

1                                   A bill to be entitled  
2           An act relating to education; creating s.  
3           231.315, F.S.; providing for the establishment  
4           of model peer assistance and review programs;  
5           providing for minimum standards; providing for  
6           technical assistance and allocations; requiring  
7           a report to the Governor, the President of the  
8           Senate, and the Speaker of the House of  
9           Representatives; creating s. 231.6015, F.S.;  
10          authorizing a mathematics and science teacher  
11          education program; requiring demonstration of  
12          certain uses of funds; providing a program  
13          purpose, required components, and resource  
14          allocation; requiring the Technological  
15          Research and Development Authority to serve as  
16          the fiscal agent for the program; requiring  
17          collaborative planning and implementation;  
18          authorizing incentives and certification;  
19          creating s. 240.149, F.S.; creating a  
20          nongovernmental organization to plan and  
21          implement a program for mathematics and science  
22          teacher education; requiring a board of  
23          directors, a chief executive officer, other  
24          staff, and an advisory council; providing for  
25          membership, terms of office, and an  
26          appointments process; providing responsibility  
27          and authority to conduct certain activities;  
28          requiring a budget request; amending s.  
29          229.592, F.S.; requiring a report; amending s.  
30          231.600, F.S.; requiring certain additions to  
31          professional development programs; amending s.

1 236.685, F.S.; requiring a report to include  
2 certain information; creating s. 239.515, F.S.;  
3 establishing the College Fast Start Program;  
4 providing legislative intent; defining terms;  
5 providing procedures for application to  
6 participate in the program; providing  
7 guidelines for program approval; providing  
8 requirements for approved programs; requiring  
9 an advisory council to review proposals and  
10 recommend an order of priority for funding;  
11 providing membership of the advisory council;  
12 providing for funding of the program; providing  
13 methodology for competitive funding of approved  
14 programs; providing requirements for the  
15 continuation of funding for programs; requiring  
16 an interim report to the Florida Governor's  
17 Alliance for the Employment of Disabled  
18 Citizens; requiring an annual end-of-the-year  
19 report to the alliance; requiring the alliance  
20 and the Postsecondary Education Planning  
21 Commission to develop specifications and  
22 procedures for the transmission of such data;  
23 requiring the alliance to report to the  
24 Governor, the Legislature, and the Commissioner  
25 of Education annually on the effectiveness of  
26 the program; reenacting the Technological  
27 Research and Development Authority;  
28 establishing the purposes of the authority;  
29 setting a commission to govern the authority;  
30 prescribing the duties and responsibilities of  
31 the commission and terms of office; providing a

1 procedure for the professional development  
2 programs; amending s. 236.685, F.S.; requiring  
3 appointment of the commission; providing  
4 severability; providing for student  
5 participation in the statewide assessment  
6 program; providing criteria for enrollment  
7 policies; providing legislative intent;  
8 providing for the creation of new state  
9 universities; providing a planning and  
10 implementation process; specifying conditions  
11 under which s. 240.527, F.S., is repealed;  
12 providing for the creation of baccalaureate and  
13 master's degree oriented universities;  
14 directing the Postsecondary Education Planning  
15 Commission to develop an operational plan;  
16 providing for the mission and governance of the  
17 new universities; providing for admission  
18 standards and student fees; providing an  
19 appropriation; amending s. 229.05371, F.S.;  
20 converting a pilot program for scholarships for  
21 students with disabilities to statewide  
22 application; amending s. 235.435, F.S.;  
23 authorizing school districts to qualify  
24 construction projects for funding under the  
25 Special Facility Construction Account by using  
26 the school capital outlay surtax in lieu of the  
27 maximum millage against their nonexempt  
28 assessed property value; specifying funding  
29 eligibility of certain projects; amending s.  
30 231.621, F.S.; deleting the requirement that  
31 repayment of a Critical Teacher Shortage

1 Student Loan be made directly to the holder of  
2 the loan; amending s. 240.40201, F.S.; revising  
3 general student eligibility requirements for  
4 the Florida Bright Futures Scholarship;  
5 amending s. 240.40202, F.S.; revising student  
6 eligibility provisions for initial award of a  
7 Florida Bright Futures Scholarship; amending s.  
8 240.40203, F.S.; providing for renewal,  
9 reinstatement, and restoration of an award;  
10 amending s. 240.40204, F.S.; revising  
11 accreditation requirements for postsecondary  
12 education institution participation in the  
13 Florida Bright Futures Scholarship Program;  
14 amending s. 240.40205, F.S., relating to the  
15 Florida Academic Scholars award; requiring the  
16 Department of Education to define matriculation  
17 and fees for purposes of the award; clarifying  
18 provisions relating to renewal and  
19 reinstatement of an award; revising the amount  
20 awarded to the Florida Academic Scholar with  
21 the highest academic ranking; amending s.  
22 240.40206, F.S., relating to the Florida Merit  
23 Scholars award; authorizing the participation  
24 of students who have been recognized by the  
25 merit or achievement programs of the National  
26 Merit Scholarship Corporation as a scholar or  
27 finalist, but have not completed a program of  
28 community service; requiring the Department of  
29 Education to define matriculation and fees for  
30 purposes of the award; clarifying provisions  
31 relating to renewal and reinstatement of an

1 award; providing a cross-reference; amending s.  
2 240.40207, F.S., relating to the Florida Gold  
3 Seal Vocational Scholars award; revising  
4 student eligibility requirements; requiring the  
5 Department of Education to define matriculation  
6 and fees for purposes of the award; clarifying  
7 provisions relating to renewal and restoration  
8 of an award; limiting the use of a Florida Gold  
9 Seal Vocational Scholars award at an  
10 institution that grants baccalaureate degrees;  
11 revising provisions relating to transfer to the  
12 Florida Merit Scholars award program; providing  
13 for determination of the credit hour  
14 limitation; amending s. 240.40209, F.S.,  
15 relating to the calculation of awards of Bright  
16 Futures Scholarship recipients attending  
17 nonpublic institutions; requiring the  
18 Department of Education to define matriculation  
19 and fees for purposes of the award; amending s.  
20 240.404, F.S., relating to general requirements  
21 for student eligibility for state financial  
22 aid; revising accreditation requirements for  
23 postsecondary education institution  
24 participation; requiring that to remain  
25 eligible, a student not have a break in  
26 enrollment greater than 12 months; amending s.  
27 240.4064, F.S., relating to the critical  
28 teacher shortage tuition reimbursement program;  
29 increasing the rate of tuition reimbursement;  
30 amending s. 240.412, F.S., relating to the Jose  
31 Marti Scholarship Challenge Grant Program;

