellite, broadcast, and internet delivered  
23 instruction, shall be exempt. Exemption is only permitted when  
24 the community college's intent is to offer the instruction for  
25 students residing within the community college's home district  
26 and only markets the instruction to students residing within  
27 the community college's home district. If a community  
28 college's intent is to market the electronically originated  
29 instruction outside its home district and thus recruit  
30 students outside its home district, the community college must  
31 receive the approval of the State Board of Community Colleges.



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

1 The State Board of Community Colleges shall have authority to  
2 review any electronically originated instruction for  
3 compliance with this section.

4 (p) Encourage and support activities which promote and  
5 advance college and statewide direct-support organizations.

6 (q) Specify, by rule, the degree program courses that  
7 may be taken by students concurrently enrolled in  
8 college-preparatory instruction.

9 Section 8. Section 240.321, Florida Statutes, is  
10 amended to read:

11 240.321 Community college district board of trustees;  
12 rules for admissions of students.--The board of trustees shall  
13 make rules governing admissions of students. These rules  
14 shall include the following:

15 (1) Admissions counseling shall be provided to all  
16 students entering college credit programs, which counseling  
17 shall utilize tests to measure achievement of college-level  
18 communication and computation competencies by all students  
19 entering college credit programs.

20 (2) Admission to associate degree programs is subject  
21 to minimum standards adopted by the State Board of Education  
22 and shall require:

23 (a) A standard high school diploma, a high school  
24 equivalency diploma as prescribed in s. 229.814, previously  
25 demonstrated competency in college credit postsecondary  
26 coursework, or, in the case of a student who is home educated,  
27 a signed affidavit submitted by the student's parent or legal  
28 guardian attesting that the student has completed a home  
29 education program pursuant to the requirements of s.  
30 232.02(4). Students who are enrolled in a dual enrollment or  
31 early admission program pursuant to s. 240.116 and secondary

1 students enrolled in college-level instruction creditable  
2 toward the associate degree, but not toward the high school  
3 diploma, shall be exempt from this requirement.

4 (b) A demonstrated level of achievement of  
5 college-level communication and computation skills. Students  
6 entering a postsecondary education program within 2 years of  
7 graduation from high school with an earned college-ready  
8 diploma issued pursuant to s. 232.2466 shall be exempt from  
9 this testing requirement.

10 (c) Any other requirements established by the board of  
11 trustees.

12 (3) Admission to other programs within the community  
13 college shall include education requirements as established by  
14 the board of trustees.

15  
16 Each board of trustees shall establish policies that notify  
17 students about, and place students into, adult basic  
18 education, adult secondary education, or other instructional  
19 programs that provide students with alternatives to  
20 traditional college-preparatory instruction, including private  
21 provider instruction. Such notification shall include a  
22 written listing or a prominent display of information on  
23 alternative remedial options that must be available to each  
24 student who scores below college level in any area on the  
25 common placement test. The list or display shall include, but  
26 is not limited to, options provided by the community college,  
27 adult education programs, and programs provided by  
28 private-sector providers. The college shall not endorse,  
29 recommend, evaluate, or rank any of the providers. The list of  
30 providers or the display materials shall include all those  
31 providers that request to be included. The written list must

1 provide students with specific contact information and  
2 disclose the full costs of the course tuition, laboratory  
3 fees, and instructional materials of each option listed. A  
4 student who elects a private provider for remedial instruction  
5 is entitled to enroll in up to 12 credits of college-level  
6 courses in skill areas other than those for which the student  
7 is being remediated. A student is prohibited from enrolling in  
8 additional college-level courses until the student scores  
9 above the cut-score on all sections of the common placement  
10 test.

11 Section 9. Section 240.324, Florida Statutes, is  
12 amended to read:

13 240.324 Community college accountability process.--

14 (1) It is the intent of the Legislature that a  
15 management and accountability process be implemented which  
16 provides for the systematic, ongoing improvement and  
17 assessment of the improvement of the quality and efficiency of  
18 the State Community College System. Accordingly, the State  
19 Board of Community Colleges and the community college boards  
20 of trustees shall develop and implement an accountability a  
21 plan to improve and evaluate the instructional and  
22 administrative efficiency and effectiveness of the State  
23 Community College System. This plan shall be designed in  
24 consultation with staff of the Governor and the Legislature  
25 and must address the following issues:

26 (a) Graduation rates of A.A. and A.S. degree-seeking  
27 students compared to first-time-enrolled students seeking the  
28 associate degree.

29 (b) Minority student enrollment and retention rates.

30 (c) Student performance, including student performance  
31 in college-level academic skills, mean grade point averages

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

1 for community college A.A. transfer students, and community  
2 college student performance on state licensure examinations.

3 (d) Job placement rates of community college  
4 vocational students.

5 (e) Student progression by admission status and  
6 program.

7 (f) Vocational accountability standards identified in  
8 s. 239.229.

9 (g) Other measures as identified by the Postsecondary  
10 Education Planning Commission and approved by the State Board  
11 of Community Colleges.

12 (2) ~~By January 1, 1992, the State Board of Community~~  
13 ~~Colleges shall submit to the Governor, the President of the~~  
14 ~~Senate, and the Speaker of the House of Representatives a plan~~  
15 ~~for addressing these issues. The plan must provide a specific~~  
16 ~~timetable that identifies specific issues to be addressed each~~  
17 ~~year and must provide for full implementation by December 31,~~  
18 ~~1994.~~ Beginning September 1, 1998 ~~December 31, 1992~~, the State  
19 Board of Community Colleges shall submit an annual ~~interim~~  
20 report, to coincide with the submission of the agency  
21 strategic plan required by law, providing the results of  
22 initiatives taken during the prior year and the initiatives  
23 and related objective performance measures proposed for the  
24 next year. The initial plan and each interim plan shall be  
25 designed in consultation with staff of the Governor and the  
26 Legislature.

27 (3) ~~Beginning January 1, 1993,~~The State Board of  
28 Community Colleges shall address within the annual evaluation  
29 of the performance of the executive director, and the boards  
30 of trustees shall address within the annual evaluation of the  
31 presidents, the achievement of the performance goals

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

1 established by the accountability process in the community  
2 college accountability plan.

3 Section 10. Subsections (4) through (14) of section  
4 240.35, Florida Statutes, as amended by chapter 97-383, Laws  
5 of Florida, are renumbered as subsections (5) through (15),  
6 respectively, paragraph (c) of present subsection (10) is  
7 amended, and a new subsection (4) is added to said section, to  
8 read:

9 240.35 Student fees.--Unless otherwise provided, the  
10 provisions of this section apply only to fees charged for  
11 college credit instruction leading to an associate degree,  
12 including college-preparatory courses defined in s. 239.105.

13 (4) Any proprietor, owner, or worker of a company  
14 whose business has been at least 50 percent negatively  
15 financially impacted by the buy-out of property around Lake  
16 Apopka by the State of Florida is exempt from the payment of  
17 registration, matriculation, and laboratory fees. A student  
18 receiving a fee exemption in accordance with this subsection  
19 must not have received compensation because of the buy-out,  
20 must be designated a Florida resident for tuition purposes  
21 pursuant to s. 240.1201, and must first have applied for and  
22 been denied financial aid, pursuant to s. 240.404, which would  
23 have provided, at a minimum, payment of all student fees. The  
24 student is responsible for providing evidence to the  
25 postsecondary education institution verifying that the  
26 conditions of this subsection have been met, including support  
27 documentation provided by the Department of Revenue. The  
28 student must be currently enrolled in, or begin coursework  
29 within, a program area by fall semester 2000. The exemption  
30 is valid for a period of 4 years from the date that the  
31 postsecondary education institution confirms that the

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

1 conditions of this subsection have been met.

2 (11)~~(10)~~

3 (c) Up to 25 percent or \$250,000, whichever is  
4 greater, of the fees collected may be used to assist students  
5 who demonstrate academic merit, who participate in athletics,  
6 public service, cultural arts, and other extracurricular  
7 programs as determined by the institution, or who are  
8 identified as members of a targeted gender or ethnic minority  
9 population. The financial aid fee revenues allocated for  
10 athletic scholarships and fee exemptions provided pursuant to  
11 subsection (15)~~(14)~~ for athletes shall be distributed  
12 equitably as required by s. 228.2001(3)(d). A minimum of 50  
13 percent of the balance of these funds shall be used to provide  
14 financial aid based on absolute need, and the remainder of the  
15 funds shall be used for academic merit purposes and other  
16 purposes approved by the district boards of trustees. Such  
17 other purposes shall include the payment of child care fees  
18 for students with financial need. The State Board of  
19 Community Colleges shall develop criteria for making financial  
20 aid awards. Each college shall report annually to the  
21 Department of Education on the criteria used to make awards,  
22 the amount and number of awards for each criterion, and a  
23 delineation of the distribution of such awards. Awards which  
24 are based on financial need shall be distributed in accordance  
25 with a nationally recognized system of need analysis approved  
26 by the State Board of Community Colleges. An award for  
27 academic merit shall require a minimum overall grade point  
28 average of 3.0 on a 4.0 scale or the equivalent for both  
29 initial receipt of the award and renewal of the award.

30 Section 11. Subsections (4) and (7) of section 240.36,  
31 Florida Statutes, are amended to read:

1           240.36 Dr. Philip Benjamin Academic Improvement Trust  
2 Fund for Community Colleges.--

3           (4) Challenge grants shall be proportionately  
4 allocated from the trust fund on the basis of matching each \$4  
5 of state funds with \$6 of local or private funds. ~~The matching~~  
6 ~~funds shall come from contributions made after July 1, 1983,~~  
7 ~~for the purposes of matching this grant.~~ To be eligible, a  
8 minimum of \$4,500 must be raised from private sources, ~~and~~  
9 ~~such contributions must be in excess of the total average~~  
10 ~~annual cash contributions made to the foundation at each~~  
11 ~~community college in the 3 fiscal years before July 1, 1983.~~

12           (7)(a) The board of trustees of the community college  
13 and the State Board of Community Colleges are responsible for  
14 determining the uses for the proceeds of their respective  
15 trust funds. Such uses of the proceeds shall be limited to  
16 expenditure of the funds for:

- 17           1. Scientific and technical equipment.  
18           2. Other activities that will benefit future students  
19 as well as students currently enrolled at the community  
20 college and that will improve the quality of education at the  
21 community college or in the community college system.  
22           3. Scholarships, loans, or need-based grants, ~~which~~  
23 ~~are the lowest priority for use of these funds.~~

24           (b) If a community college includes scholarships,  
25 loans, or need-based grants in its proposal, it shall create  
26 an endowment in its academic improvement trust fund and use  
27 the earnings of the endowment to provide scholarships, loans,  
28 or need-based grants. ~~in its proposal, it shall create an~~  
29 ~~endowment in its academic improvement trust fund and use the~~  
30 ~~earnings of the endowment to provide scholarships. Such~~  
31 ~~scholarships must be program specific and require high~~

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

1 ~~academic achievement for students to qualify for or retain the~~  
2 ~~scholarship. A scholarship program may be used for minority~~  
3 ~~recruitment but may not be used for athletic participants. The~~  
4 ~~board of trustees may award scholarships to students in~~  
5 ~~associate in arts programs and vocational programs. However,~~  
6 ~~for vocational programs, the board of trustees must have~~  
7 ~~designated the program as a program of emphasis for quality~~  
8 ~~improvement, a designation that should be restricted to a~~  
9 ~~limited number of programs at the community college. In~~  
10 ~~addition, the board of trustees must have adopted a specific~~  
11 ~~plan that details how the community college will improve the~~  
12 ~~quality of the program designated for emphasis and that~~  
13 ~~includes quality measures and outcome measures. Over a period~~  
14 ~~of time, the community college operating budget should show~~  
15 ~~additional financial commitment to the program of emphasis~~  
16 ~~above and beyond the average increases to other programs~~  
17 ~~offered by the community college. Fundraising activities must~~  
18 ~~be specifically identified as being for the program of~~  
19 ~~emphasis or scholarship money. The community college must~~  
20 ~~fully levy the amount for financial aid purposes provided by~~  
21 ~~s. 240.35(10) in addition to the tuition and matriculation fee~~  
22 ~~before any scholarship funds are awarded to the community~~  
23 ~~college as part of its approved request.~~

24 ~~(b)(c)~~ Proposals for use of the trust fund shall be  
25 submitted to the State Board of Community Colleges for  
26 approval. Any proposal not acted upon in 60 days shall be  
27 considered not approved.

28 Section 12. Subsection (5) of section 240.382, Florida  
29 Statutes, is amended to read:

30 240.382 Establishment of child development training  
31 centers at community colleges.--



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

1           (5) In addition to revenues derived from child care  
2 fees charged to parents and other external resources, each  
3 child development training center may be funded by a portion  
4 of funds from the student activity and service fee authorized  
5 by s. 240.35(10)(9) and the capital improvement fee authorized  
6 by s. 240.35(14)(13). Community colleges are authorized to  
7 transfer funds as necessary from the college's general fund to  
8 support the operation of the child development training  
9 center.

10           Section 13. Subsection (2) of section 240.4097,  
11 Florida Statutes, is amended to read:

12           240.4097 Florida Postsecondary Student Assistance  
13 Grant Program; eligibility for grants.--

14           (2)(a) Florida postsecondary student assistance grants  
15 through the State Student Financial Assistance Trust Fund may  
16 be made only to full-time degree-seeking students who meet the  
17 general requirements for student eligibility as provided in s.  
18 240.404, except as otherwise provided in this section. Such  
19 grants shall be awarded for the amount of demonstrated unmet  
20 need for tuition and fees and may not exceed a total of \$1,500  
21 per academic year, or as specified in the General  
22 Appropriations Act, to any applicant. A demonstrated unmet  
23 need of less than \$200 shall render the applicant ineligible  
24 for a Florida postsecondary student assistance grant.  
25 Recipients of such grants must have been accepted at a  
26 postsecondary institution that is located in ~~and chartered as~~  
27 ~~a domestic corporation by~~ the state and that is:

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

30           2. An institution either licensed by the State Board  
31 of Independent Colleges and Universities or exempt from

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

1 licensure pursuant to s. 246.085(1)(a), excluding those  
2 institutions the students of which are eligible to receive a  
3 Florida private student assistance grant pursuant to s.  
4 240.4095.

5  
6 No student may receive an award for more than the equivalent  
7 of 9 semesters or 14 quarters in a period of not more than 6  
8 consecutive years, except as otherwise provided in s.  
9 240.404(3).

10 (b) A student applying for a Florida postsecondary  
11 student assistance grant shall be required to apply for the  
12 Pell Grant. The Pell Grant entitlement shall be considered by  
13 the department when conducting an assessment of the financial  
14 resources available to each student.

15 (c) The criteria and procedure for establishing  
16 standards of eligibility shall be determined by the  
17 department. The department is directed to establish a rating  
18 system upon which to base the approval of grants, including  
19 the use of a nationally recognized system of need analysis.  
20 The system shall include a certification of acceptability by  
21 the school of the applicant's choice. Priority in the  
22 distribution of grant moneys shall be given to students with  
23 the lowest total family resources, as determined pursuant to  
24 this subsection, taking into consideration the receipt of Pell  
25 Grants and student contributions to educational costs.

26 Section 14. Section 246.201, Florida Statutes, is  
27 amended to read:

28 246.201 Legislative intent.--

29 (1) Sections 246.201-246.231 shall provide for the  
30 protection of the health, education, and welfare of the  
31 citizens of Florida and shall facilitate and promote the

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

1 acquisition of a minimum satisfactory career, ~~technical,~~  
2 ~~trade, and business~~ education by all the citizens of this  
3 state. ~~There are presently many fine nonpublic schools~~  
4 ~~existing in this state, but there are some nonpublic schools~~  
5 ~~which do not generally offer those educational opportunities~~  
6 ~~which the citizens of Florida deem essential. The latter type~~  
7 ~~of school also fails to contribute to the ultimate health,~~  
8 ~~education, and welfare of the citizens of Florida.~~ It shall  
9 be in the interest of, and essential to, the public health and  
10 welfare that the state create the means whereby all nonpublic  
11 postsecondary career independent degree career education,  
12 ~~technical, trade, and business~~ schools as defined in s.  
13 246.203(1) shall satisfactorily meet minimum educational  
14 standards and fair consumer practices.

15 (2) A common practice in our society is to use  
16 diplomas and degrees for many purposes. Some of these  
17 purposes are: for employers to judge the qualifications of  
18 prospective employees; for public and nonpublic professional  
19 groups, vocational groups, educational agencies, governmental  
20 agencies, and educational institutions to determine the  
21 qualifications for admission to, and continuation of,  
22 educational goals, occupational goals, professional  
23 affiliations, or occupational affiliations; and for public and  
24 professional assessment of the extent of competency of  
25 individuals engaged in a wide range of activities within our  
26 society.

27 (3) Because of the common use of diplomas and degrees,  
28 the minimum legal requirements provided by ss. 246.201-246.231  
29 for the establishment and operation of nonpublic postsecondary  
30 career independent degree career education, ~~technical, trade,~~  
31 ~~and business~~ schools shall protect the individual student from

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

1 deceptive, fraudulent, or substandard education; protect such  
2 ~~independent degree career education, technical, trade, and~~  
3 ~~business schools; and protect the citizens of Florida holding~~  
4 diplomas or degrees.

5 ~~(4) Nothing contained herein is intended in any way,~~  
6 ~~nor shall be construed, to regulate the stated purpose of an~~  
7 ~~independent degree career education, technical, trade, and~~  
8 ~~business school or to restrict any religious instruction or~~  
9 ~~training in a nonpublic school. Any school or business~~  
10 ~~regulated by the state or approved, certified, or regulated by~~  
11 ~~the Federal Aviation Administration is hereby expressly exempt~~  
12 ~~from ss. 246.201-246.231. Nonprofit schools, owned,~~  
13 ~~controlled, operated, and conducted by religious,~~  
14 ~~denominational, eleemosynary, or similar public institutions~~  
15 ~~exempt from property taxation under the laws of this state~~  
16 ~~shall be exempt from the provisions of ss. 246.201-246.231.~~  
17 ~~However, such schools may choose to apply for a license~~  
18 ~~hereunder, and, upon approval and issuance thereof, such~~  
19 ~~schools shall be subject to ss. 246.201-246.231.~~

20 Section 15. Subsections (1) and (7) of section  
21 246.203, Florida Statutes, are amended to read:

22 246.203 Definitions.--As used in ss. 246.201-246.231,  
23 unless the context otherwise requires:

24 (1) "School" means any nonpublic postsecondary  
25 noncollegiate career educational institution, association,  
26 corporation, person, partnership, or organization of any type  
27 that:

28 (a) Offers to provide or provides any postsecondary  
29 program of instruction, course, or class through the student's  
30 personal attendance, in the presence of an instructor, in a  
31 classroom, clinical, or other practicum setting or through

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

1 correspondence or other distance learning; and  
2 (b) Represents, directly or by implication, that the  
3 instruction will qualify the student for employment in any  
4 occupation whose practice in this state does not require a  
5 degree, as defined in s. 246.021(5); and  
6 (c) Receives remuneration from the student or any  
7 other source on the enrollment of a student or on the number  
8 of students enrolled; or  
9 (d) Offers to award or awards a diploma, as defined in  
10 subsection (6), regardless of whether or not it engages in the  
11 activities described in paragraph (a), paragraph (b), or  
12 paragraph (c).nongovernmental, postsecondary, vocational,  
13 technical, trade, or business noncollegiate educational  
14 institution, organization program, home study course, or class  
15 maintained or conducted in residence or through correspondence  
16 by any person, partnership, association, organization, or  
17 corporation for the purpose of offering instruction of any  
18 kind leading to occupational objectives or of furnishing a  
19 diploma, as defined in subsection (6), in business,  
20 management, trade, technical, or other career education and  
21 professional schools not otherwise regulated. Nonpublic  
22 colleges and universities which award a baccalaureate or  
23 higher degree, and nonpublic junior colleges which award an  
24 associate degree in liberal arts do not fall under the  
25 authority granted in ss. 246.201-246.231 unless the college,  
26 university, or junior college conducts, or seeks to conduct, a  
27 program for which a diploma, as defined in subsection (6), is  
28 to be awarded. Any nonpublic college, university, or junior  
29 college which conducts or seeks to conduct a diploma program  
30 shall, for the purposes of ss. 246.201-246.231, be included in  
31 the definition of "school." Schools offering only examination

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

1 ~~preparation courses for which they do not award a diploma as~~  
2 ~~defined in subsection (6) do not fall under the authority~~  
3 ~~granted in ss. 246.201-246.231; nor does a nonprofit class~~  
4 ~~provided and operated entirely by an employer, a group of~~  
5 ~~employers in related business or industry, or a labor union~~  
6 ~~solely for its employees or prospective employees or members.~~

7 (7) "Board" means the State Board of Nonpublic Career  
8 Education Independent Postsecondary Vocational, Technical,  
9 Trade, and Business Schools.