1           revising accreditation requirements for  
2           postsecondary education institution  
3           participation; deleting the requirement that an  
4           applicant who applies as a graduate student  
5           have earned a 3.0 cumulative grade point  
6           average for undergraduate college-level  
7           courses; deleting a limitation on the number of  
8           semesters or quarters a graduate student may  
9           receive the award; amending s. 240.413, F.S.,  
10          relating to the Seminole and Miccosukee Indian  
11          Scholarships; revising accreditation  
12          requirements for postsecondary education  
13          institution participation; amending s. 240.437,  
14          F.S., relating to student financial aid  
15          planning and development; deleting obsolete  
16          provisions; clarifying provisions relating to  
17          the repeal of unfunded financial assistance  
18          programs; repealing s. 240.465(5), F.S., which  
19          prohibits an individual borrower who is in  
20          default in making student financial assistance  
21          repayments from being furnished with his or her  
22          academic transcripts or other student records  
23          until such time as the loan is paid in full or  
24          the default status has been removed; amending  
25          s. 240.472, F.S.; revising the definition of  
26          the term "institution" to reflect revised  
27          accreditation requirements; amending s. 295.01,  
28          F.S., relating to the education of children of  
29          deceased or disabled veterans; clarifying  
30          student eligibility requirements; amending s.  
31          295.02, F.S., relating to use of funds for the

1 education of children of deceased or disabled  
2 veterans; requiring the Department of Education  
3 to define tuition and registration fees for  
4 purposes of award of funds; clarifying student  
5 eligibility requirements; providing for the  
6 award of funds for attendance at an eligible  
7 nonpublic postsecondary institution;  
8 authorizing rules of the State Board of  
9 Education; repealing s. 228.502, F.S., relating  
10 to the Education Success Incentive Program, s.  
11 240.40242, F.S., relating to use of certain  
12 scholarship funds by children of deceased or  
13 disabled veterans, and s. 240.6055, F.S.,  
14 relating to access grants for community college  
15 graduates; amending s. 246.041, F.S., relating  
16 to the powers and duties of the State Board of  
17 Independent Colleges and Universities; removing  
18 an obsolete cross-reference; amending s.  
19 240.409, F.S.; deleting the requirement that a  
20 student attend full-time to be eligible for a  
21 state student assistance grant; directing the  
22 department to establish an application  
23 deadline; requiring the student to enroll in at  
24 least 6 semester hours, or the equivalent, per  
25 semester; requiring participating institutions  
26 to indicate whether the student met the  
27 deadline; creating s. 240.4099, F.S.; providing  
28 priority for awarding student assistance  
29 grants; amending s. 240.4095, F.S.; directing  
30 the department to establish an application  
31 deadline; directing participating institutions

1 with regard to awarding of funds; deleting the  
2 requirement that a student attend full-time to  
3 be eligible for a Florida private student  
4 assistance grant; requiring a student to enroll  
5 in at least 6 semester hours, or the  
6 equivalent, per semester; amending s. 240.4097,  
7 F.S.; directing the department to establish an  
8 application deadline; directing institutions  
9 with regard to awarding of funds; deleting the  
10 requirement that a student attend full-time to  
11 be eligible for a Florida postsecondary student  
12 assistance grant; requiring a student to enroll  
13 in at least 6 semester hours, or the  
14 equivalent, per semester; amending s. 240.404,  
15 F.S.; revising the maximum amount of time an  
16 undergraduate student can receive financial  
17 aid; directing the Division of Statutory  
18 Revision to prepare a reviser's bill; providing  
19 findings and declarations; creating the Higher  
20 Educational Facilities Financing Authority;  
21 providing for its powers; providing for  
22 criteria for and covenants relating to the  
23 authorization of the issuance of notes and  
24 revenue bonds not obligating the full faith and  
25 credit of the authority, any municipality, the  
26 state, or any political subdivision thereof;  
27 providing for loans from revenue bonds to  
28 participating institutions; requiring  
29 bond-validation proceedings; providing for  
30 trust funds and remedies of bondholders;  
31 providing for a tax exemption; providing for



1 agreement of the state; providing other powers  
2 and authorities incident thereto; requiring  
3 reports and audits; amending s. 196.012, F.S.;  
4 providing that institutions funded by this act  
5 are educational institutions for purposes of  
6 state taxation; providing an effective date.  
7

8 Be It Enacted by the Legislature of the State of Florida:  
9

10 Section 1. Section 231.315, Florida Statutes, is  
11 created to read:

12 231.315 Peer assistance and review.--

13 (1) The Legislature, the education community, and the  
14 public expect high standards of professional practice from  
15 school administrators and instructional staff. To promote high  
16 professional standards, administrators and instructional staff  
17 must develop a system of shared accountability. Peer  
18 assistance and review is a process in which highly skilled  
19 instructional personnel serve in a consulting role with their  
20 peers to improve the quality of classroom instruction. Peer  
21 assistance and review allows administrators and instructional  
22 personnel to share the responsibility of mentoring, training,  
23 assisting, and reviewing the professional standards and  
24 practices of instructional personnel.

25 (2) Peer assistance and review programs must meet the  
26 following minimum standards:

27 (a) Program provisions must be developed through the  
28 collective bargaining agreement between the teachers'  
29 association and the school district.

30 (b) A joint instructional personnel and school  
31 district governing body must be created with responsibility to

1 review recommendations of the consulting peer instructional  
2 personnel.

3 (c) Consulting peer instructional personnel must be  
4 recognized by their peers as highly skilled practitioners and  
5 must be selected by their peers.

6 (d) Consulting peer instructional personnel must be  
7 properly compensated and trained.

8 (e) Consulting peer instructional personnel must  
9 provide assistance and review for instructional personnel with  
10 the same area of expertise as the consulting peer  
11 instructional personnel member.

12 (f) Consulting peer instructional personnel must not  
13 be considered administrative personnel and must retain status  
14 within the employees' collective bargaining unit.

15 (3) For fiscal years 2001-2002 and 2002-2003, up to  
16 six school districts may be selected to establish model peer  
17 assistance and review programs. At least one district selected  
18 must have less than 6,000 students, and at least one district  
19 selected must have more than 100,000 students. Districts that  
20 intend to apply for selection must submit an application to  
21 the Department of Education by March 1, 2001, which includes  
22 the agreement between the teachers' association and the school  
23 district. By October 1, 2001, the department shall select the  
24 participating districts based on the quality of their  
25 applications.

26 (4) The department shall provide technical assistance  
27 to selected school districts to establish model peer  
28 assistance and review programs.

29 (5) The school districts selected to establish model  
30 peer assistance and review programs shall receive by December  
31

1 1, 2001, an allocation from the department as established in  
2 the General Appropriations Act.

3 (6) During the 2002-2003 fiscal year, the department  
4 shall assess the results of the selected model peer assistance  
5 and review programs and shall submit a report to the Governor,  
6 the President of the Senate, and the Speaker of the House of  
7 Representatives by March 1, 2003. The report must include the  
8 department's recommendation as to the continuation or  
9 expansion of peer assistance and review programs.