10 Section 16. Subsections (1) and (2) of section  
11 246.205, Florida Statutes, are amended to read:

12 246.205 State Board of Nonpublic Career Education  
13 ~~Independent Postsecondary Vocational, Technical, Trade, and~~  
14 ~~Business Schools.--~~

15 (1) There shall be established in the Department of  
16 Education a State Board of Nonpublic Career Education  
17 ~~Independent Postsecondary Vocational, Technical, Trade, and~~  
18 ~~Business Schools.~~ The board shall be assigned to the  
19 Department of Education only for the purpose of payroll,  
20 procurement, and related administrative functions which shall  
21 be exercised by the head of the department. The board shall  
22 independently exercise the other powers, duties, and functions  
23 prescribed by law. The board shall include nine members,  
24 appointed by the Governor as follows:

- 25 (a) One from a business school;  
26 (b) One from a technical school;  
27 (c) One from a home study school;  
28 (d) One from a nonpublic school;  
29 (e) Four from business and industry; and  
30 (f) An administrator of vocational-technical education  
31 from a public school district or community college.

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

1           (2) Each of the members shall be appointed by the  
2 Governor, subject to confirmation by the Senate, for a term of  
3 3 years. Of the original members appointed by the Governor,  
4 three shall serve for terms of 1 year, three shall serve for  
5 terms of 2 years, and three shall serve for terms of 3 years.  
6 Of the appointive members from the nonpublic postsecondary  
7 career independent schools, each shall have occupied executive  
8 or managerial positions in a nonpublic postsecondary career an  
9 independent school in this state for at least 5 years. All  
10 members shall be residents of this state. In the event of a  
11 vacancy on the board caused other than by the expiration of a  
12 term, the Governor shall appoint a successor to serve the  
13 unexpired term.

14           Section 17. Subsection (1) and paragraph (e) of  
15 subsection (2) of section 246.207, Florida Statutes, are  
16 amended to read:

17           246.207 Powers and duties of board.--

18           (1) The board shall:

19           (a) Hold such meetings as are necessary to administer  
20 efficiently the provisions of ss. 246.201-246.231.

21           (b) Select annually a chairperson and a vice  
22 chairperson.

23           ~~(c) Adopt and use an official seal in the~~  
24 ~~authentication of its acts.~~

25           ~~(c)(d)~~ Make rules for its own government.

26           ~~(d)(e)~~ Prescribe and recommend to the State Board of  
27 Education rules as are required by ss. 246.201-246.231 or as  
28 it may find necessary to aid in carrying out the objectives  
29 and purposes of ss. 246.201-246.231.

30           ~~(e)(f)~~ Administer ss. 246.201-246.231 and execute such  
31 rules adopted pursuant thereto by the State Board of Education

1 for the establishment and operation of nonpublic postsecondary  
2 career independent schools as defined in s. 246.203(1).

3 (f)~~(g)~~ Appoint, on the recommendation of its  
4 chairperson, executives, deputies, clerks, and employees of  
5 the board.

6 (g)~~(h)~~ Maintain a record of its proceedings.

7 (h)~~(i)~~ Cooperate with other state and federal agencies  
8 in administering ss. 246.201-246.231.

9 (i)~~(j)~~ Prepare an annual budget.

10 (j)~~(k)~~ Transmit all fees, donations, and other  
11 receipts of money to the Institutional Assessment Trust Fund  
12 ~~State Treasurer to be deposited in the General Revenue Fund.~~

13 (k)~~(l)~~ Transmit to the Governor, the Speaker of the  
14 House of Representatives, the President of the Senate, the  
15 minority leader of the Senate, and the minority leader of the  
16 House of Representatives on July 1, 1987, and each succeeding  
17 year an annual report which shall include, but not be limited  
18 to:

19 1. A detailed accounting of all funds received and  
20 expended.

21 2. The number of complaints received and investigated,  
22 by type.

23 3. The number of findings of probable cause.

24 4. A description of disciplinary actions taken, by  
25 statutory classification.

26 5. A description of all administrative hearings and  
27 court actions.

28 6. A description of the board's major activities  
29 during the previous year.

30 (l)~~(m)~~ Assure that no school that has met board  
31 requirements established by law or rule be made to operate



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

1 without a current license due to scheduling of board meetings  
2 or application procedures for license renewal.

3 ~~(n)~~(m) Cause to be investigated criminal justice  
4 information, as defined in s. 943.045, for each owner,  
5 administrator, and agent employed by a school applying for  
6 licensure or renewal of licensure.

7 ~~(o)~~(n) Serve as a central agency for collection and  
8 distribution of current information regarding institutions  
9 licensed by the board.

10 1. The data collected by the board shall include  
11 information relating to the school administration, calendar  
12 system, admissions requirements, student costs and financial  
13 obligations, financial aid information, refund policy,  
14 placement services, number of full-time and part-time faculty,  
15 student enrollment and demographic figures, programs, and  
16 off-campus programs. Other information shall be collected in  
17 response to specific needs or inquiries. Financial  
18 information of a strictly proprietary, commercial nature is  
19 excluded from this requirement.

20 2. The data collected by the board must also include  
21 the data for the career education program evaluation reports  
22 required by s. 239.233 for each school that chooses to provide  
23 public information under s. 239.245.

24 3. The board shall provide to each participating  
25 institution annually the format, definitions, and instructions  
26 for submitting the required information.

27 4. The data submitted by each institution shall be  
28 accompanied by a letter of certification signed by the chief  
29 administrative officer of the institution, affirming that the  
30 information submitted is accurate.

31 5. A summary of the data collected by the board shall

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

1 be included in the annual report to the Governor, the Speaker  
2 of the House of Representatives and the President of the  
3 Senate, the minority leader of the Senate, and the minority  
4 leader of the House of Representatives. The information  
5 collected by the board may also be used by the Department of  
6 Education for such purposes as statewide master planning,  
7 state financial aid programs, and publishing directories, by  
8 the Legislature, and to respond to consumer inquiries received  
9 by the board.

10 ~~(p) Publish and index all policies and agency~~  
11 ~~statements. If a policy or agency statement meets the criteria~~  
12 ~~of a rule, as defined in s. 120.52, the board shall adopt it~~  
13 ~~as a rule.~~

14 (o)~~(q)~~ Establish and publicize the procedures for  
15 receiving and responding to complaints from students, faculty,  
16 and others about schools or programs licensed by the board and  
17 shall keep records of such complaints in order to determine  
18 their frequency and nature for specific institutions of higher  
19 education. With regard to any written complaint alleging a  
20 violation of any provision of ss. 246.201-246.231 or any rule  
21 promulgated pursuant thereto, the board shall periodically  
22 notify, in writing, the person who filed the complaint of the  
23 status of the investigation, whether probable cause has been  
24 found, and the status of any administrative action, civil  
25 action, or appellate action, and if the board has found that  
26 probable cause exists, it shall notify, in writing, the party  
27 complained against of the results of the investigation and  
28 disposition of the complaint. The findings of the probable  
29 cause panel, if a panel is established, shall not be disclosed  
30 until the information is no longer confidential.

31 (2) The board may:

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

1 (e) Issue a license to any school subject to ss.  
2 246.201-246.231 which is exempted ~~excluded~~ from the licensing  
3 and regulatory requirements of ss. 246.201-246.231, upon  
4 voluntary application for such license and upon payment of the  
5 appropriate fee as set forth in s. 246.219.

6 Section 18. Section 246.213, Florida Statutes, is  
7 amended to read:

8 246.213 Power of State Board of Education.--

9 (1) The State Board of Education, acting on the  
10 recommendation of the State Board of Nonpublic Career  
11 Education ~~Independent Postsecondary Vocational, Technical,~~  
12 ~~Trade, and Business Schools~~, shall adopt such minimum  
13 standards and rules as are required for the administration of  
14 ss. 246.201-246.231.

15 (2)(a) The minimum educational standards for the  
16 licensing of schools shall include, but not be limited to:  
17 name of school, purpose, administrative organization,  
18 educational program and curricula, finances, financial  
19 stability, faculty, library, student personnel services,  
20 physical plant and facilities, publications, and disclosure  
21 statements about the status of the institution in relation to  
22 professional certification and licensure.

23 (b) Rules of the State Board of Education shall  
24 require that nonpublic schools administer an entry-level test  
25 of basic skills to each student who enrolls in a nondegree  
26 program of at least 450 clock hours, or the credit hour  
27 equivalent, which purports to prepare such student for  
28 employment. The State Board of Nonpublic Career Education  
29 ~~Independent Postsecondary Vocational, Technical, Trade, and~~  
30 ~~Business Schools~~ shall designate examinations authorized for  
31 use for entry-level testing purposes. State Board of Education

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

1 rules shall require that applicable schools provide students  
2 who are deemed to lack a minimal level of basic skills with a  
3 structured program of basic skills instruction. No student  
4 shall be granted a diploma, as defined in s. 246.203, until he  
5 or she has demonstrated mastery of basic skills. Exceptional  
6 students, as defined in s. 228.041, may be exempted from the  
7 provisions of this paragraph. The State Board of Education  
8 shall identify means through which students who are capable of  
9 demonstrating mastery of basic skills may be exempted from the  
10 provisions of this paragraph.

11 (c) The State Board of Nonpublic Career Education  
12 ~~Independent Postsecondary Vocational, Technical, Trade, and~~  
13 ~~Business Schools~~ may request that schools within its  
14 jurisdiction provide the board all documents associated with  
15 institutional accreditation. The board shall solicit from  
16 schools which provide such documents only such additional  
17 information undisclosed in the accreditation documents  
18 provided. The board may conduct a comprehensive study of a  
19 school that fails to provide all documents associated with its  
20 institutional accreditation. The cost of such study shall be  
21 borne by the institution. Standards imposed by the board shall  
22 not be constrained in quality or quantity to those imposed by  
23 the respective accrediting body.

24 (d) The State Board of Nonpublic Career Education  
25 ~~Independent Postsecondary Vocational, Technical, Trade, and~~  
26 ~~Business Schools~~ shall recommend to the State Board of  
27 Education minimum placement standards for institutions that  
28 conduct programs that prepare students for employment.

29 (3) The minimum requirements for the licensing of  
30 agents shall include: name, residential and business  
31 addresses, background training, institution or institutions to

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

1 be represented, and demonstrated knowledge of statutes and  
2 rules related to the authority granted to agents and the  
3 limitations imposed upon such authority. No employee of a  
4 nonpublic school shall solicit prospective students for  
5 enrollment in such school until that employee is licensed by  
6 the State Board of Nonpublic Career Education ~~Independent~~  
7 ~~Postsecondary Vocational, Technical, Trade, and Business~~  
8 ~~Schools~~ as an agent.

9 (4) The State Board of Nonpublic Career Education  
10 ~~Independent Postsecondary Vocational, Technical, Trade, and~~  
11 ~~Business Schools~~ shall adopt criteria for specialized  
12 associate degrees, diplomas, certificates, or other  
13 educational credentials that will be recognized in licensed  
14 schools. The State Board of Nonpublic Career Education  
15 ~~Independent Postsecondary Vocational, Technical, Trade, and~~  
16 ~~Business Schools~~ shall adopt a common definition for each  
17 credential. To determine the level of a nonpublic an  
18 ~~independent~~ institution's vocational program or to establish  
19 criteria for a specialized degree, the board shall use  
20 procedures developed pursuant to s. 239.205, which requires  
21 the Department of Education to determine the level of each  
22 public degree career education program.

23 Section 19. Section 246.215, Florida Statutes, is  
24 amended to read:

25 246.215 License required.--

26 (1) No nonpublic postsecondary career independent  
27 school required to be licensed pursuant to ss. 246.201-246.231  
28 shall be operated or established within the state until such  
29 school makes application and obtains a license or  
30 authorization from the board. Each nonpublic school that  
31 seeks licensure shall first submit articles of incorporation

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

1 to the Department of State. After the Department of State  
2 approves such articles and verifies that the articles indicate  
3 the corporation is a postsecondary school within the meaning  
4 and intent of s. 246.203, the corporation shall apply for  
5 licensure by the board within 60 days of approval of the  
6 articles. Department of State approval of the articles of  
7 incorporation shall not constitute authorization to operate  
8 the nonpublic school. The Department of State shall  
9 immediately transmit approved articles of incorporation for  
10 nonpublic schools to the board.

11 (2) No agent shall solicit any prospective student for  
12 enrollment in a nonpublic school until both the agent and the  
13 school are appropriately licensed or otherwise authorized by  
14 the board.

15 (3) No nonpublic postsecondary career independent  
16 school required to be licensed pursuant to ss. 246.201-246.231  
17 shall advertise in any manner until such school is granted an  
18 appropriate license by the board, nor shall any licensed  
19 school advertise in any manner while such school is under an  
20 injunction against operating, soliciting students, or offering  
21 diplomas.

22 (4) No license granted by the board shall be  
23 transferable to another nonpublic postsecondary career  
24 ~~independent~~ school or to another agent, nor shall school  
25 licensure transfer upon a change in ownership of the  
26 institution.

27 (5) Each license granted by the board shall delineate  
28 the specific nondegree programs that the nonpublic school is  
29 authorized to offer. No such school shall conduct a program  
30 unless express authority is granted in its license.

31 (6) A diploma program offered by a nonpublic junior

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

1 college, college, or university must be licensed by the board,  
2 notwithstanding the fact that such institution is concurrently  
3 subject to the jurisdiction of the State Board of Independent  
4 Colleges and Universities, if such program does the following:

5 (a) The program qualifies a student for employment or  
6 engagement in an occupation whose practice in this state does  
7 not require a degree.

8 (b) The program awards a diploma, as defined in s.  
9 246.203(6), for successful completion, including any program  
10 that is organized to give students an option of exiting at a  
11 specified point and receiving a diploma, or continuing and  
12 receiving a degree, as defined in s. 246.021(5).

13 Section 20. Section 246.216, Florida Statutes, is  
14 created to read:

15 246.216 Exemption from licensure.--

16 (1) A person or entity which otherwise fits the  
17 definition of school in s. 246.203(1) shall be exempt from  
18 licensure if it meets the criteria specified in this section  
19 and applies to the board for a statement of exemption. The  
20 board shall issue a statement of exemption if it determines,  
21 based on all available information, that the applicant meets  
22 the following criteria:

23 (a) The entity is a church or religious organization  
24 whose programs of instruction include:

25 1. A religious modifier in the title of the program,  
26 immediately preceding the name of the occupation to which the  
27 instruction relates, and in the title of the diploma.

28 2. No representation, directly or by implication, that  
29 individuals who successfully complete the program will be  
30 qualified to be employed in the field to which the training  
31 relates by an employer other than a church or religious

1 organization.

2 3. No students who receive state or federal financial  
3 aid to pursue the program;

4 (b) The person or entity is regulated by the Federal  
5 Aviation Administration, another agency of the Federal  
6 Government, or an agency of the state whose regulatory laws  
7 are similar in nature and purpose to those of the board and  
8 require minimum educational standards, for at least  
9 curriculum, instructors, and academic progress and provide  
10 protection against fraudulent, deceptive, and substandard  
11 education practices;

12 (c) The person or entity offers only examination  
13 preparation courses provided that:

14 1. A diploma as defined in s. 246.203(6) is not  
15 awarded.

16 2. The courses do not include state licensing  
17 examinations in occupations for which state laws do not  
18 require a licensee to have a bachelor's degree or higher  
19 academic or professional degree;

20 (d) The person or entity is:

21 1. An employer who offers training and trains only its  
22 own bona fide employees;

23 2. A trade or professional association or a group of  
24 employers in the same or related business who in writing agree  
25 to offer training and to train only individuals who are bona  
26 fide employees of an employer who is a member of the  
27 association or a party to the written agreement; or

28 3. An independent contractor engaged by any of the  
29 foregoing by written contract to provide the training on its  
30 behalf exclusively to individuals who are selected by the  
31 employer, association, or group which engaged the contractor



1 and who are bona fide employees thereof.

2

3 For purposes of this paragraph, a bona fide employee is an  
4 individual who works for salary or wages paid by the employer  
5 in at least the minimum amount required by law;

6 (e) The entity is a labor union or group of labor  
7 unions which offers training to, and trains only, individuals  
8 who are dues paying members of a participating labor union; or  
9 the person or entity is an independent contractor engaged by  
10 the labor union or group of labor unions, by written contract,  
11 to provide the training on its behalf exclusively to  
12 individuals who are selected by the labor union or group of  
13 labor unions which engaged the contractor and who are dues  
14 paying members thereof;

15 (f) The person or entity offers only continuing  
16 education programs to individuals who engage in an occupation  
17 or profession whose practitioners are subject to licensure,  
18 certification, or registration by a state agency which  
19 recognizes the programs for continuing education purposes and  
20 provides a written statement of such recognition; or

21 (g) The person or entity offers a program of  
22 instruction whose objective is not occupational, but is  
23 avocational and only for personal enrichment and which:

24 1. Prior to enrollment, gives to each enrollee, and  
25 maintains a record copy of, a written statement which states  
26 substantially the following: "This program is not designed or  
27 intended to qualify its participants and graduates for  
28 employment in (the field to which the training pertains). It  
29 is intended solely for the avocation, personal enrichment, and  
30 enjoyment of its participants."

31 2. Makes no other verbal or written statements which

1 negate the written statement required in subparagraph 1. by  
2 stating or implying that persons who enroll in or complete the  
3 program have any more substantial likelihood of getting  
4 employment in the field to which the training pertains than  
5 persons who do not.

6 3. Maintains and makes available to the board, upon  
7 request, records which demonstrate that each enrollee received  
8 the statement required by subparagraph 1. prior to  
9 enrollment.

10  
11 To be eligible for the statement of exemption, the applicant  
12 must maintain records documenting its qualification for  
13 exemption. A person or entity which is exempt pursuant to this  
14 subsection and which is also a licensee for programs which do  
15 not qualify for exemption may not include in the catalog,  
16 contract, or advertising relating to its licensed program any  
17 reference to its unlicensed programs. This restriction does  
18 not apply to a licensee which voluntarily becomes licensed to  
19 offer programs which would otherwise qualify for exemption.

20 (2) The board shall revoke a statement of exemption if  
21 it determines, based on all available information, that the  
22 entity does not meet the criteria required in subsection (1)  
23 because of the following:

24 (a) There has been a material change in circumstances  
25 or in the law;

26 (b) The statement was erroneously issued as a result  
27 of false or misleading information provided by the applicant  
28 or other source;

29 (c) There was a misunderstanding by the board of the  
30 information which it had considered; or

31 (d) New information has been received.

1  
2 Probable cause proceedings do not apply to the foregoing board  
3 decisions.

4 (3) The board may invoke the remedies provided in s.  
5 246.227 when no application for a statement of exemption is  
6 pending; in conjunction with, or subsequent to, its notice of  
7 denial of an application; or in conjunction with, or  
8 subsequent to, its notice of revocation. The filing of a civil  
9 action pursuant to s. 246.227 shall have the effect of  
10 suspending administrative proceedings under this section  
11 unless the board takes a voluntary dismissal without prejudice  
12 in a judicial case. An order of the court which determines or  
13 renders moot an issue presented in suspended administrative  
14 proceedings shall be grounds for dismissal of the  
15 administrative proceeding as to that issue.

16 Section 21. Subsection (1) of section 246.219, Florida  
17 Statutes, is amended to read:

18 246.219 License fees.--

19 (1) Each initial application for a license to operate  
20 a nonpublic postsecondary career school shall be accompanied  
21 by a license fee of not less than \$500, and each application  
22 for the renewal of such license shall be accompanied by an  
23 annual license fee of at least \$300, provided that the fee for  
24 a biennial license shall be at least \$600. A fee shall be  
25 charged for a supplementary application for the approval of  
26 any additional field or course of instruction. Such fees  
27 shall be delineated, by rule, by the board.

28 Section 22. Section 246.220, Florida Statutes, is  
29 amended to read:

30 246.220 Surety bonds or insurance.--Surety bonds or  
31 insurance shall not be required of any school licensed by the

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

1 State Board of Nonpublic Career Education ~~Independent~~  
2 ~~Postsecondary Vocational, Technical, Trade, and Business~~  
3 ~~Schools~~, except as may be required by the board to insure the  
4 train-out of projected or currently enrolled students,  
5 issuance of refunds to projected or currently enrolled  
6 students, payment of liabilities to the Student Protection  
7 Fund, or for the retrieval or safekeeping of student records.

8 Section 23. Subsections (1) and (4) of section  
9 246.2265, Florida Statutes, are amended to read:

10 246.2265 Additional regulatory powers while  
11 disciplinary proceedings are pending; cease and desist  
12 orders.--

13 (1) The board may, in conjunction with an  
14 administrative complaint or notice of denial of licensure,  
15 issue cease and desist orders for the purpose of protecting  
16 the health, safety, and welfare of students, prospective  
17 students, and the general public. Such orders may be  
18 mandatory or prohibitory in form and may order a nonpublic ~~an~~  
19 ~~independent~~ postsecondary career institution, officer,  
20 employee, or agent to:

21 (a) Cease and desist from specified conduct which  
22 relates to acts or omissions stated in the administrative  
23 complaint or notice of denial of licensure; or

24 (b) Cease and desist from failing to engage in  
25 specified conduct which is necessary to achieve or preserve  
26 the regulatory purposes of ss. 246.201-246.231.

27 (4) The executive director of the board, with the  
28 approval of the chair of the board, may issue and deliver a  
29 cease and desist order to a nonpublic ~~an independent~~  
30 postsecondary career institution.

31 Section 24. Subsections (2) and (3) of section

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

1 246.227, Florida Statutes, are amended to read:

2 246.227 Injunctive relief; unlicensed operation of a  
3 school; cease and desist notice; civil penalty.--

4 (2) An unlicensed nonpublic ~~independent~~ postsecondary  
5 career institution required to be licensed pursuant to ss.  
6 246.201-246.231 that advertises or causes advertisements to be  
7 made public through which students are solicited for  
8 enrollment or are offered diplomas shall be in violation of  
9 the provisions of ss. 246.201-246.231. A licensed nonpublic  
10 ~~independent~~ postsecondary career institution that is under  
11 temporary or permanent injunction against operating or  
12 offering diplomas that advertises or causes advertisements to  
13 be made public through which students are solicited for  
14 enrollment or are offered diplomas shall be in violation of  
15 such injunctive order upon presentation to the court of the  
16 advertisement.

17 (3) The executive director of the board, with the  
18 approval of the chair of the board, may issue and deliver a  
19 cease and desist order to any nonpublic ~~independent~~  
20 postsecondary career institution or agent required to be  
21 licensed pursuant to ss. 246.201-246.231 that is not so  
22 licensed. The board may file, in the name of the state, a  
23 proceeding which seeks issuance of an injunction against any  
24 person in violation of any provision of such order.

25 Section 25. Subsection (1) of section 246.31, Florida  
26 Statutes, is amended to read:

27 246.31 Institutional Assessment Trust Fund.--

28 (1) There is created an Institutional Assessment Trust  
29 Fund to be administered by the Department of Education  
30 pursuant to this section and rules of the State Board of  
31 Education. The trust fund shall consist of all fees and fines

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

1 imposed upon nonpublic colleges and schools pursuant to this  
2 chapter, including all fees collected from nonpublic colleges  
3 for participation in the common course designation and  
4 numbering system. The department shall maintain separate  
5 revenue accounts for the State Board of Independent Colleges  
6 and Universities; the State Board of Nonpublic Career  
7 Education ~~Independent Postsecondary Vocational, Technical,~~  
8 ~~Trade, and Business Schools~~; and the Department of Education.

9 Section 26. Subsection (6) of section 20.15, Florida  
10 Statutes, is amended to read:

11 20.15 Department of Education.--There is created a  
12 Department of Education.

13 (6) COUNCILS AND COMMITTEES.--Notwithstanding anything  
14 contained in law to the contrary, the Commissioner of  
15 Education shall appoint all members of all councils and  
16 committees of the Department of Education, except the Board of  
17 Regents, the State Board of Community Colleges, the community  
18 college district boards of trustees, the Postsecondary  
19 Education Planning Commission, the Education Practices  
20 Commission, the Education Standards Commission, the State  
21 Board of Independent Colleges and Universities, the Florida  
22 Commission on Education Reform and Accountability, and the  
23 State Board of Nonpublic Career Education ~~Independent~~  
24 ~~Postsecondary Vocational, Technical, Trade, and Business~~  
25 ~~Schools~~.

26 Section 27. Subsection (5) of section 240.40204,  
27 Florida Statutes, is amended to read:

28 240.40204 Florida Bright Futures Scholarship Program;  
29 eligible postsecondary education institutions.--A student is  
30 eligible for an award or the renewal of an award from the  
31 Florida Bright Futures Scholarship Program if the student

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

1 meets the requirements for the program as described in this  
2 act and is enrolled in a postsecondary education institution  
3 that meets the description in any one of the following  
4 subsections:

5 (5) A Florida independent postsecondary education  
6 institution that is licensed by the State Board of Nonpublic  
7 Career Education ~~Independent Postsecondary Vocational,~~  
8 ~~Technical, Trade, or Business Schools~~ and which:

9 (a) Has a program completion and placement rate of at  
10 least the rate required by the current Florida Statutes, the  
11 Florida Administrative Code, or the Department of Education  
12 for an institution at its level; and

13 (b) Shows evidence of sound financial condition; and  
14 either:

15 1. Is accredited at the institutional level by an  
16 accrediting agency recognized by the United States Department  
17 of Education and has operated in the state for at least 3  
18 years during which there has been no complaint for which  
19 probable cause has been found; or

20 2. Has operated in Florida for 5 years during which  
21 there has been no complaint for which probable cause has been  
22 found.

23 Section 28. Subsection (3) of section 246.011, Florida  
24 Statutes, is amended to read:

25 246.011 Purpose.--

26 (3) It is the intent of the Legislature that a  
27 nonpublic college which offers both degrees and vocational  
28 certificates or diplomas shall be subject to the rules of the  
29 State Board of Independent Colleges and Universities as  
30 provided by ss. 246.011-246.151 and the State Board of  
31 Nonpublic Career Education ~~Independent Postsecondary~~

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

1 ~~Vocational, Technical, Trade, and Business Schools~~ as provided  
2 by ss. 246.201-246.231.

3 Section 29. Subsection (3) of section 246.081, Florida  
4 Statutes, is amended to read:

5 246.081 License, certificate of exemption, or  
6 authorization required; exceptions.--

7 (3) No nonpublic college shall continue to conduct or  
8 begin to conduct any diploma program, as defined in s.  
9 246.203, unless the college applies for and obtains from the  
10 State Board of Nonpublic Career Education Independent  
11 ~~Postsecondary Vocational, Technical, Trade, and Business~~  
12 ~~Schools~~ a license or authorization for such diploma program in  
13 the manner and form prescribed by the State Board of Nonpublic  
14 Career Education Independent ~~Postsecondary Vocational,~~  
15 ~~Technical, Trade, and Business Schools.~~

16 Section 30. Subsection (3) of section 246.085, Florida  
17 Statutes, is amended to read:

18 246.085 Certificate of exemption.--

19 (3) Any college which holds a certificate of exemption  
20 and which conducts any diploma program, as defined in s.  
21 246.203, shall be subject to licensure of such diploma program  
22 by the State Board of Nonpublic Career Education Independent  
23 ~~Postsecondary Vocational, Technical, Trade, and Business~~  
24 ~~Schools.~~

25 Section 31. Subsection (3) of section 246.091, Florida  
26 Statutes, is amended to read:

27 246.091 License period and renewal.--

28 (3) A licensed college which seeks to conduct any  
29 diploma program, as defined in s. 246.203, shall apply to the  
30 State Board of Nonpublic Career Education Independent  
31 ~~Postsecondary Vocational, Technical, Trade, and Business~~



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

1 ~~Schools~~ for licensure for such program.

2 Section 32. Subsection (1) of section 246.111, Florida  
3 Statutes, is amended to read:

4 246.111 Denial, probation, or revocation of license or  
5 certificate of exemption.--

6 (1) Any temporary license, provisional license, or  
7 regular license, agent's license, certificate of exemption, or  
8 other authorization required under the provisions of ss.  
9 246.011-246.151 may be denied, placed on probation, or revoked  
10 by the board. A college which has its certificate of  
11 exemption revoked shall become subject to the licensing  
12 provisions of the board. The board shall promulgate rules for  
13 these actions. Placement of a college on probation for a  
14 period of time and subject to such conditions as the board may  
15 specify may also carry the imposition of an administrative  
16 fine not to exceed \$5,000. Such fine shall be deposited into  
17 the Institutional Assessment Trust Fund. Disciplinary action  
18 undertaken pursuant to this section against a college that is  
19 also licensed by the State Board of Nonpublic Career Education  
20 ~~Independent Postsecondary Vocational, Technical, Trade, and~~  
21 ~~Business Schools~~ shall prompt disciplinary proceedings  
22 pursuant to s. 246.226.

23 Section 33. Subsection (1) of section 246.50, Florida  
24 Statutes, is amended to read:

25 246.50 Certified Teacher-Aide Welfare Transition  
26 Program; participation by independent postsecondary  
27 schools.--An independent postsecondary school may participate  
28 in the Certified Teacher-Aide Welfare Transition Program and  
29 may receive incentives for successful performance from the  
30 Performance Based Incentive Funding Program if:

31 (1) The school is accredited by the Southern

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

1 Association of Colleges and Schools and licensed by the State  
2 Board of Nonpublic Career Education ~~Independent Postsecondary~~  
3 ~~Vocational, Technical, Trade, and Business Schools;~~

4 Section 34. Section 455.2125, Florida Statutes, is  
5 amended to read:

6 455.2125 Consultation with postsecondary education  
7 boards prior to adoption of changes to training  
8 requirements.--Any state agency or board that has jurisdiction  
9 over the regulation of a profession or occupation shall  
10 consult with the State Board of Independent Colleges and  
11 Universities; the State Board of Nonpublic Career Education  
12 ~~Independent Postsecondary Vocational, Technical, Trade, and~~  
13 ~~Business Schools;~~ the Board of Regents; and the State Board of  
14 Community Colleges prior to adopting any changes to training  
15 requirements relating to entry into the profession or  
16 occupation. This consultation must allow the educational board  
17 to provide advice regarding the impact of the proposed changes  
18 in terms of the length of time necessary to complete the  
19 training program and the fiscal impact of the changes. The  
20 educational board must be consulted only when an institution  
21 offering the training program falls under its jurisdiction.

22 Section 35. Section 455.554, Florida Statutes, is  
23 amended to read:

24 455.554 Consultation with postsecondary education  
25 boards prior to adoption of changes to training  
26 requirements.--Any state agency or board that has jurisdiction  
27 over the regulation of a profession or occupation shall  
28 consult with the State Board of Independent Colleges and  
29 Universities; the State Board of Nonpublic Career Education  
30 ~~Independent Postsecondary Vocational, Technical, Trade, and~~  
31 ~~Business Schools;~~ the Board of Regents; and the State Board of

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

1 Community Colleges prior to adopting any changes to training  
2 requirements relating to entry into the profession or  
3 occupation. This consultation must allow the educational board  
4 to provide advice regarding the impact of the proposed changes  
5 in terms of the length of time necessary to complete the  
6 training program and the fiscal impact of the changes. The  
7 educational board must be consulted only when an institution  
8 offering the training program falls under its jurisdiction.

9 Section 36. Subsection (8) of section 467.009, Florida  
10 Statutes, is amended to read:

11 467.009 Midwifery programs; education and training  
12 requirements.--

13 (8) Nonpublic educational institutions that conduct  
14 approved midwifery programs shall be accredited by a member of  
15 the Commission on Recognition of Postsecondary Accreditation  
16 and shall be licensed by the State Board of Nonpublic Career  
17 Education Independent Postsecondary Vocational, Technical,  
18 Trade, and Business Schools.

19 Section 37. Section 476.178, Florida Statutes, is  
20 amended to read:

21 476.178 Schools of barbering; licensure.--No private  
22 school of barbering shall be permitted to operate without a  
23 license issued by the State Board of Nonpublic Career  
24 Education Independent Postsecondary Vocational, Technical,  
25 Trade, and Business Schools pursuant to chapter 246. However,  
26 this section shall not be construed to prevent certification  
27 by the Department of Education of barber training programs  
28 within the public school system or to prevent government  
29 operation of any other program of barbering in this state.

30 Section 38. Section 477.023, Florida Statutes, is  
31 amended to read:

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

1           477.023 Schools of cosmetology; licensure.--No private  
2 school of cosmetology shall be permitted to operate without a  
3 license issued by the State Board of Nonpublic Career  
4 Education Independent Postsecondary Vocational, Technical,  
5 Trade, and Business Schools pursuant to chapter 246. However,  
6 nothing herein shall be construed to prevent certification by  
7 the Department of Education of cosmetology training programs  
8 within the public school system or to prevent government  
9 operation of any other program of cosmetology in this state.

10           Section 39. Section 488.01, Florida Statutes, is  
11 amended to read:

12           488.01 License to engage in business of operating a  
13 driver's school required.--The Department of Highway Safety  
14 and Motor Vehicles shall oversee and license all commercial  
15 driver's schools except truck driving schools. All commercial  
16 truck driving schools shall be required to be licensed  
17 pursuant to chapter 246, and additionally shall be subject to  
18 the provisions of ss. 488.04 and 488.05. No person, group,  
19 organization, institution, business entity, or corporate  
20 entity may engage in the business of operating a driver's  
21 school without first obtaining a license therefor from the  
22 Department of Highway Safety and Motor Vehicles pursuant to  
23 this chapter or from the State Board of Nonpublic Career  
24 Education Independent Postsecondary Vocational, Technical,  
25 Trade, and Business Schools pursuant to chapter 246.

26           Section 40. Effective July 1, 1999, subsection (1) and  
27 paragraph (a) of subsection (6) of section 232.246, Florida  
28 Statutes, are amended to read:

29           232.246 General requirements for high school  
30 graduation.--

31           (1) Graduation requires successful completion of

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

1 either a minimum of 24 academic credits in grades 9 through 12  
2 or an International Baccalaureate curriculum. The 24 credits  
3 shall be distributed as follows:

4 (a) Four credits in English, with major concentration  
5 in composition and literature.

6 (b) Three credits in mathematics. Effective for  
7 students entering the 9th grade in the 1997-1998 school year  
8 and thereafter, one of these credits must be Algebra I, a  
9 series of courses equivalent to Algebra I, or a higher-level  
10 mathematics course.

11 (c) Three credits in science, two of which must have a  
12 laboratory component. The State Board of Education may grant  
13 an annual waiver of the laboratory requirement to a school  
14 district that certifies that its laboratory facilities are  
15 inadequate, provided the district submits a capital outlay  
16 plan to provide adequate facilities and makes the funding of  
17 this plan a priority of the school board.

18 (d) One credit in American history.

19 (e) One credit in world history, including a  
20 comparative study of the history, doctrines, and objectives of  
21 all major political systems.

22 (f) One-half credit in economics, including a  
23 comparative study of the history, doctrines, and objectives of  
24 all major economic systems. The Florida Council on Economic  
25 Education shall provide technical assistance to the department  
26 and local school boards in developing curriculum materials for  
27 the study of economics.

28 (g) One-half credit in American government, including  
29 study of the Constitution of the United States. For students  
30 entering the 9th grade in the 1997-1998 school year and  
31 thereafter, the study of Florida government, including study

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

1 of the State Constitution, the three branches of state  
2 government, and municipal and county government, shall be  
3 included as part of the required study of American government.

4 (h)1. One credit in practical arts career education or  
5 exploratory career education. Any vocational course as  
6 defined in s. 228.041(22) may be taken to satisfy the high  
7 school graduation requirement for one credit in practical arts  
8 or exploratory career education provided in this subparagraph;

9 2. One credit in performing fine arts to be selected  
10 from music, dance, drama, painting, or sculpture. A course in  
11 any art form, in addition to painting or sculpture, that  
12 requires manual dexterity, or a course in speech and debate,  
13 may be taken to satisfy the high school graduation requirement  
14 for one credit in performing arts pursuant to this  
15 subparagraph; or

16 3. One-half credit each in practical arts career  
17 education or exploratory career education and performing fine  
18 arts, as defined in this paragraph.

19  
20 Such credit for practical arts career education or exploratory  
21 career education or for performing fine arts shall be made  
22 available in the 9th grade, and students shall be scheduled  
23 into a 9th grade course as a priority.

24 (i) One-half credit in life management skills to  
25 include consumer education, positive emotional development,  
26 nutrition, prevention of human immunodeficiency virus  
27 infection and acquired immune deficiency syndrome and other  
28 sexually transmissible diseases, benefits of sexual abstinence  
29 and consequences of teenage pregnancy, information and  
30 instruction on breast cancer detection and breast  
31 self-examination, cardiopulmonary resuscitation, drug

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

1 education, and the hazards of smoking. Such credit shall be  
2 given for a course to be taken by all students in either the  
3 9th or 10th grade.

4 (j) One ~~One-half~~ credit in physical education to  
5 include assessment, improvement, and maintenance of personal  
6 fitness. Participation in an interscholastic sport, ~~whether~~  
7 at the ~~freshman~~, junior varsity, or varsity level, for two a  
8 full seasons ~~season~~, shall satisfy the one-credit one-half  
9 credit requirement in physical education if the student passes  
10 a competency test on personal fitness with a score of "C" or  
11 better. The competency test on personal fitness must be  
12 developed by the Department of Education. A school board may  
13 not require that the one credit in physical education be taken  
14 during the 9th grade year.

15 (k) Eight and one-half ~~Nine~~ elective credits.

16  
17 School boards may award a maximum of one-half credit in social  
18 studies and one-half elective credit for student completion of  
19 nonpaid voluntary community or school service work. Students  
20 choosing this option must complete a minimum of 75 hours of  
21 service in order to earn the one-half credit in either  
22 category of instruction. Credit may not be earned for service  
23 provided as a result of court action. School boards that  
24 approve the award of credit for student volunteer service  
25 shall develop guidelines regarding the award of the credit,  
26 and school principals are responsible for approving specific  
27 volunteer activities. A course designated in the Course Code  
28 Directory as grade 9 through grade 12 which is taken below the  
29 9th grade may be used to satisfy high school graduation  
30 requirements or Florida Academic Scholars award ~~Scholar's~~  
31 ~~Certificate Program~~ requirements as specified in a district's

1 pupil progression plan.

2 (6) The Legislature recognizes that adult learners are  
3 unique in situation and needs. The following graduation  
4 requirements are therefore instituted for students enrolled in  
5 adult general education in accordance with s. 239.301 in  
6 pursuit of a high school diploma:

7 (a) The one ~~one-half~~ credit in physical education  
8 required for graduation, pursuant to subsection (1), is not  
9 required for graduation and shall be substituted with elective  
10 credit keeping the total credits needed for graduation  
11 consistent with subsection (1).

12 Section 41. Section 233.0616, Florida Statutes, is  
13 created to read:

14 233.0616 Personal fitness programs.--Each elementary  
15 school and middle school is encouraged to implement a personal  
16 fitness program, approved by the Department of Education, that  
17 complies with American Heart Association guidelines for  
18 elementary school and middle school personal fitness courses.  
19 From incentive funds provided in the General Appropriations  
20 Act, the Department of Education shall allocate funds to  
21 schools implementing personal fitness programs pursuant to  
22 this section.

23 Section 42. From funds provided in the General  
24 Appropriations Act, the Department of Education shall allocate  
25 funds to provide for an additional one-fourth-time position to  
26 upgrade the physical education specialist position in the  
27 department from a three-fourths-time position to a full-time  
28 position.

29 Section 43. Subsections (3) and (13) of section  
30 240.61, Florida Statutes, are amended to read:

31 240.61 College reach-out program.--



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

1           (3) To participate in the college reach-out program, a  
2 community college, a public university, or an independent  
3 postsecondary institution ~~that is participating in a special~~  
4 ~~program for students from disadvantaged backgrounds pursuant~~  
5 ~~to 20 U.S.C., ss. 1070d et seq.~~ may submit a proposal to the  
6 Department of Education. The State Board of Education shall  
7 consider the proposals and determine which proposals to  
8 implement as programs that will strengthen the educational  
9 motivation and preparation of low-income educationally  
10 disadvantaged students.

11           (13) By February 15 ~~January 15~~ of each year, the  
12 Postsecondary Education Planning Commission shall submit to  
13 the President of the Senate, the Speaker of the House of  
14 Representatives, the Commissioner of Education, and the  
15 Governor a report that evaluates the effectiveness of the  
16 college reach-out program. The report must be based upon  
17 information provided by participating institutions, the  
18 Division of Universities, the Division of Community Colleges,  
19 and the Division of Workforce Development pursuant to  
20 subsections (7) and (12). ~~The evaluation must include~~  
21 ~~longitudinal cohort assessments of college reach-out program~~  
22 ~~participants from their entry into the program to their~~  
23 ~~graduation from postsecondary institutions.~~ To the extent  
24 feasible, the performance of college reach-out program  
25 participants must be compared to the performance of comparable  
26 cohorts of students in public school and postsecondary  
27 education.

28           Section 44. Sections 240.154, 240.278, 240.521,  
29 240.522, 240.523, and 240.525, Florida Statutes, are repealed.