10 Section 2. Section 231.6015, Florida Statutes, is  
11 created to read:

12 231.6015 Mathematics and science teacher-education  
13 program.--

14 (1) The Legislature intends to establish an inservice  
15 professional development program to improve the teaching of  
16 mathematics and science in the public schools of this state,  
17 with an initial emphasis on students in kindergarten through  
18 grade 8. The program may be conducted separately or in  
19 conjunction with other inservice professional development  
20 programs provided by a school district. The funds are to be  
21 used to supplement but not to supplant current professional  
22 development in mathematics and science education.

23 (2) As used in this section, the term "teacher" has  
24 the meaning ascribed to "instructional personnel" in s.  
25 236.685.

26 (3) The purpose of the program is to improve the  
27 ability of teachers to deliver instruction that:

28 (a) Concentrates learning on the Sunshine State  
29 Standards and the Subject Matter Content Standards for  
30 teachers adopted by the Education Standards Commission;  
31

1           (b) Includes content in sequences designed to prepare  
2 students for the state assessments of progress;

3           (c) Demonstrates its quality by improvement in  
4 students' classroom achievement; and

5           (d) Identifies and challenges students who excel in  
6 science and mathematics as well as those whose aptitude is  
7 average or below average.

8           (4) The program must be designed to improve a  
9 teacher's command of content knowledge and teaching skills. If  
10 resources are insufficient to provide adequate instruction for  
11 all teachers, the program design should allocate those  
12 resources to produce a measurable, systemic change in student  
13 learning, rather than only to reach as many teachers as  
14 possible.

15           (5) The program must:

16           (a) Employ strategies that have proved effective;

17           (b) Exploit current knowledge and research on  
18 professional staff development and standards;

19           (c) Include components for school board members and  
20 administrators at the school level, school district  
21 administration level, and state level;

22           (d) Involve the expertise of public and independent  
23 universities, colleges, and community colleges in planning and  
24 implementation;

25           (e) Provide for an incentive plan as authorized in s.  
26 236.08106; and

27           (f) Include an evaluation of effectiveness as  
28 determined by the Florida Alliance for Improving Mathematics  
29 and Science in Education Programs. The evaluation component of  
30 the program must provide data capable of allowing an analysis  
31 of the achievement of students before and after the program is

1 implemented and for an analysis of students whose teachers  
2 participate in the program compared to a cohort of students  
3 whose teachers do not. As much as possible, the cohort must  
4 consist of students having similar demographic characteristics  
5 and selected measures of academic achievement.

6 (6) The Legislature shall determine annually in the  
7 General Appropriations Act the funds to be available for this  
8 program. The Technological Research and Development Authority  
9 may be the fiscal agent of these funds.

10 (7) Under s. 240.149, the Florida Alliance for  
11 Improving Mathematics and Science in Education Programs may  
12 operate the delivery mechanisms for the program or may  
13 delegate that responsibility to a school district, a  
14 consortium of school districts, an academy, an area center for  
15 educational enhancement, or a group operating under a charter  
16 arranged by a district or consortium. The delivery mechanisms  
17 may involve the expertise of science centers, and the Florida  
18 Alliance for Improving Mathematics and Science and school  
19 boards may arrange participation by science centers in the  
20 planning and delivery of the program, including participation  
21 in charter agreements, where appropriate. As used in this  
22 subsection, a science center means a nonprofit organization,  
23 recognized under section 501(c)(3) of the Internal Revenue  
24 Code, which is a full member of the Association of Science and  
25 Technology Centers, is accredited by the American Association  
26 of Museums, and has had at least 5 years' experience providing  
27 professional development and support services to teachers  
28 throughout the state. The administrators of each component of  
29 the program shall work collaboratively with the Florida  
30 Alliance for Improving Mathematics and Science in Education  
31 Programs to plan programs and activities provided by the

1 professional development program, including follow-up support  
2 for the teachers.

3 (8) Teachers participating in the program may receive  
4 compensation from the school district for their participation  
5 and may use successful participation in the program for  
6 extension of a certificate, for adding a new certification  
7 area if the district has an approved add-on certification  
8 program as provided by the State Board of Education, or for  
9 college credit for portions of the program which are taught by  
10 full-time faculty members of postsecondary institutions. In  
11 addition to a stipend for the workdays allocated to the  
12 training, a teacher may be eligible for a salary bonus upon  
13 successful completion of the program, under s. 236.08106.

14 (9) Delivery sites used in the program should be  
15 joint-use facilities and may be on property belonging to a  
16 school district; a public or independent university, college,  
17 or community college; or any other group under a contract  
18 approved by the alliance.

19 (10) A community college or university may report  
20 full-time-equivalent students as a result of providing  
21 instruction for the program if the instruction is provided  
22 in-load by its own staff paid by its own resources.

23 (11) This section shall be implemented only to the  
24 extent funded by the General Appropriations Act.

25 Section 3. Section 240.149, Florida Statutes, is  
26 created to read:

27 240.149 Mathematics and science teacher-education  
28 organization; responsibility for program planning and  
29 implementation.--

30 (1) An organization is established to plan and  
31 implement the mathematics and science teacher education

1 program created in s. 231.6015. The organization is to be  
2 named the Florida Alliance for Improving Mathematics and  
3 Science Teaching in Education Programs; must be recognized  
4 under section 501(c)(3) of the Internal Revenue Code and  
5 registered, incorporated, organized, and operated in  
6 compliance with chapter 617; and is not to be considered to be  
7 a unit or entity of state government.

8 (a) The organization shall execute its  
9 responsibilities independently but is assigned to the Office  
10 of the Commissioner of Education for administrative purposes.

11 (b) In the interest of sound public policy, the  
12 Legislature determines that the organization is subject to the  
13 provisions of chapter 119 which relate to public records, and  
14 to the provisions of chapter 286 which relate to public  
15 meetings and records.

16 (2) A board of directors shall govern the  
17 organization. The members of the board shall be appointed by  
18 the Commissioner of Education from recommendations provided by  
19 the Postsecondary Education Planning Commission, the Education  
20 Standards Commission, the Workforce Development Board of  
21 Enterprise Florida, or other public or private organizations  
22 with expertise in education or technology upon invitation of  
23 the commissioner.

24 (a) Four members must be employees of postsecondary  
25 education institutions and must have expertise in science and  
26 science education, mathematics and mathematics education, or a  
27 related technical field.

28 (b) Four members must be employees of Florida district  
29 school boards; at least two of these members must be teachers.

30 (c) Four members must be from the private sector.

31

1           (d) One member shall serve ex officio as a  
2 representative of the Department of Education. An ex officio  
3 member may participate in all deliberations of the alliance  
4 but may not vote.