30           Section 45. Subsection (4) of section 216.136, Florida  
31 Statutes, is amended to read:

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

1           216.136 Consensus estimating conferences; duties and  
2 principals.--  
3           (4) EDUCATION ESTIMATING CONFERENCE.--  
4           (a) Duties.--The Education Estimating Conference shall  
5 develop such official information relating to the state public  
6 educational system, including forecasts of student  
7 enrollments, the number of students qualified for state  
8 financial aid programs and the appropriation required to fund  
9 the full award amounts for each program, fixed capital outlay  
10 needs, and Florida Education Finance Program formula needs, as  
11 the conference determines is needed for the state planning and  
12 budgeting system. The conference's initial projections of  
13 enrollments in public schools shall be forwarded by the  
14 conference to each school district no later than 2 months  
15 prior to the start of the regular session of the Legislature.  
16 Each school district may, in writing, request adjustments to  
17 the initial projections. Any adjustment request shall be  
18 submitted to the conference no later than 1 month prior to the  
19 start of the regular session of the Legislature and shall be  
20 considered by the principals of the conference. A school  
21 district may amend its adjustment request, in writing, during  
22 the first 3 weeks of the legislative session, and such amended  
23 adjustment request shall be considered by the principals of  
24 the conference. For any adjustment so requested, the district  
25 shall indicate and explain, using definitions adopted by the  
26 conference, the components of anticipated enrollment changes  
27 that correspond to continuation of current programs with  
28 workload changes; program improvement; program reduction or  
29 elimination; initiation of new programs; and any other  
30 information that may be needed by the Legislature. For public  
31 schools, the conference shall submit its full-time equivalent

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

1 student consensus estimate to the Legislature no later than 1  
2 month after the start of the regular session of the  
3 Legislature. No conference estimate may be changed without the  
4 agreement of the full conference.

5 (b) Adjustments.--No later than 2 months prior to the  
6 start of the regular session of the Legislature, the  
7 conference shall forward to each eligible postsecondary  
8 education institution its initial projections of the number of  
9 students qualified for state financial aid programs and the  
10 appropriation required to fund those students at the full  
11 award amount. Each postsecondary education institution may  
12 request, in writing, adjustments to the initial projection.  
13 Any adjustment request must be submitted to the conference no  
14 later than 1 month prior to the start of the regular session  
15 of the Legislature and shall be considered by the principals  
16 of the conference. For any adjustment so requested, the  
17 postsecondary education institution shall indicate and  
18 explain, using definitions adopted by the conference, the  
19 components of anticipated changes that correspond to  
20 continuation of current programs with enrollment changes,  
21 program reduction or elimination, initiation of new programs,  
22 award amount increases or decreases, and any other information  
23 that is considered by the conference. The conference shall  
24 submit its consensus estimate to the Legislature no later than  
25 1 month after the start of the regular session of the  
26 Legislature. No conference estimate may be changed without the  
27 agreement of the full conference.

28 (c)(b) Principals.--The Associate Deputy Commissioner  
29 for Educational Management, the Executive Office of the  
30 Governor, the director of the Division of Economic and  
31 Demographic Research of the Joint Legislative Management

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

1 Committee, and professional staff of the Senate and House of  
2 Representatives who have forecasting expertise, or their  
3 designees, are the principals of the Education Estimating  
4 Conference. The Associate Deputy Commissioner for Educational  
5 Management or his or her designee shall preside over sessions  
6 of the conference.

7 Section 46. Effective July ~~January~~ 1, 1999, section  
8 240.409, Florida Statutes, is amended to read:

9 240.409 Florida Public Student Assistance Grant  
10 Program; eligibility for grants.--

11 (1) There is hereby created a Florida Public Student  
12 Assistance Grant Program. The program shall ~~to~~ be administered  
13 by the participating institutions ~~Department of Education~~ in  
14 accordance with rules of the state board.

15 (2)(a) State student assistance grants through the  
16 program may be made only to full-time degree-seeking students  
17 who meet the general requirements for student eligibility as  
18 provided in s. 240.404, except as otherwise provided in this  
19 section. Such grants shall be awarded annually for the amount  
20 of demonstrated unmet need for the cost of education and may  
21 not exceed an amount equal to the average prior academic year  
22 cost of ~~tuition and~~ matriculation fees and other registration  
23 fees for 30 credit hours at state universities or such other  
24 amount as specified in the General Appropriations Act, to any  
25 recipient. A demonstrated unmet need of less than \$200 shall  
26 render the applicant ineligible for a state student assistance  
27 grant. Recipients of such grants must have been accepted at a  
28 state university or community college authorized by Florida  
29 law. No student may receive an award for more than the  
30 equivalent of 9 semesters or 14 quarters of full-time  
31 enrollment ~~in a period of not more than 6 consecutive years,~~

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

1 except as otherwise provided in s. 240.404(3).

2 (b) A student applying for a Florida public student  
3 assistance grant shall be required to apply for the Pell  
4 Grant. The Pell Grant entitlement shall be considered ~~by the~~  
5 ~~department~~ when conducting an assessment of the financial  
6 resources available to each student.

7 ~~(c) The criteria and procedure for establishing~~  
8 ~~standards of eligibility shall be determined by the~~  
9 ~~department. The department is directed to establish a rating~~  
10 ~~system upon which to base the approval of grants, and such~~  
11 ~~system shall include a certification of acceptability by the~~  
12 ~~state university or community college of the applicant's~~  
13 ~~choice and the use of a nationally recognized system of need~~  
14 ~~analysis. Priority in the distribution of grant moneys shall~~  
15 ~~be given to students with the lowest total family resources,~~  
16 ~~in accordance with a nationally recognized system of need~~  
17 ~~analysis as determined pursuant to this subsection, taking~~  
18 ~~into consideration the receipt of Pell Grants and student~~  
19 ~~contributions to educational costs. Using the system of need~~  
20 ~~analysis, the department shall establish a maximum expected~~  
21 ~~family contribution. An institution may not make a grant from~~  
22 ~~this program to a student whose expected family contribution~~  
23 ~~exceeds the level established by the department. An~~  
24 ~~institution may not impose additional criteria to determine a~~  
25 ~~student's eligibility to receive a grant award.~~

26 (d) Each participating institution shall report, to  
27 the department by the established date, the eligible students  
28 to whom grant moneys are disbursed each academic term. Each  
29 institution shall also report to the department necessary  
30 demographic and eligibility data for such students.~~The~~  
31 ~~department is directed to establish, for fall enrollment, an~~

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

1 ~~initial application deadline for students attending all~~  
2 ~~eligible institutions and an additional application deadline~~  
3 ~~for community college applicants who apply after the initial~~  
4 ~~application deadline. The second community college deadline~~  
5 ~~shall be at the close of each institution's drop-add period.~~  
6 ~~The department shall reserve an amount to be designated~~  
7 ~~annually in the General Appropriations Act for the purpose of~~  
8 ~~providing awards to community college students who apply for a~~  
9 ~~student assistance grant after the initial application~~  
10 ~~deadline. Community college applicants who apply during the~~  
11 ~~initial application period and are eligible to receive an~~  
12 ~~award, but do not receive an award because of insufficient~~  
13 ~~funds, shall have their applications reconsidered with those~~  
14 ~~community college applicants who apply after the initial~~  
15 ~~application deadline. The provisions of this paragraph shall~~  
16 ~~take effect beginning with the 1990-1991 academic year.~~

17 (3) Based on the unmet financial need of an eligible  
18 applicant, the full amount of a Florida public student  
19 assistance grant must be between \$200 and the weighted average  
20 of the cost of matriculation and other registration fees for  
21 30 credit hours at state universities \$1,500 per academic year  
22 or the amount specified in the General Appropriations Act.  
23 ~~When funds are not sufficient to make full awards to all~~  
24 ~~eligible applicants, the department shall reduce the amount of~~  
25 ~~each recipient's grant award pro rata. For any year in which~~  
26 ~~a pro rata grant reduction is necessary, such adjustment shall~~  
27 ~~be made by reducing the second semester or the second and~~  
28 ~~third quarter award disbursements to grant recipients. In~~  
29 ~~each such instance, institutions shall notify students of~~  
30 ~~award adjustments.~~

31 ~~(4) In the event that a Florida public student~~

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

1 ~~assistance grant recipient transfers from one institution~~  
2 ~~eligible under this section, s. 240.4095, or s. 240.4097 to~~  
3 ~~another, his or her eligibility shall be transferable upon~~  
4 ~~approval of the department. When approved by the department,~~  
5 ~~the amount of the unmet need shall be recalculated for the new~~  
6 ~~institution and shall be adjusted accordingly.~~

7 (4)(5)(a) The funds appropriated for the Florida  
8 Public Student Assistance Grant shall be distributed to  
9 eligible institutions in accordance with a formula recommended  
10 by the Department of Education's Florida Council of Student  
11 Financial Aid Advisors and reviewed by the Postsecondary  
12 Education Planning Commission, the State Board of Community  
13 Colleges, and the Board of Regents. The formula shall consider  
14 at least the prior year's distribution of funds, the number of  
15 full-time eligible applicants who did not receive awards, the  
16 standardization of the expected family contribution, and  
17 provisions for unused funds.

18 (b) Payment of Florida public student assistance  
19 grants shall may be transmitted to the president of the state  
20 university or community college which the recipient is  
21 attending, or to his or her representative, in advance of the  
22 registration period. Institutions shall notify students of the  
23 amount of their awards.

24 ~~(c)(b) Institutions shall certify to the department,~~  
25 ~~within 30 days of the end of regular registration, the~~  
26 ~~eligibility status of each awarded student. The eligibility~~  
27 ~~status of each student to receive a disbursement shall be~~  
28 ~~determined by each institution as of the end of its regular~~  
29 ~~registration period, inclusive of a drop-add period.~~  
30 ~~Institutions shall not be required to reevaluate a student's~~  
31 ~~eligibility status after this date for purposes of changing~~

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

1 ~~amending eligibility determinations previously made. However,~~  
2 ~~an institution shall be required to make refunds for students~~  
3 ~~who receive award disbursements and terminate enrollment for~~  
4 ~~any reason during the academic term when an institution's~~  
5 ~~refund policies permit a student to receive a refund under~~  
6 ~~these circumstances.~~

7 ~~(d)(e)~~ Institutions shall certify to the department  
8 the amount of funds disbursed to each student and shall remit  
9 to the department any undisbursed advances by June 1 of each  
10 year ~~within 60 days of the end of regular registration.~~

11 ~~(5)(6)~~ Funds appropriated by the Legislature for state  
12 student assistance grants shall be deposited in the State  
13 Student Financial Assistance Trust Fund. Notwithstanding the  
14 provisions of s. 216.301 and pursuant to s. 216.351, any  
15 balance in the trust fund at the end of any fiscal year that  
16 has been allocated to the Florida Public Student Assistance  
17 Grant Program shall remain therein and shall be available for  
18 carrying out the purposes of this section.

19 ~~(6)(7)~~ The State Board of Education shall establish  
20 rules necessary to implement this section.

21 Section 47. Effective July 1, 1999, section 240.4095,  
22 Florida Statutes, is amended to read:

23 240.4095 Florida Private Student Assistance Grant  
24 Program; eligibility for grants.--

25 (1) There is hereby created a Florida Private Student  
26 Assistance Grant Program. The program shall ~~to~~ be administered  
27 by the participating institutions ~~Department of Education~~ in  
28 accordance with rules of the state board.

29 (2)(a) Florida private student assistance grants from  
30 the State Student Financial Assistance Trust Fund may be made  
31 only to full-time degree-seeking students who meet the general



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

1 requirements for student eligibility as provided in s.  
2 240.404, except as otherwise provided in this section. Such  
3 grants shall be awarded for the amount of demonstrated unmet  
4 need for tuition and fees and may not exceed an amount equal  
5 to the average matriculation and other registration fees for  
6 30 credit hours at state universities plus \$1,000 a total of  
7 ~~\$1,500~~ per academic year, or as specified in the General  
8 Appropriations Act, to any applicant. A demonstrated unmet  
9 need of less than \$200 shall render the applicant ineligible  
10 for a Florida private student assistance grant. Recipients of  
11 such grants must have been accepted at a  
12 baccalaureate-degree-granting independent nonprofit college or  
13 university, which is accredited by the Commission on Colleges  
14 of the Southern Association of Colleges and Schools, ~~and which~~  
15 ~~has a secular purpose,~~ and which is located in and chartered  
16 as a domestic corporation by the state. No student may  
17 receive an award for more than the equivalent of 9 semesters  
18 or 14 quarters of full-time enrollment ~~in a period of not more~~  
19 ~~than 6 consecutive years~~, except as otherwise provided in s.  
20 240.404(3).

21 (b) A student applying for a Florida private student  
22 assistance grant shall be required to apply for the Pell  
23 Grant. The Pell Grant entitlement shall be considered ~~by the~~  
24 ~~department~~ when conducting an assessment of the financial  
25 resources available to each student.

26 (c) ~~The criteria and procedure for establishing~~  
27 ~~standards of eligibility shall be determined by the~~  
28 ~~department. The department is directed to establish a rating~~  
29 ~~system upon which to base the approval of grants, including~~  
30 ~~the use of a nationally recognized system of need analysis.~~  
31 ~~The system shall include a certification of acceptability by~~

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

1 ~~the independent nonprofit college or university of the~~  
2 ~~applicant's choice.~~ Priority in the distribution of grant  
3 moneys shall be given to students with the lowest total family  
4 resources, in accordance with a nationally recognized system  
5 of need analysis as determined pursuant to this subsection,  
6 taking into consideration the receipt of Pell Grants and  
7 student contributions to educational costs. Using the system  
8 of need analysis, the department shall establish a maximum  
9 expected family contribution. An institution may not make a  
10 grant from this program to a student whose expected family  
11 contribution exceeds the level established by the department.  
12 An institution may not impose additional criteria to determine  
13 a student's eligibility to receive a grant award.

14 (d) Each participating institution shall report, to  
15 the department by the established date, the eligible students  
16 to whom grant moneys are disbursed each academic term. Each  
17 institution shall also report to the department necessary  
18 demographic and eligibility data for such students.

19 (3) Based on the unmet financial need of an eligible  
20 applicant, the ~~full~~ amount of a Florida private student  
21 assistance grant must be between \$200 and the average cost of  
22 matriculation and other registration fees for 30 credit hours  
23 at state universities plus \$1,000~~\$1,500~~ per academic year or  
24 the amount specified in the General Appropriations Act. When  
25 ~~funds are not sufficient to make full awards to all eligible~~  
26 ~~applicants, the department shall reduce the amount of each~~  
27 ~~recipient's grant award pro rata. For any year in which a pro~~  
28 ~~rata grant reduction is necessary, such adjustment shall be~~  
29 ~~made by reducing the second semester or the second and third~~  
30 ~~quarter award disbursements to grant recipients. In each such~~  
31 ~~instance, institutions shall notify students of award~~

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

1 ~~adjustments.~~

2 ~~(4) In the event that a Florida private student~~  
3 ~~assistance grant recipient transfers from one institution~~  
4 ~~eligible under this section, s. 240.409, or s. 240.4097 to~~  
5 ~~another, his or her eligibility shall be transferable upon~~  
6 ~~approval of the department. When approved by the department,~~  
7 ~~the amount of the unmet need shall be recalculated for the new~~  
8 ~~institution and shall be adjusted accordingly.~~

9 ~~(4)(5)(a)~~ The funds appropriated for the Florida  
10 Private Student Assistance Grant shall be distributed to  
11 eligible institutions in accordance with a formula recommended  
12 by the Department of Education's Florida Council of Student  
13 Financial Aid Advisors and reviewed by the Postsecondary  
14 Education Planning Commission and the Independent Colleges and  
15 Universities of Florida. The formula shall consider at least  
16 the prior year's distribution of funds, the number of  
17 full-time eligible applicants who did not receive awards, the  
18 standardization of the expected family contribution, and  
19 provisions for unused funds.

20 (b) Payment of Florida private student assistance  
21 grants shall ~~may~~ be transmitted to the president of the  
22 college or university ~~which the recipient is attending~~, or to  
23 his or her representative, in advance of the registration  
24 period. Institutions shall notify students of the amount of  
25 their awards.

26 ~~(c)(b)~~ Institutions shall certify to the department,  
27 within 30 days of the end of regular registration, the  
28 eligibility status of each awarded student.The eligibility  
29 status of each student to receive a disbursement shall be  
30 determined by each institution as of the end of its regular  
31 registration period, inclusive of a drop-add period.

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

1 Institutions shall not be required to reevaluate a student's  
2 eligibility status after this date for purposes of changing  
3 ~~amending~~ eligibility determinations previously made. ~~However,~~  
4 ~~an institution shall be required to make refunds for students~~  
5 ~~who receive award disbursements and terminate enrollment for~~  
6 ~~any reason during the academic term when an institution's~~  
7 ~~refund policies permit a student to receive a refund under~~  
8 ~~these circumstances.~~

9       (d)(c) Institutions shall certify to the department  
10 the amount of funds disbursed to each student and shall remit  
11 to the department any undisbursed advances by June 1 of each  
12 year within 60 days of the end of regular registration.

13       (e)(d) Each institution that receives moneys through  
14 the Florida Private Student Assistance Grant Program shall  
15 cause to be prepared a biennial report that includes an  
16 independent external audit of the institution's administration  
17 of the program and a complete accounting of moneys in the  
18 State Student Financial Assistance Trust Fund allocated to the  
19 institution for the program. Such report shall be submitted to  
20 the department on or before March 1 every other year. The  
21 department may conduct its own annual or biennial audit of an  
22 institution's administration of the program and its allocated  
23 funds in lieu of the required biennial report and independent  
24 external audit. The department may suspend or revoke an  
25 institution's eligibility to receive future moneys from the  
26 trust fund for the program or request a refund of any moneys  
27 overpaid to the institution through the trust fund for the  
28 program if the department finds that an institution has not  
29 complied with the provisions of this section. Any refund  
30 requested pursuant to this paragraph shall be remitted within  
31 60 days.

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

1           (5)~~(6)~~ Funds appropriated by the Legislature for  
2 Florida private student assistance grants shall be deposited  
3 in the State Student Financial Assistance Trust Fund.  
4 Notwithstanding the provisions of s. 216.301 and pursuant to  
5 s. 216.351, any balance in the trust fund at the end of any  
6 fiscal year that has been allocated to the Florida Private  
7 Student Assistance Grant Program shall remain therein and  
8 shall be available for carrying out the purposes of this  
9 section and as otherwise provided by law.

10           (6)~~(7)~~ The State Board of Education shall adopt rules  
11 necessary to implement this section.

12           Section 48. Effective July 1, 1999, section 240.4097,  
13 Florida Statutes, is amended to read:

14           240.4097 Florida Postsecondary Student Assistance  
15 Grant Program; eligibility for grants.--

16           (1) There is hereby created a Florida Postsecondary  
17 Student Assistance Grant Program. The program shall ~~to~~ be  
18 administered by the participating institutions ~~Department of~~  
19 ~~Education~~ in accordance with rules of the state board.

20           (2)(a) Florida postsecondary student assistance grants  
21 through the State Student Financial Assistance Trust Fund may  
22 be made only to full-time degree-seeking students who meet the  
23 general requirements for student eligibility as provided in s.  
24 240.404, except as otherwise provided in this section. Such  
25 grants shall be awarded for the amount of demonstrated unmet  
26 need for tuition and fees and may not exceed an amount equal  
27 to the average prior-academic-year cost of matriculation and  
28 other registration fees for 30 credit hours at state  
29 universities plus \$1,000 ~~a total of \$1,500~~ per academic year,  
30 or as specified in the General Appropriations Act, to any  
31 applicant. A demonstrated unmet need of less than \$200 shall

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

1 render the applicant ineligible for a Florida postsecondary  
2 student assistance grant. Recipients of such grants must have  
3 been accepted at a postsecondary institution that is located  
4 in and chartered as a domestic corporation by the state and  
5 that is:

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

8 2. An institution either licensed by the State Board  
9 of Independent Colleges and Universities or exempt from  
10 licensure pursuant to s. 246.085(1)(a), excluding those  
11 institutions the students of which are eligible to receive a  
12 Florida private student assistance grant pursuant to s.  
13 240.4095.

14  
15 No student may receive an award for more than the equivalent  
16 of 9 semesters or 14 quarters of full-time enrollment in a  
17 ~~period of not more than 6 consecutive years~~, except as  
18 otherwise provided in s. 240.404(3).

19 (b) A student applying for a Florida postsecondary  
20 student assistance grant shall be required to apply for the  
21 Pell Grant. The Pell Grant entitlement shall be considered ~~by~~  
22 ~~the department~~ when conducting an assessment of the financial  
23 resources available to each student.

24 (c) ~~The criteria and procedure for establishing~~  
25 ~~standards of eligibility shall be determined by the~~  
26 ~~department. The department is directed to establish a rating~~  
27 ~~system upon which to base the approval of grants, including~~  
28 ~~the use of a nationally recognized system of need analysis.~~  
29 ~~The system shall include a certification of acceptability by~~  
30 ~~the school of the applicant's choice.~~ Priority in the  
31 distribution of grant moneys shall be given to students with

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

1 the lowest total family resources, in accordance with a  
2 nationally recognized system of need analysis as determined  
3 pursuant to this subsection, taking into consideration the  
4 receipt of Pell Grants and student contributions to  
5 educational costs. Using the system of need analysis, the  
6 department shall establish a maximum expected family  
7 contribution. An institution may not make a grant from this  
8 program to a student whose expected family contribution  
9 exceeds the level established by the department. An  
10 institution may not impose additional criteria to determine a  
11 student's eligibility to receive a grant award.