5           (e) Members shall serve 4-year staggered terms, with  
6 four of the members having initial terms of 2 years, 3 years,  
7 and 4 years, respectively. The commissioner shall appoint a  
8 new member to fill the remainder of a vacant, unexpired term  
9 and may reappoint a member.

10           (f) Members are entitled to reimbursement for travel  
11 and per diem expenses, as provided in s. 112.061.

12           (3) The board of directors shall employ a chief  
13 executive officer, who shall direct and supervise the  
14 administrative affairs of the board of directors. The board of  
15 directors may delegate to the chief executive officer any  
16 powers and duties it finds appropriate. The chief executive  
17 officer may contract with or employ legal and technical  
18 experts and other employees as authorized by the board of  
19 directors. The chief executive officer shall administer the  
20 professional development grant program assigned to the  
21 organization and other finances of the organization to ensure  
22 appropriate accountability and the prudent use of public and  
23 private funds.

24           (4) A council is created to assist the organization  
25 and to apprise decisionmakers of its activities.

26           (a) The council shall be composed of six members who  
27 represent the following governmental branches or sectors: one  
28 member of the Florida Senate appointed by the President of the  
29 Senate; one member of the Florida House of Representatives  
30 appointed by the Speaker of the House of Representatives; a  
31 representative of the Executive Office of the Governor



1 appointed by the Governor; a representative of the Department  
2 of Education appointed by the Commissioner of Education; a  
3 representative of the Florida Community College System  
4 appointed by the executive director of the system; and a  
5 representative of the State University System appointed by the  
6 chancellor.

7 (b) The council shall meet at least 2 times a year,  
8 with one meeting conducted jointly with the board of  
9 directors.

10 (5) The Florida Alliance for Improving Mathematics and  
11 Science Teaching in Education Programs shall plan and oversee  
12 implementation of the program created by s. 231.6015 and  
13 shall:

14 (a) Establish and maintain a system of professional  
15 development programs in mathematics and science education, as  
16 provided in the General Appropriations Act.

17 (b) Provide for involvement of postsecondary education  
18 in planning and implementation.

19 (c) Produce specialized professional development  
20 program guidelines. These guidelines may include curricula and  
21 instructional methods and must assure that the programs focus  
22 on content learning, employ tested strategies, reflect the  
23 nature of science and mathematics, and base their design on  
24 current knowledge and research concerning professional  
25 development.

26 (d) Provide for the selection and preparation of staff  
27 to implement professional development in mathematics and  
28 science.

29 (e) Establish priorities that school districts and  
30 centers for educational enhancement must use in selecting the  
31 teachers to participate in the program. If the plan does not

1 provide for participation by all teachers of kindergarten  
2 through grade 8 within a 4-year cycle, the selection  
3 priorities must implement a rationale for disseminating the  
4 program's benefits.

5 (f) Design strategies for providing follow-up support  
6 for each participating teacher. The follow-up strategies must  
7 provide for integration of the principles learned in the  
8 program into the teacher's workday for at least 1 year, with  
9 continuing followup for 2 additional years or more, as  
10 provided in the General Appropriations Act.

11 (g) Design and oversee an incentive plan that will  
12 encourage the participation of public school teachers and  
13 administrators in the professional development program. The  
14 incentive plan must provide for access to any merit-pay plans  
15 developed by school districts and may provide for a stipend  
16 and a salary bonus for participating teachers, under s.  
17 236.08106. Such bonus must be in addition to the teacher's  
18 regular earnings from a school district and may not be awarded  
19 until a teacher has successfully completed the program and  
20 demonstrated, through prescribed follow-up activities in the  
21 classroom, an improvement in student achievement in  
22 mathematics or science.

23 (h) Measure the effectiveness of the professional  
24 development program on learning and teaching in mathematics  
25 and science. This impact assessment must assure state and  
26 local quality control of the improvement of mathematics and  
27 science teaching.

28 (6) By December 1, 2000, the board must submit to the  
29 office of the Commissioner of Education a proposed budget for  
30 implementing the program in 2001-2004. The budget must contain  
31 alternative plans for the participation of 50 percent, 33

1 percent, and 25 percent of the state's teachers at the  
2 elementary and middle-school levels by 2004.

3 Section 4. Subsection (8) of section 229.592, Florida  
4 Statutes, is amended to read:

5 229.592 Implementation of state system of school  
6 improvement and education accountability.--

7 (8) STATE BOARD.--The State Board of Education shall  
8 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
9 a state system of school improvement and education  
10 accountability and shall specify required annual reports by  
11 schools and school districts. The rules must also require each  
12 school to report the number and percentage of teachers who  
13 have achieved certification by the National Board of  
14 Professional Teaching Standards and, for schools that contain  
15 a kindergarten or grade 1 through grade 8, the number and  
16 proportion of teachers who have successfully completed the  
17 program to improve mathematics and science teaching under s.  
18 236.08106.

19 Section 5. Subsection (3) of section 231.600, Florida  
20 Statutes, is amended to read:

21 231.600 School Community Professional Development  
22 Act.--

23 (3) The activities designed to implement this section  
24 must:

25 (a) Increase the success of educators in guiding  
26 student learning and development so as to implement state and  
27 local educational standards, goals, and initiatives;

28 (b) Assist the school community in providing  
29 stimulating educational activities that encourage and motivate  
30 students to achieve at the highest levels and to become active  
31 learners; ~~and~~

1 (c) Provide continuous support as well as temporary  
2 intervention for education professionals who need improvement  
3 in knowledge, skills, and performance; ~~and-~~

4 (d) Assure that teacher education programs in science,  
5 mathematics, and technology education will be fully aligned  
6 with the Sunshine State Standards by the implementation of the  
7 statewide assessment in science authorized by s. 229.57. These  
8 education programs must assure that all teachers, especially  
9 teachers of kindergarten through grade 8, know and understand  
10 the science and mathematics standards included in the Sunshine  
11 State Standards and the Subject Matter Content Standards for  
12 teachers adopted by the Education Standards Commission.

13 Section 6. Paragraph (a) of subsection (4) of section  
14 236.685, Florida Statutes, is amended to read:

15 236.685 Educational funding accountability.--

16 (4)(a) The school public accountability report to  
17 parents must include the number of employees in each of the  
18 categories listed in subsection (3), by work location.  
19 However, this does not include the number of temporary  
20 substitute employees. The report must also include the number  
21 and proportion of instructional personnel in kindergarten  
22 through grade 8 who have achieved certification by the  
23 National Board of Professional Teaching Standards or have  
24 completed the program to improve mathematics and science  
25 teaching in Florida under s. 236.08106.