12 (d) Each participating institution shall report, to  
13 the department by the established date, the eligible students  
14 to whom grant moneys are disbursed each academic term. Each  
15 institution shall also report to the department necessary  
16 demographic and eligibility data for such students.

17 (3) Based on the unmet financial need of an eligible  
18 applicant, the ~~full~~ amount of a Florida postsecondary student  
19 assistance grant must be between \$200 and the average cost of  
20 matriculation and other registration fees for 30 credit hours  
21 at state universities plus \$1,000~~\$1,500~~ per academic year or  
22 the amount specified in the General Appropriations Act. ~~When~~  
23 funds are not sufficient to make full awards to all eligible  
24 applicants, the department shall reduce the amount of each  
25 recipient's grant award pro rata. For any year in which a pro  
26 rata grant reduction is necessary, such adjustment shall be  
27 made by reducing the second semester or the second and third  
28 quarter award disbursements to grant recipients. In each such  
29 instance, institutions shall notify students of award  
30 adjustments.

31 ~~(4) In the event that a student assistance grant~~

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

1 ~~recipient transfers from one institution eligible under this~~  
2 ~~section, s. 240.409, or s. 240.4095 to another, his or her~~  
3 ~~eligibility shall be transferable upon approval of the~~  
4 ~~department. When approved by the department, the amount of~~  
5 ~~the unmet need shall be recalculated for the new institution~~  
6 ~~and shall be adjusted accordingly.~~

7 (4)(5)(a) The funds appropriated for the Florida  
8 Postsecondary Student Assistance Grant shall be distributed to  
9 eligible institutions in accordance with a formula recommended  
10 by the Department of Education's Florida Council of Student  
11 Financial Aid Advisors and reviewed by the Postsecondary  
12 Education Planning Commission and the Florida Association of  
13 Postsecondary Schools and Colleges. The formula shall consider  
14 at least the prior year's distribution of funds, the number of  
15 full-time eligible applicants who did not receive awards, the  
16 standardization of the expected family contribution, and  
17 provisions for unused funds.

18 (b) Payment of Florida postsecondary student  
19 assistance grants shall may be transmitted to the president of  
20 the eligible institution which the recipient is attending, or  
21 to his or her representative, in advance of the registration  
22 period. Institutions shall notify students of the amount of  
23 their awards.

24 ~~(c)(b) Institutions shall certify to the department,~~  
25 ~~within 30 days of the end of regular registration, the~~  
26 ~~eligibility status of each awarded student. The eligibility~~  
27 ~~status of each student to receive a disbursement shall be~~  
28 ~~determined by each institution as of the end of its regular~~  
29 ~~registration period, inclusive of a drop-add period.~~  
30 ~~Institutions shall not be required to reevaluate a student's~~  
31 ~~eligibility status after this date for purposes of changing~~



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

1 ~~amending eligibility determinations previously made. However,~~  
2 ~~an institution shall be required to make refunds for students~~  
3 ~~who receive award disbursements and terminate enrollment for~~  
4 ~~any reason during the academic term when an institution's~~  
5 ~~refund policies permit a student to receive a refund under~~  
6 ~~these circumstances.~~

7 ~~(d)(e)~~ Institutions shall certify to the department  
8 the amount of funds disbursed to each student and shall remit  
9 to the department any undisbursed advances by June 1 of each  
10 year ~~within 60 days of the end of regular registration.~~

11 ~~(e)(d)~~ Each institution that receives moneys through  
12 the Florida Postsecondary Student Assistance Grant Program  
13 shall cause to be prepared a biennial report that includes an  
14 independent external audit of the institution's administration  
15 of the program and a complete accounting of moneys in the  
16 State Student Financial Assistance Trust Fund allocated to the  
17 institution for the program. Such report shall be submitted  
18 to the department on or before March 1 every other year. The  
19 department may conduct its own annual or biennial audit of an  
20 institution's administration of the program and its allocated  
21 funds in lieu of the required biennial report and independent  
22 external audit. The department may suspend or revoke an  
23 institution's eligibility to receive future moneys from the  
24 trust fund for the program or request a refund of any moneys  
25 overpaid to the institution through the trust fund for the  
26 program if the department finds that an institution has not  
27 complied with the provisions of this section. Any refund  
28 requested pursuant to this paragraph shall be remitted within  
29 60 days.

30 ~~(5)(6)~~ Any institution that was eligible to receive  
31 state student assistance grants on January 1, 1989, and that

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

1 is not eligible to receive grants pursuant to s. 240.4095 is  
2 eligible to receive grants pursuant to this section.

3 ~~(6)(7)~~ Funds appropriated by the Legislature for  
4 Florida postsecondary student assistance grants shall be  
5 deposited in the State Student Financial Assistance Trust  
6 Fund. Notwithstanding the provisions of s. 216.301 and  
7 pursuant to s. 216.351, any balance in the trust fund at the  
8 end of any fiscal year that has been allocated to the Florida  
9 Postsecondary Student Assistance Grant Program shall remain  
10 therein and shall be available for carrying out the purposes  
11 of this section and as otherwise provided by law.

12 ~~(7)(8)~~ The State Board of Education shall adopt rules  
13 necessary to implement this section.

14 Section 49. Section 240.551, Florida Statutes, is  
15 amended to read:

16 240.551 Florida Prepaid College ~~Postsecondary~~  
17 ~~Education Expense~~ Program.--

18 (1) LEGISLATIVE INTENT.--The Legislature recognizes  
19 that educational opportunity at the postsecondary level is a  
20 critical state interest. It further recognizes that  
21 educational opportunity is best ensured through the provision  
22 of postsecondary institutions that are geographically and  
23 financially accessible. Accordingly, it is the intent of the  
24 Legislature that a program be established through which many  
25 of the costs associated with postsecondary attendance may be  
26 paid in advance and fixed at a guaranteed level for the  
27 duration of undergraduate enrollment. It is similarly the  
28 intent of the Legislature to provide a program that fosters  
29 timely financial planning for postsecondary attendance and to  
30 encourage employer participation in such planning through  
31 program contributions on behalf of employees and the

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

1 dependents of employees.

2 (2) DEFINITIONS. ~~As used in this section:~~

3 (a) "Advance payment contract" means a contract  
4 entered into by the board and a purchaser pursuant to this  
5 section.

6 (b) "Board" means the Florida Prepaid College  
7 ~~Postsecondary Education Expense~~ Board.

8 (c) "Fund" means the Florida Prepaid College  
9 ~~Postsecondary Education Expense~~ Trust Fund.

10 (d)~~(g)~~ "Program" means the Florida Prepaid College  
11 ~~Postsecondary Education Expense~~ Program.

12 (e)~~(d)~~ "Purchaser" means a person who makes or is  
13 obligated to make advance registration or dormitory residence  
14 payments in accordance with an advance payment contract.

15 (f)~~(e)~~ "Qualified beneficiary" means:

16 1. A resident of this state at the time a purchaser  
17 enters into an advance payment contract on behalf of the  
18 resident;

19 2. A nonresident who is the child of a noncustodial  
20 parent who is a resident of this state at the time that such  
21 parent enters into an advance payment contract on behalf of  
22 the child; or

23 3. For purposes of advance payment contracts entered  
24 into pursuant to subsection (22)~~paragraph (5)(j)~~, a graduate  
25 of an accredited high school in this state who is a resident  
26 of this state at the time he or she is designated to receive  
27 the benefits of the advance payment contract.

28 (g)~~(h)~~ "Registration fee" means matriculation fee,  
29 financial aid fee, building fee, and Capital Improvement Trust  
30 Fund fee.

31 (h)~~(f)~~ "State postsecondary institution" means any

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

1 community college identified in s. 240.3031 or university  
2 identified in s. 240.2011.

3 (3) FLORIDA PREPAID COLLEGE PROGRAM; CREATION.--There  
4 is created a Florida Prepaid College ~~Postsecondary Education~~  
5 ~~Expense~~ Program to provide a medium through which the cost of  
6 registration and dormitory residence may be paid in advance of  
7 enrollment in a state postsecondary institution at a rate  
8 lower than the projected corresponding cost at the time of  
9 actual enrollment. Such payments shall be combined and  
10 invested in a manner that yields, at a minimum, sufficient  
11 interest to generate the difference between the prepaid amount  
12 and the cost of registration and dormitory residence at the  
13 time of actual enrollment. Students who enroll in a state  
14 postsecondary institution pursuant to this section shall be  
15 charged no fees in excess of the terms delineated in the  
16 advance payment contract.

17 (4) FLORIDA PREPAID COLLEGE TRUST FUND.--There is  
18 created within the State Board of Administration the Florida  
19 Prepaid College ~~Postsecondary Education Expense~~ Trust Fund.  
20 The fund shall consist of state appropriations, moneys  
21 acquired from other governmental or private sources, and  
22 moneys remitted in accordance with advance payment contracts.  
23 All funds deposited into the trust fund may be invested  
24 pursuant to s. 215.47; ~~however, such investment shall not be~~  
25 ~~mandatory~~. Dividends, interest, and gains accruing to the  
26 trust fund shall increase the total funds available for the  
27 program. Notwithstanding the provisions of chapter 717, funds  
28 associated with terminated contracts ~~terminated~~ pursuant to  
29 subsection (12) ~~paragraph (6)(d)~~ and canceled contracts for  
30 which no refunds have been claimed shall increase the total  
31 funds available for the program. However, the board shall

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

1 establish procedures for notifying purchasers who subsequently  
2 cancel their contracts of any unclaimed refund and shall  
3 establish a time period after which no refund may be claimed  
4 by a purchaser who canceled a contract. Any balance contained  
5 within the fund at the end of a fiscal year shall remain  
6 therein and shall be available for carrying out the purposes  
7 of the program. In the event that dividends, interest, and  
8 gains exceed ~~exceeds~~ the amount necessary for program  
9 administration and disbursements, the board may designate an  
10 additional percentage of the fund to serve as a contingency  
11 fund. Moneys contained within the fund shall be exempt from  
12 the investment requirements of s. 18.10. Any funds of a  
13 direct-support organization created pursuant to subsection  
14 ~~(22) paragraph (5)(j)~~ shall be exempt from the provisions of  
15 this subsection ~~paragraph~~.

16 (5) PROGRAM ADMINISTRATION.--

17 (a) The Florida Prepaid College Postsecondary  
18 ~~Education Expense~~ Program shall be administered by the Florida  
19 ~~Prepaid College Postsecondary Education Expense~~ Board as an  
20 agency of the state. The Florida Prepaid College  
21 ~~Postsecondary Education Expense~~ Board is hereby created as a  
22 body corporate with all the powers of a body corporate for the  
23 purposes delineated in this section. For the purposes of s.  
24 6, Art. IV of the State Constitution, the board shall be  
25 assigned to and administratively housed within the State Board  
26 of Administration, but it shall independently exercise the  
27 powers and duties specified in this section.

28 (b) The board shall consist of seven members to be  
29 composed of the Insurance Commissioner and Treasurer, the  
30 Comptroller, the Chancellor of the Board of Regents, the  
31 Executive Director of the State Board of Community Colleges,

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

1 and three members appointed by the Governor and subject to  
2 confirmation by the Senate. Each member appointed by the  
3 Governor shall possess knowledge, skill, and experience in the  
4 areas of accounting, actuary, risk management, or investment  
5 management. Each member of the board not appointed by the  
6 Governor may name a designee to serve the board on behalf of  
7 the member; however, any designee so named shall meet the  
8 qualifications required of gubernatorial appointees to the  
9 board. Members appointed by the Governor shall serve terms of  
10 3 years ~~except that, in making the initial appointments, the~~  
11 ~~Governor shall appoint one member to serve for 1 year, one~~  
12 ~~member to serve for 2 years, and one member to serve for 3~~  
13 ~~years.~~ Any person appointed to fill a vacancy on the board  
14 shall be appointed in a like manner and shall serve for only  
15 the unexpired term. Any member shall be eligible for  
16 reappointment and shall serve until a successor qualifies.  
17 Members of the board shall serve without compensation but  
18 shall be reimbursed for per diem and travel in accordance with  
19 s. 112.061. Each member of the board shall file a full and  
20 public disclosure of his or her financial interests pursuant  
21 to s. 8, Art. II of the State Constitution and corresponding  
22 statute.

23 ~~(c)(a) The Governor shall appoint a member of the~~  
24 ~~board to serve as the initial chair of the board. Thereafter,~~  
25 ~~the board shall elect a chair annually. The board shall~~  
26 ~~annually elect a board member to serve as chair and a board~~  
27 ~~member to serve as vice chair and shall designate a~~  
28 ~~secretary-treasurer who need not be a member of the board.~~  
29 The secretary-treasurer shall keep a record of the proceedings  
30 of the board and shall be the custodian of all printed  
31 material filed with or by the board and of its official seal.

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

1 Notwithstanding the existence of vacancies on the board, a  
2 majority of the members shall constitute a quorum. The board  
3 shall take no official action in the absence of a quorum. The  
4 board shall meet, at a minimum, on a quarterly basis at the  
5 call of the chair.

6 (6) FLORIDA PREPAID COLLEGE BOARD; DUTIES.--The board  
7 shall:

8 (a)(b) The board shall Appoint an executive director  
9 to serve as the chief administrative and operational officer  
10 of the board and to perform other duties assigned to him or  
11 her by the board.

12 (b) Administer the fund in a manner that is  
13 sufficiently actuarially sound to defray the obligations of  
14 the program. The board shall annually evaluate or cause to be  
15 evaluated the actuarial soundness of the fund. If the board  
16 perceives a need for additional assets in order to preserve  
17 actuarial soundness, the board may adjust the terms of  
18 subsequent advance payment contracts to ensure such soundness.

19 (c) Establish a comprehensive investment plan for the  
20 purposes of this section with the approval of the State Board  
21 of Administration. The comprehensive investment plan shall  
22 specify the investment policies to be utilized by the board in  
23 its administration of the fund. The board may place assets of  
24 the fund in savings accounts or use the same to purchase fixed  
25 or variable life insurance or annuity contracts, securities,  
26 evidence of indebtedness, or other investment products  
27 pursuant to the comprehensive investment plan and in such  
28 proportions as may be designated or approved under that plan.  
29 Such insurance, annuity, savings, or investment products shall  
30 be underwritten and offered in compliance with the applicable  
31 federal and state laws, regulations, and rules by persons who

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

1 are duly authorized by applicable federal and state  
2 authorities. Within the comprehensive investment plan, the  
3 board may authorize investment vehicles, or products incident  
4 thereto, as may be available or offered by qualified companies  
5 or persons. A contract purchaser may not direct the investment  
6 of his or her contribution to the trust fund and a contract  
7 beneficiary may not direct the contribution made on his or her  
8 behalf to the trust fund. Board members and employees of the  
9 board are not prohibited from purchasing advance payment  
10 contracts by virtue of their fiduciary responsibilities as  
11 members of the board or official duties as employees of the  
12 board.

13 (d) Solicit proposals and contract, pursuant to s.  
14 287.057, for the marketing of the Florida Prepaid College  
15 Program. The entity designated pursuant to this paragraph  
16 shall serve as a centralized marketing agent for the program  
17 and shall be solely responsible for the marketing of the  
18 program. Any materials produced for the purpose of marketing  
19 the program shall be submitted to the board for review. No  
20 such materials shall be made available to the public before  
21 the materials are approved by the board. Any educational  
22 institution may distribute marketing materials produced for  
23 the program; however, all such materials shall have been  
24 approved by the board prior to distribution. Neither the state  
25 nor the board shall be liable for misrepresentation of the  
26 program by a marketing agent.

27 (e) Solicit proposals and contract, pursuant to s.  
28 287.057, for a trustee services firm to select and supervise  
29 investment programs on behalf of the board. The goals of the  
30 board in selecting a trustee services firm shall be to obtain  
31 the highest standards of professional trustee services, to



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

1 allow all qualified firms interested in providing such  
2 services equal consideration, and to provide such services to  
3 the state at no cost and to the purchasers at the lowest cost  
4 possible. The trustee services firm shall agree to meet the  
5 obligations of the board to qualified beneficiaries if moneys  
6 in the fund fail to offset the obligations of the board as a  
7 result of imprudent selection or supervision of investment  
8 programs by such firm. Evaluations of proposals submitted  
9 pursuant to this paragraph shall include, but not be limited  
10 to, the following criteria:

11 1. Adequacy of trustee services for supervision and  
12 management of the program, including current operations and  
13 staff organization and commitment of management to the  
14 proposal.

15 2. Capability to execute program responsibilities  
16 within time and regulatory constraints.

17 3. Past experience in trustee services and current  
18 ability to maintain regular and continuous interactions with  
19 the board, records administrator, and product provider.

20 4. The minimum purchaser participation assumed within  
21 the proposal and any additional requirements of purchasers.

22 5. Adequacy of technical assistance and services  
23 proposed for staff.

24 6. Adequacy of a management system for evaluating and  
25 improving overall trustee services to the program.

26 7. Adequacy of facilities, equipment, and electronic  
27 data processing services.

28 8. Detailed projections of administrative costs,  
29 including the amount and type of insurance coverage, and  
30 detailed projections of total costs.

31 (f) Solicit proposals and contract, pursuant to s.

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

1 287.057, for product providers to develop investment  
2 portfolios on behalf of the board to achieve the purposes of  
3 this section. Product providers shall be limited to authorized  
4 insurers as defined in s. 624.09, banks as defined in s.  
5 658.12, associations as defined in s. 665.012, authorized  
6 Securities and Exchange Commission investment advisers, and  
7 investment companies as defined in the Investment Company Act  
8 of 1940. All product providers shall have their principal  
9 place of business and corporate charter located and registered  
10 in the United States. In addition, each product provider shall  
11 agree to meet the obligations of the board to qualified  
12 beneficiaries if moneys in the fund fail to offset the  
13 obligations of the board as a result of imprudent investing by  
14 such provider. Each authorized insurer shall evidence superior  
15 performance overall on an acceptable level of surety in  
16 meeting its obligations to its policyholders and other  
17 contractual obligations. Only qualified public depositories  
18 approved by the Insurance Commissioner and Treasurer shall be  
19 eligible for board consideration. Each investment company  
20 shall provide investment plans as specified within the request  
21 for proposals. The goals of the board in selecting a product  
22 provider company shall be to provide all purchasers with the  
23 most secure, well-diversified, and beneficially administered  
24 postsecondary education expense plan possible, to allow all  
25 qualified firms interested in providing such services equal  
26 consideration, and to provide such services to the state at no  
27 cost and to the purchasers at the lowest cost possible.  
28 Evaluations of proposals submitted pursuant to this paragraph  
29 shall include, but not be limited to, the following criteria:  
30 1. Fees and other costs charged to purchasers that  
31 affect account values or operational costs related to the

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

1 program.

2 2. Past and current investment performance, including  
3 investment and interest rate history, guaranteed minimum rates  
4 of interest, consistency of investment performance, and any  
5 terms and conditions under which moneys are held.

6 3. Past experience and ability to provide timely and  
7 accurate service in the areas of records administration,  
8 benefit payments, investment management, and complaint  
9 resolution.

10 4. Financial history and current financial strength  
11 and capital adequacy to provide products, including operating  
12 procedures and other methods of protecting program assets.

13 (7)(c) FLORIDA PREPAID COLLEGE BOARD; POWERS.--The  
14 board shall have the powers necessary or proper to carry out  
15 the provisions of this section, including, but not limited to,  
16 the power to:

17 (a)1. Adopt an official seal and rules.

18 (b)2. Sue and be sued.

19 (c)3. Make and execute contracts and other necessary  
20 instruments.

21 (d)4. Establish agreements or other transactions with  
22 federal, state, and local agencies, including state  
23 universities and community colleges.

24 (e)5. Invest funds not required for immediate  
25 disbursement.

26 (f)6. Appear in its own behalf before boards,  
27 commissions, or other governmental agencies.

28 (g)7. Hold, buy, and sell any instruments,  
29 obligations, securities, and property determined appropriate  
30 by the board.

31 (h)8. Require a reasonable length of state residence

1 for qualified beneficiaries.

2 ~~(i)9.~~ Restrict the number of participants in the  
3 community college plan, university plan, and dormitory  
4 residence plan, respectively. However, any person denied  
5 participation solely on the basis of such restriction shall be  
6 granted priority for participation during the succeeding year.

7 ~~(j)10.~~ Segregate contributions and payments to the  
8 fund into various accounts and funds.

9 ~~(k)11.~~ Contract for necessary goods and services,  
10 employ necessary personnel, and engage the services of private  
11 consultants, actuaries, managers, legal counsel, and auditors  
12 for administrative or technical assistance.