26 Section 7. Section 239.515, Florida Statutes, is  
27 created to read:

28 239.515 College Fast Start Program.--

29 (1) There is established a College Fast Start Program  
30 to increase the number of students with disabilities in grades  
31 6 through 12 who are admitted to and successfully complete an

1 associate in arts degree or an associate in science degree or  
2 a workforce development program. The goal of the program is  
3 the completion of a degree or occupational completion points  
4 by, and placement into competitive employment of, students who  
5 were identified as having a disability, in accordance with the  
6 requirements of chapter 6A-6, Florida Administrative Code,  
7 prior to their senior year in high school and who otherwise  
8 would be unlikely to seek admission to a community college,  
9 state university, or independent postsecondary vocational  
10 institution without special support and recruitment efforts.  
11 As part of the College Fast Start Program, the Florida  
12 Governor's Alliance for the Employment of Disabled Citizens,  
13 in cooperation with community colleges, independent  
14 postsecondary institutions, high schools, businesses, and  
15 agencies serving youth with disabilities, shall sponsor  
16 programs to develop leadership skills, career counseling, and  
17 motivation and shall provide grants for internships to further  
18 prepare students with disabilities for postsecondary education  
19 and employment opportunities.

20 (2) As used in this section:

21 (a) "The alliance" means the Florida Governor's  
22 Alliance for the Employment of Disabled Citizens.

23 (b) "Program participant" means a community college,  
24 public university, independent postsecondary institution, high  
25 school, agency serving youth with disabilities, or a  
26 consortium of the above.

27 (3) To apply to participate in the College Fast Start  
28 Program, a potential program participant must submit a  
29 proposal to the Florida Governor's Alliance for the Employment  
30 of Disabled Citizens. Each proposal must contain the following  
31 information:

1           (a) A statement of purpose, which includes a  
2 description of the need for, and the results expected from,  
3 the proposed program.

4           (b) An identification of the service area which names  
5 the schools to be served and provides community and school  
6 demographics on the number and types of students with  
7 disabilities and the number of high school graduates within  
8 the area with a disability.

9           (c) An identification of existing programs for  
10 providing employment training for persons with disabilities.

11           (d) A description of the proposed training and  
12 modifications needed to accommodate students who would  
13 participate in the program. At least 40 percent of the  
14 students participating in any one year must be in grades 6  
15 through 9.

16           (e) A description of the program activities, which  
17 must support the following goals:

18               1. To motivate students to pursue a postsecondary  
19 education.

20               2. To develop students' basic learning and leadership  
21 skills.

22               3. To develop collaboration with the STARS program.

23           (f) An evaluation component that provides for the  
24 collection, maintenance, retrieval, and analysis of the data  
25 required by this section.

26           (4) The alliance shall consider proposals to determine  
27 which proposals to implement as programs that will strengthen  
28 the educational motivation and preparation of students with  
29 disabilities to seek postsecondary education or job training.  
30 In selecting proposals for approval, the alliance shall give  
31 preference to:

1           (a) Proposals submitted by a postsecondary institution  
2 and a business partner that include innovative approaches,  
3 provide a great variety of activities, and interact with  
4 business and industry in the development of the learning  
5 experience.

6           (b) A program that will use institutional, federal, or  
7 private resources to supplement state appropriations.

8           (c) Proposals that demonstrate commitment to the  
9 program by proposing to match the grant funds equally in cash  
10 or services, with cash being the preferred contribution.

11           (d) Proposals that demonstrate an interest in cultural  
12 diversity and that address the unmet regional employment needs  
13 of varying communities.

14           (e) A program that identifies potential student  
15 participants from among students who are not already enrolled  
16 in similar programs that assist students with disabilities.

17           (f) A program that includes a parental involvement  
18 component.

19           (5) Program applicants that are approved to  
20 participate in the program must implement procedures which  
21 provide consistent contact with students from the point at  
22 which the student is selected to participate in the program  
23 until he or she enrolls in a postsecondary education  
24 institution. These procedures must assist students in  
25 selecting courses required for graduation from high school and  
26 must include occupational forecasting for future job  
27 availability and requirements for those positions.  
28 Institutions that participate must provide on-campus academic  
29 or job training activities, job profiling and career  
30 counseling activities during summer vacation, and  
31 opportunities for interacting with business leaders and

1 employers, mentors, tutors, or role models. Each program  
2 participant is encouraged to use its resources to meet program  
3 objectives. Each program participant must establish an  
4 advisory committee composed of high school and middle school  
5 personnel and business leaders to provide advice and  
6 assistance in implementing the program.

7 (6) An advisory council shall review each proposal and  
8 recommend to the alliance an order of priority for funding the  
9 proposals. The advisory council shall consist of the following  
10 10 members and shall designate a meeting facilitator from  
11 among the members:

12 (a) Three persons with disabilities, appointed by the  
13 Governor.

14 (b) Two representatives of private or community-based  
15 organizations, one each appointed by the President of the  
16 Senate and the Speaker of the House of Representatives.

17 (c) One representative of the State University System,  
18 appointed by the chair of the Board of Regents.

19 (d) One representative of the Community College  
20 System, appointed by the chair of the State Board of Community  
21 Colleges.

22 (e) One representative of the Independent Colleges and  
23 Universities of Florida, appointed by the president of the  
24 Independent Colleges and Universities of Florida.

25 (f) One representative of a public school district,  
26 appointed by the Commissioner of Education.

27 (g) One representative of the Postsecondary Education  
28 Planning Commission, appointed by the chair of the commission.

29  
30 Each member shall be appointed for a 3-year, staggered term of  
31 office. Members may serve no more than two consecutive terms.



1 A vacancy must be filled with a person of the same status as  
2 the original appointee who shall serve for the remainder of  
3 the term. Members are entitled to per diem and travel expenses  
4 as provided in s. 112.061 while performing council duties.

5 (7) Approved programs must be funded competitively  
6 according to the following methodology:

7 (a) Eighty percent of funds appropriated annually to  
8 the College Fast Start Program must be distributed as grants  
9 to projects that include, at the minimum:

10 1. A summer business internship program.  
11 2. A minimum number of hours of academic instructional  
12 and developmental activities, career counseling, and personal  
13 counseling.

14 (b) The remaining 20 percent of funds appropriated  
15 annually may be used by the Florida Governor's Alliance for  
16 the Employment of Disabled Citizens for college preparatory  
17 leadership training programs.

18 (c) Subject to legislative appropriations, funds for  
19 the continuation of projects that satisfy the minimum  
20 requirements shall be increased each year by the same  
21 percentage as the rate of inflation. Projects funded for 3  
22 consecutive years must have a cumulative institutional cash  
23 match of not less than 50 percent of the total cost of the  
24 project over the 3-year period. Any College Fast Start Program  
25 operating for 3 years which does not provide the minimum 50  
26 percent institutional cash match shall not be considered for  
27 continued funding.