13 ~~(l)12.~~ Solicit and accept gifts, grants, loans, and  
14 other aids from any source or participate in any other way in  
15 any government program to carry out the purposes of this  
16 section.

17 ~~(m)13.~~ Require and collect administrative fees and  
18 charges in connection with any transaction and impose  
19 reasonable penalties, including default, for delinquent  
20 payments or for entering into an advance payment contract on a  
21 fraudulent basis.

22 ~~(n)14.~~ Procure insurance against any loss in  
23 connection with the property, assets, and activities of the  
24 fund or the board.

25 ~~(o)15.~~ Impose reasonable time limits on use of the  
26 tuition benefits provided by the program. However, any such  
27 limitation shall be specified within the advance payment  
28 contract.

29 ~~(p)16.~~ Delineate the terms and conditions under which  
30 payments may be withdrawn from the fund and impose reasonable  
31 fees and charges for such withdrawal. Such terms and

1 conditions shall be specified within the advance payment  
2 contract.

3 ~~(q)17.~~ Provide for the receipt of contributions in  
4 lump sums or installment payments.

5 ~~18. Establish other policies, procedures, and criteria~~  
6 ~~to implement and administer the provisions of this section.~~

7 ~~(r)19.~~ Require that purchasers of advance payment  
8 contracts verify, under oath, any requests for contract  
9 conversions, substitutions, transfers, cancellations, refund  
10 requests, or contract changes of any nature. Verification  
11 shall be accomplished as authorized and provided for in s.  
12 92.525(1)(a).

13 ~~(d) The board shall administer the fund in a manner~~  
14 ~~that is sufficiently actuarially sound to defray the~~  
15 ~~obligations of the program. The board shall annually evaluate~~  
16 ~~or cause to be evaluated the actuarial soundness of the fund.~~  
17 ~~If the board perceives a need for additional assets in order~~  
18 ~~to preserve actuarial soundness, the board may adjust the~~  
19 ~~terms of subsequent advance payment contracts to ensure such~~  
20 ~~soundness.~~

21 ~~(e) The board, acting with the approval of the State~~  
22 ~~Board of Administration, shall establish a comprehensive~~  
23 ~~investment plan for the purposes of this section. The~~  
24 ~~comprehensive investment plan shall specify the investment~~  
25 ~~policies to be utilized by the board in its administration of~~  
26 ~~the fund. The board may place assets of the fund in savings~~  
27 ~~accounts or use the same to purchase fixed or variable life~~  
28 ~~insurance or annuity contracts, securities, evidence of~~  
29 ~~indebtedness, or other investment products pursuant to the~~  
30 ~~comprehensive investment plan and in such proportions as may~~  
31 ~~be designated or approved under that plan. Such insurance,~~

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

1 ~~annuity, savings, or investment products shall be underwritten~~  
2 ~~and offered in compliance with the applicable federal and~~  
3 ~~state laws, regulations, and rules by persons who are duly~~  
4 ~~authorized by applicable federal and state authorities.~~  
5 ~~Within the comprehensive investment plan, the board may~~  
6 ~~authorize investment vehicles, or products incident thereto,~~  
7 ~~as may be available or offered by qualified companies or~~  
8 ~~persons. A contract purchaser may not direct the investment of~~  
9 ~~his or her contribution to the trust fund, and a contract~~  
10 ~~beneficiary may not direct the contribution made on his or her~~  
11 ~~behalf to the trust fund. Board members and employees of the~~  
12 ~~board are not prohibited from purchasing advance payment~~  
13 ~~contracts by virtue of their fiduciary responsibilities as~~  
14 ~~members of the board or official duties as employees of the~~  
15 ~~board.~~

16 (s)(f) ~~The board may~~ Delegate responsibility for  
17 administration of the comprehensive investment plan required  
18 in paragraph(6)(c)(e)to a person the board determines to be  
19 qualified. Such person shall be compensated by the board.  
20 Directly or through such person, the board may contract with a  
21 private corporation or institution to provide such services as  
22 may be a part of the comprehensive investment plan or as may  
23 be deemed necessary or proper by the board or such person,  
24 including, but not limited to, providing consolidated billing,  
25 individual and collective recordkeeping and accountings, and  
26 asset purchase, control, and safekeeping.

27 (t) Endorse insurance coverage written exclusively for  
28 the purpose of protecting advance payment contracts, and the  
29 purchasers and beneficiaries thereof, which may be issued in  
30 the form of a group life policy and which is exempt from the  
31 provisions of part V of chapter 627.

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

1           (u) Solicit proposals and contract, pursuant to s.  
2 287.057, for the services of a records administrator. The  
3 goals of the board in selecting a records administrator shall  
4 be to provide all purchasers with the most secure,  
5 well-diversified, and beneficially administered postsecondary  
6 education expense plan possible, to allow all qualified firms  
7 interested in providing such services equal consideration, and  
8 to provide such services to the state at no cost and to the  
9 purchasers at the lowest cost possible. Evaluations of  
10 proposals submitted pursuant to this paragraph shall include,  
11 but not be limited to, the following criteria:

12           1. Fees and other costs charged to purchasers that  
13 affect account values or operational costs related to the  
14 program.

15           2. Past experience in records administration and  
16 current ability to provide timely and accurate service in the  
17 areas of records administration, audit and reconciliation,  
18 plan communication, participant service, and complaint  
19 resolution.

20           3. Sufficient staff and computer capability for the  
21 scope and level of service expected by the board.

22           4. Financial history and current financial strength  
23 and capital adequacy to provide administrative services  
24 required by the board.

25           (v) Establish other policies, procedures, and criteria  
26 to implement and administer the provisions of this section.

27           ~~(g) The board shall annually prepare or cause to be~~  
28 ~~prepared a report setting forth in appropriate detail an~~  
29 ~~accounting of the fund and a description of the financial~~  
30 ~~condition of the program at the close of each fiscal year.~~  
31 ~~Such report shall be submitted to the President of the Senate,~~

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

1 ~~the Speaker of the House of Representatives, and members of~~  
2 ~~the State Board of Education on or before March 31 each year.~~  
3 ~~In addition, the board shall make the report available to~~  
4 ~~purchasers of advance payment contracts. The board shall~~  
5 ~~provide to the Board of Regents and the State Board of~~  
6 ~~Community Colleges by March 31 each year complete advance~~  
7 ~~payment contract sales information including projected~~  
8 ~~postsecondary enrollments of qualified beneficiaries. The~~  
9 ~~accounts of the fund shall be subject to annual audits by the~~  
10 ~~Auditor General or his or her designee.~~

11 (8)(h) QUALIFIED STATE TUITION PROGRAM

12 STATUS.--Notwithstanding any other provision of this section,  
13 the board may adopt rules necessary to enable the program to  
14 retain its status as a "qualified state tuition prepaid  
15 program" in order to maintain its tax exempt status or other  
16 similar status of the program, purchasers, and qualified  
17 beneficiaries under the Internal Revenue Code of 1986, as  
18 defined in s. 220.03(1). The board shall inform purchasers of  
19 changes to the tax or securities status of contracts purchased  
20 through the program.

21 ~~(i) The board shall solicit proposals for the~~  
22 ~~marketing of the Florida Prepaid Postsecondary Education~~  
23 ~~Expense Program pursuant to s. 287.057. The entity designated~~  
24 ~~pursuant to this paragraph shall serve as a centralized~~  
25 ~~marketing agent for the program and shall be solely~~  
26 ~~responsible for the marketing of the program. Any materials~~  
27 ~~produced for the purpose of marketing the program shall be~~  
28 ~~submitted to the board for review. No such materials shall be~~  
29 ~~made available to the public before the materials are approved~~  
30 ~~by the board. Any educational institution may distribute~~  
31 ~~marketing materials produced for the program; however, all~~



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

1 ~~such materials shall have been approved by the board prior to~~  
2 ~~distribution. Neither the state nor the board shall be liable~~  
3 ~~for misrepresentation of the program by a marketing agent.~~

4 ~~(j) The board may establish a direct support~~  
5 ~~organization which is:~~

6 ~~1. A Florida corporation, not for profit, incorporated~~  
7 ~~under the provisions of chapter 617 and approved by the~~  
8 ~~Secretary of State.~~

9 ~~2. Organized and operated exclusively to receive,~~  
10 ~~hold, invest, and administer property and to make expenditures~~  
11 ~~to or for the benefit of the program.~~

12 ~~3. An organization which the board, after review, has~~  
13 ~~certified to be operating in a manner consistent with the~~  
14 ~~goals of the program and in the best interests of the state.~~  
15 ~~Unless so certified, the organization may not use the name of~~  
16 ~~the program.~~

17 ~~4. Subject to an annual postaudit by an independent~~  
18 ~~certified public accountant in accordance with rules~~  
19 ~~promulgated by the board. The annual audit shall be submitted~~  
20 ~~to the State Board of Administration and the Auditor General~~  
21 ~~for review. The State Board of Administration and Auditor~~  
22 ~~General shall have the authority to require and receive from~~  
23 ~~the organization or its independent auditor any detail or~~  
24 ~~supplemental data relative to the operation of the~~  
25 ~~organization. The identity of donors who desire to remain~~  
26 ~~anonymous shall be confidential and exempt from the provisions~~  
27 ~~of s. 119.07(1) and s. 24(a), Art. I of the State~~  
28 ~~Constitution, and such anonymity shall be maintained in the~~  
29 ~~auditor's report. Information received by the organization~~  
30 ~~that is otherwise confidential or exempt by law shall retain~~  
31 ~~such status. Any sensitive, personal information regarding~~

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

1 ~~contract beneficiaries, including their identities, is exempt~~  
2 ~~from the provisions of s. 119.07(1) and s. 24(a), Art. I of~~  
3 ~~the State Constitution.~~

4  
5 ~~The chair of the board and the executive director shall be~~  
6 ~~directors of the direct-support organization and shall jointly~~  
7 ~~name three other individuals to serve as directors of the~~  
8 ~~organization.~~

9 ~~(k) The board may endorse insurance coverage written~~  
10 ~~exclusively for the purpose of protecting advance payment~~  
11 ~~contracts, and the purchasers or beneficiaries thereof, which~~  
12 ~~may be issued in the form of a group life policy and which is~~  
13 ~~exempt from the provisions of part V of chapter 627.~~

14 (9) PREPAID COLLEGE PLANS.--At a minimum, the board  
15 shall make advance payment contracts available for two  
16 independent plans to be known as the community college plan  
17 and the university plan. The board may also make advance  
18 payment contracts available for a dormitory residence plan.

19 (a)1. Through the community college plan, the advance  
20 payment contract shall provide prepaid registration fees for a  
21 specified number of undergraduate semester credit hours not to  
22 exceed the average number of hours required for the conference  
23 of an associate degree. The cost of participation in the  
24 community college plan shall be based primarily on the average  
25 current and projected registration fees within the State  
26 Community College System and the number of years expected to  
27 elapse between the purchase of the plan on behalf of a  
28 qualified beneficiary and the exercise of the benefits  
29 provided in the plan by such beneficiary. Qualified  
30 beneficiaries shall bear the cost of any laboratory fees  
31 associated with enrollment in specific courses. Each qualified

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

1 beneficiary shall be classified as a resident for tuition  
2 purposes, pursuant to s. 240.1201, regardless of his or her  
3 actual legal residence.

4 2. Effective July 1, 1998, the board may provide  
5 advance payment contracts for additional fees delineated in s.  
6 240.35, not to exceed the average number of hours required for  
7 the conference of an associate degree, in conjunction with  
8 advance payment contracts for registration fees. The cost of  
9 purchasing such fees shall be based primarily on the average  
10 current and projected fees within the State Community College  
11 System and the number of years expected to elapse between the  
12 purchase of the plan on behalf of the beneficiary and the  
13 exercise of benefits provided in the plan by such beneficiary.  
14 Community college plan contracts purchased prior to July 1,  
15 1998, shall be limited to the payment of registration fees as  
16 defined in subsection (2).

17 (b)1. Through the university plan, the advance payment  
18 contract shall provide prepaid registration fees for a  
19 specified number of undergraduate semester credit hours not to  
20 exceed the average number of hours required for the conference  
21 of a baccalaureate degree. The cost of participation in the  
22 university plan shall be based primarily on the current and  
23 projected registration fees within the State University System  
24 and the number of years expected to elapse between the  
25 purchase of the plan on behalf of a qualified beneficiary and  
26 the exercise of the benefits provided in the plan by such  
27 beneficiary. Qualified beneficiaries shall bear the cost of  
28 any laboratory fees associated with enrollment in specific  
29 courses. Each qualified beneficiary shall be classified as a  
30 resident for tuition purposes pursuant to s. 240.1201,  
31 regardless of his or her actual legal residence.

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

1           2. Effective July 1, 1998, the board may provide  
2 advance payment contracts for additional fees delineated in s.  
3 240.235(1), for a specified number of undergraduate semester  
4 credit hours not to exceed the average number of hours  
5 required for the conference of a baccalaureate degree, in  
6 conjunction with advance payment contracts for registration  
7 fees. Such contracts shall provide prepaid coverage for the  
8 sum of such fees, to a maximum of 45 percent of the cost of  
9 registration fees. The costs of purchasing such fees shall be  
10 based primarily on the average current and projected cost of  
11 these fees within the State University System and the number  
12 of years expected to elapse between the purchase of the plan  
13 on behalf of the qualified beneficiary and the exercise of the  
14 benefits provided in the plan by such beneficiary. University  
15 plan contracts purchased prior to July 1, 1998, shall be  
16 limited to the payment of registration fees as defined in  
17 subsection (2).

18           (c) Through the dormitory residence plan, the advance  
19 payment contract may provide prepaid housing fees for a  
20 maximum of 10 semesters of full-time undergraduate enrollment  
21 in a state university. Dormitory residence plans shall be  
22 purchased in increments of 2 semesters. The cost of  
23 participation in the dormitory residence plan shall be based  
24 primarily on the average current and projected housing fees  
25 within the State University System and the number of years  
26 expected to elapse between the purchase of the plan on behalf  
27 of a qualified beneficiary and the exercise of the benefits  
28 provided in the plan by such beneficiary. Qualified  
29 beneficiaries shall have the highest priority in the  
30 assignment of housing within university residence halls.  
31 Qualified beneficiaries shall bear the cost of any additional

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

1 elective charges such as laundry service or long-distance  
2 telephone service. Each state university may specify the  
3 residence halls or other university-held residences eligible  
4 for inclusion in the plan. In addition, any state university  
5 may request immediate termination of a dormitory residence  
6 contract based on a violation or multiple violations of rules  
7 of the residence hall or other university-held residences. In  
8 the event that sufficient housing is not available for all  
9 qualified beneficiaries, the board shall refund the purchaser  
10 or qualified beneficiary an amount equal to the fees charged  
11 for dormitory residence during that semester. If a qualified  
12 beneficiary fails to be admitted to a state university or  
13 chooses to attend a community college that operates one or  
14 more dormitories or residency opportunities, or has one or  
15 more dormitories or residency opportunities operated by the  
16 community college direct-support organization, the qualified  
17 beneficiary may transfer or cause to have transferred to the  
18 community college, or community college direct-support  
19 organization, the fees associated with dormitory residence.  
20 Dormitory fees transferred to the community college or  
21 community college direct-support organization may not exceed  
22 the maximum fees charged for state university dormitory  
23 residence for the purposes of this section, or the fees  
24 charged for community college or community college  
25 direct-support organization dormitories or residency  
26 opportunities, whichever is less.

27 (10) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE  
28 COLLEGES AND UNIVERSITIES.--

29 (a) A qualified beneficiary may apply a community  
30 college plan, university plan, or dormitory residence plan  
31 toward any eligible independent college or university. An

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

1 independent college or university which is located and  
2 chartered in Florida, is not for profit, is accredited by the  
3 Commission on Colleges of the Southern Association of Colleges  
4 and Schools or the Accrediting Commission of the Association  
5 of Independent Colleges and Schools, and which confers degrees  
6 as defined in s. 246.021, shall be eligible for such  
7 application. The board shall transfer, or cause to have  
8 transferred, to the eligible independent college or university  
9 designated by the qualified beneficiary an amount not to  
10 exceed the redemption value of the advance payment contract  
11 within a state postsecondary institution. In the event that  
12 the cost of registration or housing fees at the independent  
13 college or university is less than the corresponding fees at a  
14 state postsecondary institution, the amount transferred shall  
15 not exceed the actual cost of registration or housing fees. No  
16 transfer authorized pursuant to this paragraph shall exceed  
17 the number of semester credit hours or semesters of dormitory  
18 residence contracted on behalf of a qualified beneficiary.

19 (b) A qualified beneficiary may apply the benefits of  
20 an advance payment contract toward an eligible out-of-state  
21 college or university. An out-of-state college or university  
22 which is not for profit and is accredited by a regional  
23 accrediting association, and which confers baccalaureate  
24 degrees, shall be eligible for such application. The board  
25 shall transfer, or cause to have transferred, an amount not to  
26 exceed the redemption value of the advance payment contract or  
27 the original purchase price plus 5 percent compounded  
28 interest, whichever is less, after assessment of a reasonable  
29 transfer fee. In the event that the cost of registration or  
30 housing fees charged the qualified beneficiary at the eligible  
31 out-of-state college or university is less than this

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

1 calculated amount, the amount transferred shall not exceed the  
2 actual cost of registration or housing fees. Any remaining  
3 amount shall be transferred in subsequent semesters until the  
4 transfer value is depleted. No transfer authorized pursuant to  
5 this paragraph shall exceed the number of semester credit  
6 hours or semesters of dormitory residence contracted on behalf  
7 of a qualified beneficiary.

8 (11)(6)(a) ADVANCE PAYMENT CONTRACTS; CONTENTS.--The  
9 board shall construct advance payment contracts for  
10 registration and may construct advance payment contracts for  
11 dormitory residence as provided in accordance with the  
12 provisions of this section. Advance payment contracts  
13 constructed for the purposes of this section shall be exempt  
14 from the provisions of chapter 517 and the Florida Insurance  
15 Code. The board may request assistance from the Department of  
16 Legal Affairs in the development of the advance payment  
17 contracts. The contents of both Such contracts shall include,  
18 but not be limited to, the following:

19 (a)1- The amount of the payment or payments and the  
20 number of payments required from a purchaser on behalf of a  
21 qualified beneficiary.

22 (b)2- The terms and conditions under which purchasers  
23 shall remit payments, including, but not limited to, the date  
24 or dates upon which each payment shall be due.

25 (c)3- Provisions for late payment charges and for  
26 default.

27 (d)4- Provisions for penalty fees for withdrawals from  
28 the fund.

29 (e)5- Except for an advance payment contract entered  
30 into pursuant to subsection (22)paragraph (5)(j), the name  
31 and date of birth of the qualified beneficiary on whose behalf

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

1 the contract is drawn and the terms and conditions under which  
2 another person may be substituted as the qualified  
3 beneficiary.

4 ~~(f)6.~~ The name of any person who may terminate the  
5 contract. The terms of the contract shall specify whether the  
6 contract may be terminated by the purchaser, the qualified  
7 beneficiary, a specific designated person, or any combination  
8 of these persons.

9 ~~(g)7.~~ The terms and conditions under which a contract  
10 may be terminated, modified, or converted, the name of the  
11 person entitled to any refund due as a result of termination  
12 of the contract pursuant to such terms and conditions, and the  
13 amount of refund, if any, due to the person so named.

14 ~~8. The time limitations, if any, within which the~~  
15 ~~qualified beneficiary must claim his or her benefits through~~  
16 ~~the program.~~

17 ~~9. Other terms and conditions deemed by the board to~~  
18 ~~be necessary or proper.~~

19 ~~(b) In addition to the provisions of paragraph (a), an~~  
20 ~~advance payment contract for registration shall include, but~~  
21 ~~not be limited to, the following:~~

22 ~~(h)1.~~ The number of semester credit hours or semesters  
23 of dormitory residence contracted by the purchaser.

24 ~~(i)2.~~ The state postsecondary system toward which the  
25 contracted credit hours or semesters of dormitory residence  
26 will be applied.

27 ~~(j)3.~~ The assumption of a contractual obligation by  
28 the board to the qualified beneficiary to provide for a  
29 specified number of semester credit hours of undergraduate  
30 instruction at a state postsecondary institution, not to  
31 exceed the average number of credit hours required for the



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

1 conference of the degree that corresponds to the plan  
2 purchased on behalf of the qualified beneficiary or to provide  
3 for a specified number of semesters of dormitory residence,  
4 not to exceed the number of semesters of full-time enrollment  
5 required for the conference of a baccalaureate degree.

6 (k) Other terms and conditions deemed by the board to  
7 be necessary or proper.

8 ~~(c) In addition to the provisions of paragraph (a), an~~  
9 ~~advance payment contract for dormitory residence shall~~  
10 ~~include, but not be limited to, the following:~~

11 ~~1. The number of semesters of dormitory residence~~  
12 ~~contracted by the purchaser.~~

13 ~~2. The assumption of a contractual obligation by the~~  
14 ~~board to the qualified beneficiary to provide for a specified~~  
15 ~~number of semesters of dormitory residence at a state~~  
16 ~~university, not to exceed the maximum number of semesters of~~  
17 ~~full-time enrollment required for the conference of a~~  
18 ~~baccalaureate degree.~~

19 (12)(d) DURATION OF BENEFITS; ADVANCE PAYMENT

20 CONTRACT.--An advance payment contract may provide that  
21 contracts which have not been terminated or the benefits  
22 exercised within a specified period of time shall be  
23 considered terminated. Time expended by a qualified  
24 beneficiary as an active duty member of any of the armed  
25 services of the United States shall be added to the period of  
26 time specified pursuant to this subsection ~~paragraph~~. No  
27 purchaser or qualified beneficiary whose advance payment  
28 contract is terminated pursuant to this subsection ~~paragraph~~  
29 shall be entitled to a refund. The board shall retain any  
30 moneys paid by the purchaser for an advance payment contract  
31 that has been terminated in accordance with this subsection

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

1 ~~paragraph.~~ Such moneys retained by the board are exempt from  
2 chapter 717, and such retained moneys must be used by the  
3 board to further the purposes of this section.

4 (13) REFUNDS.--

5 ~~(a)(e)1.~~ Except as provided in paragraphs (b) and (c),  
6 no refund ~~provided pursuant to subparagraph (a)7.~~ shall exceed  
7 the amount paid into the fund by the purchaser. ~~In the event~~  
8 ~~that an advance payment contract is converted from a~~  
9 ~~university to a community college registration plan, the~~  
10 ~~refund amount shall be reduced by the amount transferred to a~~  
11 ~~community college on behalf of the qualified beneficiary.~~  
12 ~~However, refunds may exceed the amount paid into the fund in~~  
13 ~~the following circumstances:~~

14 (b)a. If the beneficiary is awarded a scholarship, the  
15 terms of which cover the benefits included in the advance  
16 payment contracts, moneys paid for the purchase of the advance  
17 payment contracts shall be returned to the purchaser in  
18 semester installments coinciding with the matriculation by the  
19 beneficiary in amounts of either the original purchase price  
20 plus 5 percent compounded interest, or the current rates at  
21 state postsecondary institutions, whichever is less.

22 (c)b. In the event of the death or total disability of  
23 the beneficiary, moneys paid for the purchase of advance  
24 payment contracts shall be returned to the purchaser together  
25 with 5 percent compounded interest, or the current rates at  
26 state postsecondary institutions, whichever is less.

27 (d)c. If an advance payment contract is converted from  
28 one registration plan to a plan of lesser value ~~a university~~  
29 ~~plan to a community college plan or a community college plus~~  
30 ~~university plan, or is converted from a community college plus~~  
31 ~~university plan to a community college plan, the amount~~

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

1 refunded shall not exceed the difference between the amount  
2 paid for the original contract and the amount that would have  
3 been paid for the contract to which the plan is converted had  
4 the converted plan been purchased under the same payment plan  
5 at the time the original advance payment contract was  
6 executed.

7 ~~(e)2.~~ No refund shall be authorized through an advance  
8 payment contract for any school year partially attended but  
9 not completed. For purposes of this section, a school year  
10 partially attended but not completed shall mean any one  
11 semester whereby the student is still enrolled at the  
12 conclusion of the official drop-add period, but withdraws  
13 before the end of such semester. If a beneficiary does not  
14 complete a community college plan or university plan for  
15 reasons other than specified in paragraph (c)~~subparagraph 1.~~,  
16 the purchaser shall receive a refund of the amount paid into  
17 the fund for the remaining unattended years of the advance  
18 payment contract pursuant to rules promulgated by the board.

19 ~~(14)(f)~~ CONFIDENTIALITY OF ACCOUNT  
20 INFORMATION.--Information that identifies the purchasers or  
21 beneficiaries of any plan promulgated under this section and  
22 their advance payment account activities is exempt from the  
23 provisions of s. 119.07(1). However, the board may authorize  
24 the program's records administrator to release such  
25 information to a community college, college, or university in  
26 which a beneficiary may enroll or is enrolled. Community  
27 colleges, colleges, and universities shall maintain such  
28 information as exempt from the provisions of s. 119.07(1).

29 ~~(7) At a minimum, the board shall make advance payment~~  
30 ~~contracts available for two independent plans to be known as~~  
31 ~~the community college plan and the university plan. The board~~

1 ~~may also make advance payment contracts available for a~~  
2 ~~dormitory residence plan.~~

3 ~~(a) Through the community college plan, the advance~~  
4 ~~payment contract shall provide prepaid registration fees for a~~  
5 ~~specified number of undergraduate semester credit hours not to~~  
6 ~~exceed the average number of hours required for the conference~~  
7 ~~of an associate degree. The cost of participation in the~~  
8 ~~community college plan shall be based primarily on the average~~  
9 ~~current and projected registration fees within the State~~  
10 ~~Community College System and the number of years expected to~~  
11 ~~elapse between the purchase of the plan on behalf of a~~  
12 ~~qualified beneficiary and the exercise of the benefits~~  
13 ~~provided in the plan by such beneficiary. Qualified~~  
14 ~~beneficiaries shall bear the cost of any laboratory fees~~  
15 ~~associated with enrollment in specific courses. Each~~  
16 ~~qualified beneficiary shall be classified as a resident for~~  
17 ~~tuition purposes pursuant to s. 240.1201 regardless of his or~~  
18 ~~her actual legal residence.~~

19 ~~(b) Through the university plan, the advance payment~~  
20 ~~contract shall provide prepaid registration fees for a~~  
21 ~~specified number of undergraduate semester credit hours not to~~  
22 ~~exceed the average number of hours required for the conference~~  
23 ~~of a baccalaureate degree. The cost of participation in the~~  
24 ~~university plan shall be based primarily on the current and~~  
25 ~~projected registration fees within the State University System~~  
26 ~~and the number of years expected to elapse between the~~  
27 ~~purchase of the plan on behalf of a qualified beneficiary and~~  
28 ~~the exercise of the benefits provided in the plan by such~~  
29 ~~beneficiary. Qualified beneficiaries shall bear the cost of~~  
30 ~~any laboratory fees associated with enrollment in specific~~  
31 ~~courses. In the event that a qualified beneficiary fails to~~

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

1 ~~be admitted to a state university or chooses to attend a~~  
2 ~~community college, the qualified beneficiary may convert the~~  
3 ~~average number of semester credit hours required for the~~  
4 ~~conference of an associate degree from a university plan to a~~  
5 ~~community college plan and may retain the remaining semester~~  
6 ~~credit hours in the university plan or may request a refund~~  
7 ~~for prepaid credit hours in excess of the average number of~~  
8 ~~semester credit hours required for the conference of an~~  
9 ~~associate degree pursuant to subparagraph (6)(a)7. Each~~  
10 ~~qualified beneficiary shall be classified as a resident for~~  
11 ~~tuition purposes pursuant to s. 240.1201 regardless of his or~~  
12 ~~her actual legal residence.~~

13 ~~(c) Through the dormitory residence plan, the advance~~  
14 ~~payment contract may provide prepaid housing fees for a~~  
15 ~~maximum of 10 semesters of full-time undergraduate enrollment~~  
16 ~~in a state university. Dormitory residence plans shall be~~  
17 ~~purchased in increments of 2 semesters. The cost of~~  
18 ~~participation in the dormitory residence plan shall be based~~  
19 ~~primarily on the average current and projected housing fees~~  
20 ~~within the State University System and the number of years~~  
21 ~~expected to elapse between the purchase of the plan on behalf~~  
22 ~~of a qualified beneficiary and the exercise of the benefits~~  
23 ~~provided in the plan by such beneficiary. Qualified~~  
24 ~~beneficiaries shall bear the cost of any additional elective~~  
25 ~~charges such as laundry service or long-distance telephone~~  
26 ~~service. Each state university may specify the residence~~  
27 ~~halls or other university-held residences eligible for~~  
28 ~~inclusion in the plan. In addition, any state university may~~  
29 ~~request immediate termination of a dormitory residence~~  
30 ~~contract based on a violation or multiple violations of rules~~  
31 ~~of the residence hall or other university-held residences.~~

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

1 ~~Qualified beneficiaries shall have the highest priority in the~~  
2 ~~assignment of housing within university residence halls. In~~  
3 ~~the event that sufficient housing is not available for all~~  
4 ~~qualified beneficiaries, the board shall refund the purchaser~~  
5 ~~or qualified beneficiary an amount equal to the fees charged~~  
6 ~~for dormitory residence during that semester. If a qualified~~  
7 ~~beneficiary fails to be admitted to a state university or~~  
8 ~~chooses to attend a community college that operates one or~~  
9 ~~more dormitories or residency opportunities, or has one or~~  
10 ~~more dormitories or residency opportunities operated by the~~  
11 ~~community college direct-support organization, the qualified~~  
12 ~~beneficiary may transfer or cause to have transferred to the~~  
13 ~~community college, or community college direct-support~~  
14 ~~organization, the fees associated with dormitory residence.~~  
15 ~~Dormitory fees transferred to the community college or~~  
16 ~~community college direct-support organization may not exceed~~  
17 ~~the maximum fees charged for state university dormitory~~  
18 ~~residence for the purposes of this section, or the fees~~  
19 ~~charged for community college or community college~~  
20 ~~direct-support organization dormitories or residency~~  
21 ~~opportunities, whichever is less.~~

22 ~~(d) A qualified beneficiary may apply a community~~  
23 ~~college plan, university plan, or dormitory residence plan~~  
24 ~~toward any eligible independent college or university. An~~  
25 ~~independent college or university which is located and~~  
26 ~~chartered in Florida, is not for profit, is accredited by the~~  
27 ~~Commission on Colleges of the Southern Association of Colleges~~  
28 ~~and Schools or the Accrediting Commission of the Association~~  
29 ~~of Independent Colleges and Schools, and which confers degrees~~  
30 ~~as defined in s. 246.021 shall be eligible for such~~  
31 ~~application. The board shall transfer or cause to have~~

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

1 ~~transferred to the eligible independent college or university~~  
2 ~~designated by the qualified beneficiary an amount not to~~  
3 ~~exceed the redemption value of the advance payment contract~~  
4 ~~within a state postsecondary institution. In the event that~~  
5 ~~the cost of registration or housing fees at the independent~~  
6 ~~college or university is less than the corresponding fees at a~~  
7 ~~state postsecondary institution, the amount transferred shall~~  
8 ~~not exceed the actual cost of registration or housing fees.~~  
9 ~~No transfer authorized pursuant to this paragraph shall exceed~~  
10 ~~the number of semester credit hours or semesters of dormitory~~  
11 ~~residence contracted on behalf of a qualified beneficiary.~~

12 ~~(e) A qualified beneficiary may apply the benefits of~~  
13 ~~an advance payment contract toward an eligible out-of-state~~  
14 ~~college or university. An out-of-state college or university~~  
15 ~~which is not for profit, is accredited by a regional~~  
16 ~~accrediting association, and which confers baccalaureate~~  
17 ~~degrees shall be eligible for such application. The board~~  
18 ~~shall transfer, or cause to have transferred, an amount not to~~  
19 ~~exceed the redemption value of the advance payment contract or~~  
20 ~~the original purchase price plus 5 percent compounded~~  
21 ~~interest, whichever is less, after assessment of a reasonable~~  
22 ~~transfer fee. In the event that the cost of registration or~~  
23 ~~housing fees charged the qualified beneficiary at the eligible~~  
24 ~~out-of-state college or university is less than this~~  
25 ~~calculated amount, the amount transferred shall not exceed the~~  
26 ~~actual cost of registration or housing fees. Any remaining~~  
27 ~~amount shall be transferred in subsequent semesters until the~~  
28 ~~transfer value is depleted. No transfer authorized pursuant~~  
29 ~~to this paragraph shall exceed the number of semester credit~~  
30 ~~hours or semesters of dormitory residence contracted on behalf~~  
31 ~~of a qualified beneficiary.~~

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

1           ~~(8) The board shall solicit proposals for the~~  
2 ~~operation of the Florida Prepaid Postsecondary Education~~  
3 ~~Expense Program pursuant to s. 287.057, through which the~~  
4 ~~board shall contract for the services of a records~~  
5 ~~administrator, a trustee services firm, and one or more~~  
6 ~~product providers.~~

7           ~~(a) The records administrator shall be the entity~~  
8 ~~designated by the board to conduct the daily operations of the~~  
9 ~~program on behalf of the board. The goals of the board in~~  
10 ~~selecting a records administrator shall be to provide all~~  
11 ~~purchasers with the most secure, well-diversified, and~~  
12 ~~beneficially administered postsecondary education expense plan~~  
13 ~~possible, to allow all qualified firms interested in providing~~  
14 ~~such services equal consideration, and to provide such~~  
15 ~~services to the state at no cost and to the purchasers at the~~  
16 ~~lowest cost possible. Evaluations of proposals submitted~~  
17 ~~pursuant to this paragraph shall include, but not be limited~~  
18 ~~to, the following criteria:~~

19           ~~1. Fees and other costs charged to purchasers that~~  
20 ~~affect account values or operational costs related to the~~  
21 ~~program.~~

22           ~~2. Past experience in records administration and~~  
23 ~~current ability to provide timely and accurate service in the~~  
24 ~~areas of records administration, audit and reconciliation,~~  
25 ~~plan communication, participant service, and complaint~~  
26 ~~resolution.~~

27           ~~3. Sufficient staff and computer capability for the~~  
28 ~~scope and level of service expected by the board.~~

29           ~~4. Financial history and current financial strength~~  
30 ~~and capital adequacy to provide administrative services~~  
31 ~~required by the board.~~



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

1           ~~(b) The trustee services firm shall be the entity~~  
2 ~~designated by the board to select and supervise investment~~  
3 ~~programs on behalf of the board. The goals of the board in~~  
4 ~~selecting a trustee services firm shall be to obtain the~~  
5 ~~highest standards of professional trustee services, to allow~~  
6 ~~all qualified firms interested in providing such services~~  
7 ~~equal consideration, and to provide such services to the state~~  
8 ~~at no cost and to the purchasers at the lowest cost possible.~~  
9 ~~The trustee services firm shall agree to meet the obligations~~  
10 ~~of the board to qualified beneficiaries if moneys in the fund~~  
11 ~~fail to offset the obligations of the board as a result of~~  
12 ~~imprudent selection or supervision of investment programs by~~  
13 ~~such firm. Evaluations of proposals submitted pursuant to~~  
14 ~~this paragraph shall include, but not be limited to, the~~  
15 ~~following criteria:~~

16           ~~1. Adequacy of trustee services for supervision and~~  
17 ~~management of the program, including current operations and~~  
18 ~~staff organization and commitment of management to the~~  
19 ~~proposal.~~

20           ~~2. Capability to execute program responsibilities~~  
21 ~~within time and regulatory constraints.~~

22           ~~3. Past experience in trustee services and current~~  
23 ~~ability to maintain regular and continuous interactions with~~  
24 ~~the board, records administrator, and product provider.~~

25           ~~4. The minimum purchaser participation assumed within~~  
26 ~~the proposal and any additional requirements of purchasers.~~

27           ~~5. Adequacy of technical assistance and services~~  
28 ~~proposed for staff.~~

29           ~~6. Adequacy of a management system for evaluating and~~  
30 ~~improving overall trustee services to the program.~~

31           ~~7. Adequacy of facilities, equipment, and electronic~~

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

1 ~~data processing services.~~

2 ~~8. Detailed projections of administrative costs,~~  
3 ~~including the amount and type of insurance coverage, and~~  
4 ~~detailed projections of total costs.~~

5 ~~(c)1. The product providers shall be the entities~~  
6 ~~designated by the board to develop investment portfolios on~~  
7 ~~behalf of the board to achieve the purposes of this section.~~  
8 ~~Product providers shall be limited to authorized insurers as~~  
9 ~~defined in s. 624.09, banks as defined in s. 658.12,~~  
10 ~~associations as defined in s. 665.012, authorized Securities~~  
11 ~~and Exchange Commission investment advisers, and investment~~  
12 ~~companies as defined in the Investment Company Act of 1940.~~  
13 ~~All product providers shall have their principal place of~~  
14 ~~business and corporate charter located and registered in the~~  
15 ~~United States. In addition, each product provider shall agree~~  
16 ~~to meet the obligations of the board to qualified~~  
17 ~~beneficiaries if moneys in the fund fail to offset the~~  
18 ~~obligations of the board as a result of imprudent investing by~~  
19 ~~such provider. Each authorized insurer shall evidence superior~~  
20 ~~performance overall on an acceptable level of surety in~~  
21 ~~meeting its obligations to its policyholders and other~~  
22 ~~contractual obligations. Only qualified public depositories~~  
23 ~~approved by the State Insurance Commissioner and Treasurer~~  
24 ~~shall be eligible for board consideration. Each investment~~  
25 ~~company shall provide investment plans as specified within the~~  
26 ~~request for proposals.~~

27 ~~2. The goals of the board in selecting a product~~  
28 ~~provider company shall be to provide all purchasers with the~~  
29 ~~most secure, well-diversified, and beneficially administered~~  
30 ~~postsecondary education expense plan possible, to allow all~~  
31 ~~qualified firms interested in providing such services equal~~

1 ~~consideration, and to provide such services to the state at no~~  
2 ~~cost and to the purchasers at the lowest cost possible.~~

3 ~~Evaluations of proposals submitted pursuant to this paragraph~~  
4 ~~shall include, but not be limited to, the following criteria:~~

5 ~~a. Fees and other costs charged to purchasers that~~  
6 ~~affect account values or operational costs related to the~~  
7 ~~program.~~

8 ~~b. Past and current investment performance, including~~  
9 ~~investment and interest rate history, guaranteed minimum rates~~  
10 ~~of interest, consistency of investment performance, and any~~  
11 ~~terms and conditions under which moneys are held.~~

12 ~~c. Past experience and ability to provide timely and~~  
13 ~~accurate service in the areas of records administration,~~  
14 ~~benefit payments, investment management, and complaint~~  
15 ~~resolution.~~

16 ~~d. Financial history and current financial strength~~  
17 ~~and capital adequacy to provide products, including operating~~  
18 ~~procedures and other methods of protecting program assets.~~

19 (15)(9) OBLIGATIONS OF BOARD; PAYMENT.--The state  
20 shall agree to meet the obligations of the board to qualified  
21 beneficiaries if moneys in the fund fail to offset the  
22 obligations of the board. The Legislature shall appropriate to  
23 the Florida Prepaid College Postsecondary Education Expense  
24 Trust Fund the amount necessary to meet the obligations of the  
25 board to qualified beneficiaries.

26 (16)(10) ASSETS OF THE FUND; EXPENDITURE  
27 PRIORITY.--The assets of the fund shall be maintained,  
28 invested, and expended solely for the purposes of this section  
29 and shall not be loaned, transferred, or otherwise used by the  
30 state for any purpose other than the purposes of this section.  
31 This subsection shall not be construed to prohibit the board

1 from investing in, by purchase or otherwise, bonds, notes, or  
2 other obligations of the state or an agency or instrumentality  
3 of the state. Unless otherwise specified by the board, assets  
4 of the fund shall be expended in the following order of  
5 priority:

6 (a) To make payments to state postsecondary  
7 institutions on behalf of qualified beneficiaries.

8 (b) To make refunds upon termination of advance  
9 payment contracts.

10 (c) To pay the costs of program administration and  
11 operations.

12 ~~(17)(11)~~ EXEMPTION FROM CLAIMS OF CREDITORS.--Moneys  
13 paid into or out of the fund by or on behalf of a purchaser or  
14 qualified beneficiary of an advance payment contract made  
15 under this section, which contract has not been terminated,  
16 are exempt, as provided by s. 222.22, from all claims of  
17 creditors of the purchaser or the beneficiary. Neither moneys  
18 paid into the program nor benefits accrued through the program  
19 may be pledged for the purpose of securing a loan.

20 ~~(18)(12)~~ PAYROLL DEDUCTION AUTHORITY.--The state or  
21 any state agency, county, municipality, or other political  
22 subdivision may, by contract or collective bargaining  
23 agreement, agree with any employee to remit payments toward  
24 advance payment contracts through payroll deductions made by  
25 the appropriate officer or officers of the state, state  
26 agency, county, municipality, or political subdivision. Such  
27 payments shall be held and administered in accordance with  
28 this section.

29 ~~(19)(13)~~ DISCLAIMER.--Nothing in this section shall be  
30 construed as a promise or guarantee that a qualified  
31 beneficiary will be admitted to a state postsecondary

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

1 institution or to a particular state postsecondary  
2 institution, will be allowed to continue enrollment at a state  
3 postsecondary institution after admission, or will be  
4 graduated from a state postsecondary institution.