28 (8) On or before February 15 of each year, each  
29 participant or consortium of participants shall submit to the  
30 alliance an interim report of program expenditures and  
31 participant information as requested by the alliance.

1           (9) On or before October 15 of each year, each program  
2 participant shall submit to the alliance an end-of-the-year  
3 report on the effectiveness of its participation in the  
4 program during the preceding fiscal year. The end-of-the-year  
5 report must include, without limitation:

6           (a) An itemization of program expenditures by funding  
7 category, including: state grant funds, institutional  
8 matching contributions disaggregated by cash and in-kind  
9 services, and outside funding sources disaggregated by cash  
10 and in-kind services.

11           (b) The number of students participating by grade  
12 level, gender, race, and disability.

13           (c) The student identification number and social  
14 security number, if available, the name of the public school  
15 attended, and the gender, ethnicity, grade level, and grade  
16 point average of each student participant at the time of entry  
17 into the program.

18           (d) The grade point average, grade, and promotion  
19 status of each student participant at the end of the academic  
20 year and notification of suspension or expulsion of a  
21 participant, if applicable.

22           (e) The number and percentage of high school  
23 participants who satisfactorily complete 2 sequential years of  
24 a foreign language and Levels 2 and 3 mathematics and science  
25 courses.

26           (f) The number and percentage of participants eligible  
27 for high school graduation who receive a standard high school  
28 diploma or a high school equivalency diploma pursuant to s.  
29 229.814.

30           (g) The number and percentage of 12th grade  
31 participants who are accepted for enrollment and who enroll in

1 a postsecondary institution and the program of study in which  
2 they are enrolled.

3 (h) The number of participants who receive  
4 scholarships, grant aid, and work-study awards.

5 (i) The number and percentage of participants who  
6 enroll in a public postsecondary institution and who fail to  
7 achieve a passing score, as defined in State Board of  
8 Education rule, on college placement tests pursuant to s.  
9 240.117.

10 (j) The number and percentage of participants who  
11 enroll in a postsecondary institution and have a minimum  
12 cumulative grade point average of 2.0 on a 4.0 scale, or its  
13 equivalent, by the end of the second semester.

14 (k) A statement of how the program addresses the three  
15 program goals identified in paragraph (3)(e).

16 (l) A brief description and analysis of program  
17 characteristics and activities critical to program success.

18 (m) A description of the cooperation received from  
19 other units, organizations, businesses, or agencies.

20 (n) An explanation of the program's outcomes,  
21 including data related to student performance on the measures  
22 provided for in paragraph (3)(f).

23  
24 The Postsecondary Education Planning Commission, in  
25 consultation with the alliance and the Department of  
26 Education, shall develop specifications and procedures for the  
27 collection and transmission of the data.

28 (10) By February 15 of each year, the alliance shall  
29 submit to the Governor, the President of the Senate, the  
30 Speaker of the House of Representatives, and the Commissioner  
31 of Education a report that evaluates the effectiveness of the

1 College Fast Start Program. The report must be based upon  
2 information provided by program participants, the Board of  
3 Regents, the State Board of Community Colleges, and the  
4 Division of Workforce Development pursuant to subsections (1)  
5 and (7). To the extent feasible, the performance of College  
6 Fast Start Program participants must be compared to the  
7 performance of comparable cohorts of students in public school  
8 and postsecondary education.

9       Section 8. (1) The Legislature finds that it is in  
10 the public interest to provide for the reenactment by general  
11 law of a Technological Research and Development Authority  
12 created by chapter 87-455, Laws of Florida, and to extend its  
13 powers and duties beyond Brevard County. The Technological  
14 Research and Development Authority shall promote scientific  
15 research and development in Florida, with the goal of  
16 establishing Florida as a center for high technology and  
17 economic development to serve the public good.

18       (2) There is created and incorporated the  
19 Technological Research and Development Authority.

20       (3)(a) The authority shall be governed by a commission  
21 of seven persons who are residents of this state. The Brevard  
22 County Legislative Delegation shall nominate three candidates  
23 for each of five commission vacancies, and the Governor shall  
24 appoint a member of the commission from the nominees for the  
25 vacancy. Further, the Governor shall select and appoint the  
26 two remaining members of the commission. The Governor shall  
27 appoint each member for a term of 4 years, who shall serve  
28 until his or her successor is appointed. If a vacancy occurs  
29 during a member's term, the Governor shall appoint a person to  
30 fill the vacancy for the remainder of the member's term. The  
31 Governor may remove any member for misfeasance, malfeasance,

1 or willful neglect of duty. Each member of the authority  
2 before entering upon his or her duties shall take and  
3 subscribe the oath of affirmation required by the State  
4 Constitution. The existing board members appointed under  
5 chapter 87-455, Laws of Florida, of the existing Technology  
6 Research and Development Authority law may serve the remainder  
7 of their terms.

8 (b) The authority shall annually elect one of its  
9 members as chair and one as vice chair and may also appoint a  
10 secretary who shall serve at the pleasure of the authority.  
11 The authority may also appoint such other officers as  
12 necessary.

13 (4) The commission has powers and duties as follows:

14 (a) To plan and undertake a program of action that  
15 promotes scientific research and development and fosters  
16 public and private education.

17 (b) To contract with and support the programs of those  
18 accredited educational institutions with a research capability  
19 and which have main campuses within this state in the  
20 furtherance of the objectives of the authority and to contract  
21 with any other accredited educational institution in  
22 furtherance of the objectives of the authority to establish  
23 public-private partnerships and create, sponsor, and manage  
24 not-for-profit entities to implement or facilitate the  
25 purposes of the authority.

26 (c) To make and manage grants and bequests, and to  
27 enter into contracts and other agreements with units of  
28 government and private parties for the purpose of obtaining  
29 funds for projects and programs that further the objectives of  
30 the authority.

31

1           (d) To establish an annual budget and amend the budget  
2 when necessary.

3           (e) To adopt an official seal and alter it at its  
4 pleasure.

5           (f) To maintain an office at such place or places in  
6 Brevard County or elsewhere as it may designate.

7           (g) To sue and be sued in its own name.

8           (h) To acquire by lease, purchase, or option real and  
9 personal property for any use consistent with the purposes of  
10 this act.

11           (i) To employ personnel, consultants, accountants,  
12 attorneys, engineers, and other experts as necessary and  
13 convenient in the execution of the powers of the authority.

14           (5) If any provision of this act or the application  
15 thereof to any person or circumstance is held invalid, the  
16 invalidity shall not affect other provisions or applications  
17 of the act which can be given effect without the invalid  
18 provision or application, and to this end the provisions of  
19 this act are declared severable.

20           Section 9. Legislative intent.--It is the intent of  
21 the Legislature to create individually governed baccalaureate  
22 and master's degree oriented universities as a means of  
23 increasing the number of baccalaureate degrees in the  
24 community. These universities will also play a vital role in  
25 addressing the state's need for a larger trained workforce and  
26 in alleviating the teacher shortages facing public schools.