5 (20)(14) PROGRAM TERMINATION.--In the event that the  
6 state determines the program to be financially infeasible, the  
7 state may discontinue the provision of the program. Any  
8 qualified beneficiary who has been accepted by and is enrolled  
9 or is within 5 years of enrollment in an eligible independent  
10 college or university or state postsecondary institution shall  
11 be entitled to exercise the complete benefits for which he or  
12 she has contracted. All other contract holders shall receive  
13 a refund, ~~pursuant to subparagraph (6)(a)7.,~~ of the amount  
14 paid in and an additional amount in the nature of interest at  
15 a rate that corresponds, at a minimum, to the prevailing  
16 interest rates for savings accounts provided by banks and  
17 savings and loan associations.

18 (21) ANNUAL REPORT.--The board shall annually prepare  
19 or cause to be prepared a report setting forth in appropriate  
20 detail an accounting of the fund and a description of the  
21 financial condition of the program at the close of each fiscal  
22 year. Such report shall be submitted to the President of the  
23 Senate, the Speaker of the House of Representatives, and  
24 members of the State Board of Education on or before March 31  
25 each year. In addition, the board shall make the report  
26 available to purchasers of advance payment contracts. The  
27 board shall provide to the Board of Regents and the State  
28 Board of Community Colleges, by March 31 each year, complete  
29 advance payment contract sales information, including  
30 projected postsecondary enrollments of qualified  
31 beneficiaries. The accounts of the fund shall be subject to

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

1 annual audits by the Auditor General or his or her designee.  
2 (22) DIRECT-SUPPORT ORGANIZATION; AUTHORITY.--  
3 (a) The board may establish a direct-support  
4 organization which is:  
5 1. A Florida corporation, not for profit, incorporated  
6 under the provisions of chapter 617 and approved by the  
7 Secretary of State.  
8 2. Organized and operated exclusively to receive,  
9 hold, invest, and administer property and to make expenditures  
10 to or for the benefit of the program.  
11 3. An organization which the board, after review, has  
12 certified to be operating in a manner consistent with the  
13 goals of the program and in the best interests of the state.  
14 Unless so certified, the organization may not use the name of  
15 the program.  
16 4. Subject to an annual postaudit by an independent  
17 certified public accountant in accordance with rules  
18 promulgated by the board. The annual audit shall be submitted  
19 to the State Board of Administration and the Auditor General  
20 for review. The State Board of Administration and Auditor  
21 General shall have the authority to require and receive from  
22 the organization or its independent auditor any detail or  
23 supplemental data relative to the operation of the  
24 organization. The identity of donors who desire to remain  
25 anonymous shall be confidential and exempt from the provisions  
26 of s. 119.07(1) and s. 24(a), Art. I of the State  
27 Constitution, and such anonymity shall be maintained in the  
28 auditor's report. Information received by the organization  
29 that is otherwise confidential or exempt by law shall retain  
30 such status. Any sensitive, personal information regarding  
31 contract beneficiaries, including their identities, is exempt

1 from the provisions of s. 119.07(1) and s. 24(a), Art. I of  
2 the State Constitution.

3 (b) The chair and the executive director of the board  
4 shall be directors of the direct-support organization and  
5 shall jointly name three other individuals to serve as  
6 directors of the organization.

7 Section 50. Section 222.22, Florida Statutes, is  
8 amended to read:

9 222.22 Exemption of moneys in the Prepaid  
10 Postsecondary Education Expense Trust Fund from legal  
11 process.--Moneys paid into or out of the Florida Prepaid  
12 College ~~Postsecondary Education Expense~~ Trust Fund by or on  
13 behalf of a purchaser or qualified beneficiary pursuant to an  
14 advance payment contract made under s. 240.551, which contract  
15 has not been terminated, are not liable to attachment,  
16 garnishment, or legal process in the state in favor of any  
17 creditor of the purchaser or beneficiary of such advance  
18 payment contract.

19 Section 51. Subsection (2) of section 732.402, Florida  
20 Statutes, is amended to read:

21 732.402 Exempt property.--

22 (2) Exempt property shall consist of:

23 (a) Household furniture, furnishings, and appliances  
24 in the decedent's usual place of abode up to a net value of  
25 \$10,000 as of the date of death. ~~and~~

26 (b) All automobiles held in the decedent's name and  
27 regularly used by the decedent or members of the decedent's  
28 immediate family as their personal automobiles.

29 (c) Florida Prepaid College Program contracts  
30 purchased pursuant to s. 240.551.

31 Section 52. For the purpose of incorporating the

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

1 amendment to s. 732.402, Florida Statutes, in references  
2 thereto, subsection (13) of section 731.201 and subsection (1)  
3 of section 735.301, Florida Statutes, are reenacted to read:

4           731.201 General definitions.--Subject to additional  
5 definitions in subsequent chapters that are applicable to  
6 specific chapters or parts, and unless the context otherwise  
7 requires, in this code and chapters 737, 738, and 744:

8           (13) "Exempt property" means the property of a  
9 decedent's estate which is described in s. 732.402.

10           735.301 Disposition without administration.--

11           (1) No administration shall be required or formal  
12 proceedings instituted upon the estate of a decedent leaving  
13 only personal property exempt under the provisions of s.  
14 732.402, personal property exempt from the claims of creditors  
15 under the Constitution of Florida, and nonexempt personal  
16 property the value of which does not exceed the sum of the  
17 amount of preferred funeral expenses and reasonable and  
18 necessary medical and hospital expenses of the last 60 days of  
19 the last illness.

20           Section 53. Effective January 1, 1999, section  
21 240.207, Florida Statutes, is amended to read:

22           240.207 Board of Regents; appointment of members;  
23 qualifications and terms of office.--

24           (1) The Board of Regents shall consist of the  
25 Commissioner of Education and 13 ~~12~~ citizens of this state who  
26 shall be selected from the state at large, representative of  
27 the geographical areas of the state; who shall have been  
28 residents and citizens thereof for a period of at least 10  
29 years prior to their appointment (one of whom shall be a  
30 member registered as a full-time student in the State  
31 University System and who shall have been a resident of this



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

1 state for at least 5 years prior to appointment in lieu of the  
2 10 years required of other members); and who shall be  
3 appointed by the Governor, approved by three members of the  
4 Cabinet, and confirmed by the Senate. However, no appointee  
5 shall take office until after his or her appointment has been  
6 approved by three members of the Cabinet. The State Board of  
7 Education shall develop rules and procedures for review and  
8 approval of the appointees. Except for the Commissioner of  
9 Education and except for the full-time student member, who  
10 shall serve for 1 year, the terms of office for the members of  
11 the Board of Regents appointed after the effective date of  
12 this act shall be 4 6 years and until their successors are  
13 appointed and qualified, except in case of an appointment to  
14 fill a vacancy, in which case the appointment shall be for the  
15 unexpired term, and except as in this section otherwise  
16 provided. No member shall be selected from any county to  
17 serve with any other member from the same county, except that  
18 not more than two members may be selected from a county which  
19 has a population in excess of 900,000, and with the exceptions  
20 of the student member, who shall be selected at large, and the  
21 Commissioner of Education. The Governor shall fill all  
22 vacancies, subject to the above approval and confirmation,  
23 that may at any time occur on the board.

24 (2) Members may be removed for cause at any time upon  
25 the concurrence of a majority of the members of the State  
26 Board of Education.

27 ~~(3) To create an orderly succession of Regents and the~~  
28 ~~appointment of two Regents each year, one additional Regent~~  
29 ~~shall be appointed in 1991 to serve a 6-year term, and one~~  
30 ~~additional Regent shall be appointed in 1992 to serve a 6-year~~  
31 ~~term. For the four seats with terms ending in 1993, the~~

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

1 ~~Governor shall make one appointment for a 3-year term and two~~  
2 ~~appointments for regular 6-year terms. For 1 year, from~~  
3 ~~January 1992 to January 1993, there shall be a total of 15~~  
4 ~~Regents. All the members of the Board of Regents serving on~~  
5 ~~May 3, 1991, shall complete their regular terms, as prescribed~~  
6 ~~by the Secretary of State.~~

7 Section 54. Subsections (2) and paragraphs (b) and (e)  
8 of subsection (3) of section 240.209, Florida Statutes, are  
9 amended to read:

10 240.209 Board of Regents; powers and duties.--

11 (2) The Board of Regents shall appoint a Chancellor to  
12 serve at its pleasure who shall perform such duties as are  
13 assigned to him or her by the board. The board shall fix the  
14 compensation and other conditions of employment for the  
15 Chancellor. The board shall also provide for the compensation  
16 and other conditions of employment for employees necessary to  
17 assist the board and the Chancellor in the performance of  
18 their duties. The Chancellor shall be the chief administrative  
19 officer of the board and shall be responsible for appointing  
20 all employees of the board who shall serve under his or her  
21 direction and control. The Chancellor must ~~shall~~ be a person  
22 qualified by training and experience to understand the  
23 problems and needs of the state in the field of postsecondary  
24 education. Search committee activities for the selection of  
25 the Chancellor up to the point of transmitting a list of  
26 nominees to the Board of Regents shall be confidential and  
27 exempt from the provisions of ss. 119.07(1) and 286.011.

28 (3) The board shall:

29 (b) Appoint or remove the president of each university  
30 in accordance with procedures and rules adopted by the Board  
31 of Regents. The board may appoint a search committee to

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

1 assist in evaluating presidential candidates. Each appointment  
2 of a university president shall be conducted in accordance  
3 with the provisions of ss. 119.07 and 286.011. The board shall  
4 determine the compensation and other conditions of employment  
5 for each president. ~~The board shall not provide a tenured~~  
6 ~~faculty appointment to any president who is removed through~~  
7 ~~termination by the board or resignation tendered at the~~  
8 ~~request of the board.~~

9 (e) Establish student fees.

10 1. By no later than December 1 of each year, the board  
11 shall raise the systemwide standard for resident undergraduate  
12 matriculation and financial aid fees for the subsequent fall  
13 term, up to but no more than 25 percent of the prior year's  
14 cost of undergraduate programs. In implementing this  
15 paragraph, fees charged for graduate, medical, veterinary, and  
16 dental programs may be increased by the Board of Regents in  
17 the same percentage as the increase in fees for resident  
18 undergraduates. However, in the absence of legislative action  
19 to the contrary in an appropriations act, the board may not  
20 approve annual fee increases for resident students in excess  
21 of 10 percent. The sum of nonresident student matriculation  
22 and tuition fees must be sufficient to defray the full cost of  
23 undergraduate education. Graduate, medical, veterinary, and  
24 dental fees charged to nonresidents may be increased by the  
25 board in the same percentage as the increase in fees for  
26 nonresident undergraduates. However, in implementing this  
27 policy and in the absence of legislative action to the  
28 contrary in an appropriations act, annual fee increases for  
29 nonresident students may not exceed 25 percent. In the absence  
30 of legislative action to the contrary in the General  
31 Appropriations Act, the fees shall go into effect for the

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

1 following fall term.

2           2. When the appropriations act requires a new fee  
3 schedule, the board shall establish a systemwide standard fee  
4 schedule required to produce the total fee revenue established  
5 in the appropriations act based on the product of the assigned  
6 enrollment and the fee schedule. The board may approve the  
7 expenditure of any fee revenues resulting from the product of  
8 the fee schedule adopted pursuant to this section and the  
9 assigned enrollment.

10           3. Upon provision of authority in a General  
11 Appropriations Act to spend revenue raised pursuant to this  
12 section, the board shall approve a university request to  
13 implement a matriculation and out-of-state tuition fee  
14 schedule which is calculated to generate revenue which varies  
15 no more than 10 percent from the standard fee revenues  
16 authorized through an appropriations act. In implementing an  
17 alternative fee schedule, the increase in cost to a student  
18 taking 15 hours in one term shall be limited to 5 percent.  
19 Matriculation and out-of-state tuition fee revenues generated  
20 as a result of this provision are to be expended for  
21 implementing a plan for achieving accountability goals adopted  
22 pursuant to s. 240.214(2) and for implementing a Board of  
23 Regents-approved plan to contain student costs by reducing the  
24 time necessary for graduation without reducing the quality of  
25 instruction. The plans shall be recommended by a  
26 universitywide committee, at least one-half of whom are  
27 students appointed by the student body president. A  
28 chairperson, appointed jointly by the university president and  
29 the student body president, shall vote only in the case of a  
30 tie.

31           4. The board is authorized to collect for financial

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

1 aid purposes an amount not to exceed 5 percent of the student  
2 tuition and matriculation fee per credit hour. The revenues  
3 from fees are to remain at each campus and replace existing  
4 financial aid fees. Such funds shall be disbursed to students  
5 as quickly as possible. The board shall specify specific  
6 limits on the percent of the fees collected in a fiscal year  
7 which may be carried forward unexpended to the following  
8 fiscal year. A minimum of 50 percent of funds from the student  
9 financial aid fee shall be used to provide financial aid based  
10 on absolute need. A student who has received an award prior to  
11 July 1, 1984, shall have his or her eligibility assessed on  
12 the same criteria that was used at the time of his or her  
13 original award.

14 5. The board may recommend to the Legislature an  
15 appropriate systemwide standard matriculation and tuition fee  
16 schedule.

17 6. The Education and General Student and Other Fees  
18 Trust Fund is hereby created, to be administered by the  
19 Department of Education. Funds shall be credited to the trust  
20 fund from student fee collections and other miscellaneous fees  
21 and receipts. The purpose of the trust fund is to support the  
22 instruction and research missions of the State University  
23 System. Notwithstanding the provisions of s. 216.301, and  
24 pursuant to s. 216.351, any balance in the trust fund at the  
25 end of any fiscal year shall remain in the trust fund and  
26 shall be available for carrying out the purposes of the trust  
27 fund.

28 Section 55. Section 240.136, Florida Statutes, is  
29 created to read:

30 240.136 Suspension and removal from office of elected  
31 student government officials; referendum.--Each state

1 university and community college student government  
2 association shall establish a process within 60 days of this  
3 act becoming a law to provide for the removal from office of  
4 any elected student government official who has been convicted  
5 of a violation of criminal law or has been found civilly  
6 liable for an act of moral turpitude, after all available  
7 rights of judicial appeal have been exercised or waived or  
8 have expired. The process shall include a procedure for the  
9 immediate suspension of the student government official from  
10 elected office following the conviction or civil finding and  
11 during any appeal, and shall provide for the temporary  
12 successor to the subject office pending completion of any  
13 appeal. The process must also include a procedure for  
14 registered students to petition for a referendum recommending  
15 to the student government association the removal of a student  
16 official from elected office. The referendum must be held  
17 within 60 days of filing of the petition. The recommendation  
18 to remove the subject official from elected office shall be  
19 made by majority vote of the students participating in the  
20 referendum. The action of a student government association  
21 under this section shall be subject to an appeal to the  
22 university or community college president or designee.

23 Section 56. Except as otherwise provided in this act,  
24 this act shall take effect July 1, 1998.

25  
26  
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 On page 66, line 16 through page 69, line 24 of the  
30 amendment

31 remove all of said lines:

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

1 and insert in lieu thereof:

2                                   A bill to be entitled  
3           An act relating to postsecondary education;  
4           amending s. 232.2466, F.S.; revising  
5           requirements for the college-ready diploma  
6           program; amending s. 233.061, F.S.; including  
7           the study of Hispanic and Women's contributions  
8           to the United States in required public school  
9           instruction; amending s. 239.117, F.S.;  
10          exempting specified students from postsecondary  
11          fees; amending s. 239.225, F.S.; revising  
12          provisions relating to the Vocational  
13          Improvement Program; amending s. 240.1163,  
14          F.S.; revising dual enrollment provisions;  
15          amending s. 240.235, F.S.; exempting specified  
16          university students from fees; amending s.  
17          240.311, F.S., relating to powers and duties of  
18          the State Board of Community Colleges; amending  
19          s. 240.321, F.S., relating to duties of  
20          community college district boards of trustees;  
21          requiring notification of alternative remedial  
22          options; amending s. 240.324, F.S., relating to  
23          the community college accountability process;  
24          providing for coinciding reporting deadlines;  
25          clarifying language; amending s. 240.35, F.S.;  
26          exempting specified community college students  
27          from fees; amending s. 240.36, F.S.; revising  
28          provisions relating to the uses of a trust fund  
29          for community colleges; amending s. 240.382,  
30          F.S.; correcting a cross-reference; amending s.  
31          240.4097, F.S., relating to the Florida

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

1 Postsecondary Student Assistance Grant Program;  
2 requiring the establishment of application  
3 deadlines; amending s. 246.201, F.S.; revising  
4 legislative intent; amending s. 246.203, F.S.;  
5 renaming the State Board of Independent  
6 Postsecondary Vocational, Technical, Trade, and  
7 Business Schools the State Board of Nonpublic  
8 Career Education; revising definition of  
9 schools regulated by the board; amending s.  
10 246.205, F.S.; conforming provisions; amending  
11 s. 246.207, F.S.; revising powers and duties of  
12 the board; amending s. 246.213, F.S.;  
13 conforming provisions; amending s. 246.215,  
14 F.S.; requiring licensing of specified programs  
15 by the board; creating s. 246.216, F.S.;  
16 providing for exemption from licensure for  
17 specified entities; providing for statements of  
18 exemption; providing for revocation of  
19 statements of exemption; providing for  
20 remedies; amending ss. 246.219, 246.220,  
21 246.2265, 246.227, and 246.31, F.S.; conforming  
22 provisions; amending ss. 20.15, 240.40204,  
23 246.011, 246.081, 246.085, 246.091, 246.111,  
24 246.50, 455.2125, 455.554, 467.009, 476.178,  
25 477.023, and 488.01, F.S.; conforming  
26 provisions; amending s. 232.246, F.S.; revising  
27 credit requirements for high school graduation;  
28 creating s. 233.0616, F.S.; encouraging  
29 elementary schools and middle schools to  
30 implement personal fitness programs and  
31 providing for the allocation of funds;



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

1 providing for the allocation of funds for  
2 upgrading a physical education specialist  
3 position in the Department of Education;  
4 amending s. 240.61, F.S.; revising criteria for  
5 participating in the college reach-out program;  
6 revising the due date for a report on the  
7 college reach-out program; removing the  
8 requirement for including longitudinal cohort  
9 assessment; repealing s. 240.154, F.S., which  
10 provides for undergraduate enhancement;  
11 repealing s. 240.278, F.S., which provides for  
12 the establishment and use of the Quality  
13 Assurance Fund; repealing s. 240.521, F.S.,  
14 which provides for the establishment of a state  
15 university or a branch of an existing state  
16 university to be located in East Central  
17 Florida; repealing s. 240.522, F.S., which  
18 provides for the establishment of a university  
19 in Southwest Florida; repealing s. 240.523,  
20 F.S., which provides for the establishment of a  
21 4-year college in Dade County; repealing s.  
22 240.525, F.S., which provides for the  
23 establishment of a state university or branch  
24 of an existing state university or state  
25 college in Duval County; amending s. 216.136,  
26 F.S.; providing duties of the Education  
27 Estimating Conference; amending s. 240.409,  
28 F.S.; authorizing eligibility determination and  
29 grant distribution for the Florida Public  
30 Student Assistance Grant Program to be  
31 conducted by the receiving institution;

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

1 specifying a dollar value range for grant  
2 awards; amending s. 240.4095, F.S.; authorizing  
3 eligibility determination and grant  
4 distribution for the Florida Private Student  
5 Assistance Grant Program to be conducted by the  
6 receiving institution; specifying a dollar  
7 value range for grant awards; amending s.  
8 240.4097, F.S.; authorizing eligibility  
9 determination and grant distribution for the  
10 Florida Postsecondary Student Assistance Grant  
11 Program to be conducted by the receiving  
12 institution; specifying a dollar value range  
13 for grant awards; amending s. 240.551, F.S.;  
14 renaming the Florida Prepaid Postsecondary  
15 Education Expense Program, Board, and Trust  
16 Fund the Florida Prepaid College Program,  
17 Board, and Trust Fund, respectively; reordering  
18 provisions and providing technical revisions;  
19 deleting obsolete provisions; conforming  
20 cross-references; permitting soliciting and  
21 contracting for records administration  
22 services; providing for the inclusion of  
23 certain fees within advance payment contracts  
24 for tuition; amending s. 222.22, F.S.;  
25 conforming provisions; amending s. 732.402,  
26 F.S.; exempting Florida Prepaid College Program  
27 contracts from the probate claims of creditors;  
28 reenacting ss. 731.201(13) and 735.301(1),  
29 F.S., relating to probate, to incorporate the  
30 amendment to s. 732.402, F.S., in references;  
31 amending s. 240.207, F.S.; providing terms of

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

1 office for members of the Board of Regents;  
2 amending s. 240.209, F.S.; revising provisions  
3 relating to the selection of the Chancellor;  
4 deleting a restriction on the faculty  
5 appointment of former university presidents;  
6 creating s. 240.136, F.S.; requiring state  
7 university and community college student  
8 government associations to establish a process  
9 for removal of certain student government  
10 officials; providing requirements; providing  
11 for a referendum; providing effective dates.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31