27           Section 10. (1) There is created a new Comprehensive  
28 University in Pinellas County.

29           (2) There is created a new Comprehensive University in  
30 Sarasota County to serve Sarasota and Manatee Counties.

31

1           (3) On or before November 1, 2000, and in accordance  
2 with section 240.147(6), Florida Statutes, the Postsecondary  
3 Education Planning Commission, in consultation with the  
4 Chancellor, shall review the need for new free-standing  
5 universities in Pinellas, Sarasota, and Manatee Counties. The  
6 commission, in consultation with the Chancellor, shall  
7 consider the criteria for establishing new public colleges and  
8 universities developed by the commission and approved by the  
9 State Board of Education in 1991. In so doing, the commission,  
10 in consultation with the Chancellor, shall enlist the  
11 assistance of an independent evaluator. Upon determining that  
12 a need exists, the Chancellor, in consultation with the  
13 Commission, shall develop an implementation plan for the  
14 above-mentioned institutions. At a minimum, the plan shall  
15 address location, facilities, programmatic needs, governance,  
16 and funding issues. The plan shall be developed on or before  
17 January 19, 2001, and shall be submitted to the President of  
18 the Senate, the Speaker of the House of Representatives, the  
19 Executive Office of the Governor, and the State Board of  
20 Education. If the Postsecondary Education Planning Commission  
21 or the Board of Regents determines that the need for either or  
22 both of the institutions does not exist, this section shall be  
23 repealed by the Legislature prior to July 1, 2001.

24           (4) If a Comprehensive University is created in  
25 Sarasota County, New College shall become a part of this  
26 institution and New College will continue to maintain its  
27 liberal arts honors program of national distinction and  
28 continue to be the honors college of the State of Florida, and  
29 there shall be no change in the operation of New College.

30           (5) If local boards of trustees are created for the  
31 other universities of the State University System, a local

1 board of trustees shall be created for the institutions  
2 created by this section.

3 (6) Upon the implementation of the new universities,  
4 section 240.527, Florida Statutes, is repealed.

5 Section 11. Section 229.05371, Florida Statutes, is  
6 amended to read:

7 229.05371 ~~Pilot program~~ Scholarships to public or  
8 private school of choice for students with disabilities.--

9 (1) SCHOLARSHIP PILOT PROGRAM.--There is established a  
10 ~~pilot~~ program, which is separate and distinct from the  
11 Opportunity Scholarship Program, ~~in the Sarasota school~~  
12 ~~district~~, to provide scholarships to a public or private  
13 school of choice for students with disabilities whose academic  
14 progress in at least two areas has not met expected levels for  
15 the previous year, as determined by the student's individual  
16 education plan. Student participation in the ~~pilot~~ program is  
17 limited to 5 percent of the students with disabilities in the  
18 school district during the first year, 10 percent of students  
19 with disabilities during the second year, ~~and~~ 20 percent of  
20 students with disabilities during the third year, and no caps  
21 in subsequent years. The following applies to the ~~pilot~~  
22 program:

23 (a) To be eligible to participate in the ~~pilot~~  
24 program, a private school must meet all requirements of s.  
25 229.0537(4), except for the accreditation requirements of s.  
26 229.0537(4)(f). For purposes of the ~~pilot~~ program,  
27 notification under s. 229.0537(4)(b) must be separate from the  
28 notification under the Opportunity Scholarship Program.

29 (b) The school district ~~that participates in the pilot~~  
30 ~~program~~ must comply with the requirements in s.  
31 229.0537(3)(a)2., (c), and (d).



1 (c) The amount of the scholarship in the ~~pilot~~ program  
2 shall be equal to the amount the student would have received  
3 under the Florida Education Finance Program in the public  
4 school to which he or she is assigned.

5 (d) To be eligible for a scholarship under the ~~pilot~~  
6 program, a student or parent must:

7 1. Comply with the eligibility criteria in s.  
8 229.0537(2)(b) and all provisions of s. 229.0537 which apply  
9 to students with disabilities;

10 2. For the school year immediately prior to the year  
11 in which the scholarship will be in effect, have documented  
12 the student's failure to meet specific performance levels  
13 identified in the individual education plan; or, absent  
14 specific performance levels identified in the individual  
15 education plan, the student must have performed below grade  
16 level on state or local assessments and the parent must  
17 believe that the student is not progressing adequately toward  
18 the goals in the individual education plan; and

19 3. Have requested the scholarship prior to the time at  
20 which the number of valid requests exceeds the district's cap  
21 for the year in which the scholarship will be awarded.

22 (2) The provisions of s. 229.0537(6) and (8) shall  
23 apply to the ~~pilot~~ program authorized in this section. This  
24 ~~pilot~~ program is not intended to affect the eligibility of the  
25 state or school district to receive federal funds for students  
26 with disabilities.

27 Section 12. Paragraph (a) of subsection (2) of section  
28 235.435, Florida Statutes, is amended to read:

29 235.435 Funds for comprehensive educational plant  
30 needs; construction cost maximums for school district capital  
31 projects.--Allocations from the Public Education Capital

1 Outlay and Debt Service Trust Fund to the various boards for  
2 capital outlay projects shall be determined as follows:

3 (2)(a) The department shall establish, as a part of  
4 the Public Education Capital Outlay and Debt Service Trust  
5 Fund, a separate account, in an amount determined by the  
6 Legislature, to be known as the "Special Facility Construction  
7 Account." The Special Facility Construction Account shall be  
8 used to provide necessary construction funds to school  
9 districts which have urgent construction needs but which lack  
10 sufficient resources at present, and cannot reasonably  
11 anticipate sufficient resources within the period of the next  
12 3 years, for these purposes from currently authorized sources  
13 of capital outlay revenue. A school district requesting  
14 funding from the Special Facility Construction Account shall  
15 submit one specific construction project, not to exceed one  
16 complete educational plant, to the Special Facility  
17 Construction Committee. No district shall receive funding for  
18 more than one approved project in any 3-year period. The first  
19 year of the 3-year period shall be the first year a district  
20 receives an appropriation. The department shall encourage a  
21 construction program that reduces the average size of schools  
22 in the district. The request must meet the following criteria  
23 to be considered by the committee:

24 1. The project must be deemed a critical need and must  
25 be recommended for funding by the Special Facility  
26 Construction Committee. Prior to developing plans for the  
27 proposed facility, the district school board must request a  
28 preapplication review by the Special Facility Construction  
29 Committee or a project review subcommittee convened by the  
30 committee to include two representatives of the department and  
31 two staff from school districts other than the district

1 submitting the project. Within 60 days after receiving the  
2 preapplication review request, the committee or subcommittee  
3 must meet in the school district to review the project  
4 proposal and existing facilities. To determine whether the  
5 proposed project is a critical need, the committee or  
6 subcommittee shall consider, at a minimum, the capacity of all  
7 existing facilities within the district as determined by the  
8 Florida Inventory of School Houses; the district's pattern of  
9 student growth; the district's existing and projected capital  
10 outlay full-time equivalent student enrollment as determined  
11 by the department; the district's existing satisfactory  
12 student stations; the use of all existing district property  
13 and facilities; grade level configurations; and any other  
14 information that may affect the need for the proposed project.

15         2. The construction project must be recommended in the  
16 most recent survey or surveys by the district under the rules  
17 of the State Board of Education.

18         3. The construction project must appear on the  
19 district's approved project priority list under the rules of  
20 the State Board of Education.

21         4. The district must have selected and had approved a  
22 site for the construction project in compliance with s. 235.19  
23 and the rules of the State Board of Education.

24         5. The district shall have developed a school board  
25 adopted list of facilities that do not exceed the norm for net  
26 square feet occupancy requirements under the State  
27 Requirements for Educational Facilities, using all possible  
28 programmatic combinations for multiple use of space to obtain  
29 maximum daily use of all spaces within the facility under  
30 consideration.

31

1           6. Upon construction, the total cost per student  
2 station, including change orders, must not exceed the cost per  
3 student station as provided in subsection (6).

4           7. There shall be an agreement signed by the district  
5 school board stating that it will advertise for bids within 30  
6 days of receipt of its encumbrance authorization from the  
7 department.

8           8. The district shall, at the time of the request and  
9 for a continuing period of 3 years, levy the maximum millage  
10 against their nonexempt assessed property value as allowed in  
11 s. 236.25(2) or shall raise an equivalent amount of revenue  
12 from the school capital outlay surtax authorized under s.  
13 212.055(6). Effective July 1, 1991, any district with a new or  
14 active project, funded under the provisions of this  
15 subsection, shall be required to budget no more than the value  
16 of 1.5 mills per year to the project to satisfy the annual  
17 participation requirement in the Special Facility Construction  
18 Account.

19           9. If a contract has not been signed 90 days after the  
20 advertising of bids, the funding for the specific project  
21 shall revert to the Special Facility New Construction Account  
22 to be reallocated to other projects on the list. However, an  
23 additional 90 days may be granted by the commissioner.

24           10. The department shall certify the inability of the  
25 district to fund the survey-recommended project over a  
26 continuous 3-year period using projected capital outlay  
27 revenue derived from s. 9(d), Art. XII of the State  
28 Constitution, as amended, paragraph (3)(a) of this section,  
29 and s. 236.25(2).

30           11. The district shall have on file with the  
31 department an adopted resolution acknowledging its 3-year

1 commitment of all unencumbered and future revenue acquired  
2 from s. 9(d), Art. XII of the State Constitution, as amended,  
3 paragraph (3)(a) of this section, and s. 236.25(2).

4 12. Final phase III plans must be certified by the  
5 board as complete and in compliance with the building and life  
6 safety codes prior to August 1.

7 Section 13. Any special facility construction project  
8 for which phase III plans were certified by August 1, 1999, as  
9 complete and in compliance with the building and life safety  
10 codes as required by s. 235.435(2)(a)12., Florida Statutes, is  
11 eligible for funding under s. 235.435(2), Florida Statutes, as  
12 amended by this act, if otherwise qualified, beginning July 1,  
13 2000.

14 Section 14. Paragraph (c) of subsection (2) of section  
15 231.621, Florida Statutes, is amended to read:

16 231.621 Critical Teacher Shortage Student Loan  
17 Forgiveness Program.--

18 (2) From the funds available, the Department of  
19 Education is authorized to make loan principal repayments as  
20 follows:

21 (c) All repayments shall be contingent on continued  
22 proof of employment in the designated subject areas in this  
23 state ~~and shall be made directly to the holder of the loan.~~  
24 The state shall not bear responsibility for the collection of  
25 any interest charges or other remaining balance. In the event  
26 that designated critical teacher shortage subject areas are  
27 changed by the State Board of Education, a teacher shall  
28 continue to be eligible for loan forgiveness as long as he or  
29 she continues to teach in the subject area for which the  
30 original loan repayment was made and otherwise meets all  
31 conditions of eligibility.

1           Section 15. Subsection (1) of section 240.40201,  
2 Florida Statutes, is amended to read:

3           240.40201 Florida Bright Futures Scholarship  
4 Program.--

5           (1) The Florida Bright Futures Scholarship Program is  
6 created to establish a lottery-funded scholarship program to  
7 reward any Florida high school graduate who merits recognition  
8 of high academic achievement and who enrolls in a degree  
9 program, certificate program, or applied technology diploma  
10 program at an eligible Florida public or private postsecondary  
11 education institution within 7 3 years of graduation from high  
12 school. Regardless of the year in which the student first  
13 receives scholarship funding, all eligibility will end 7 years  
14 after high school graduation. However, an eligible student who  
15 enlists in the United States Armed Forces within 6 months of  
16 high school graduation maintains eligibility for 4 years  
17 following his or her discharge from military service, provided  
18 that all other eligibility criteria apply.

19           Section 16. Paragraphs (b), (e), and (f) of subsection  
20 (1) and subsection (2) of section 240.40202, Florida Statutes,  
21 are amended to read:

22           240.40202 Florida Bright Futures Scholarship Program;  
23 student eligibility requirements for initial awards.--

24           (1) To be eligible for an initial award from any of  
25 the three types of scholarships under the Florida Bright  
26 Futures Scholarship Program, a student must:

27           (b) Earn a standard Florida high school diploma or its  
28 equivalent as described in s. 232.246 or s. 229.814 unless:

29           1. The student is enrolled full time in the early  
30 admission program of an eligible postsecondary education  
31

1 institution or completes a home education program according to  
2 s. 232.0201; or

3           2. The student earns a high school diploma from a  
4 non-Florida school while living with a parent or guardian who  
5 is on military or public service assignment away from Florida.  
6 "Public service assignment," as used in this subparagraph,  
7 means the occupational assignment outside of Florida of a  
8 person who is a permanent resident of Florida and who is  
9 employed by the United States Government or the State of  
10 Florida, a condition of which employment is assignment outside  
11 of Florida.

12           (e) Not have been found guilty of, or ~~pled~~ plead nolo  
13 contendere or guilty to, a felony charge, unless the student  
14 has been granted clemency by the Governor and Cabinet sitting  
15 as the Executive Office of Clemency.

16           (f) Apply for a scholarship from the program by  
17 December 31 after April 1 of the last semester before high  
18 school graduation. There is no application deadline for a  
19 student graduating from a non-Florida school, pursuant to  
20 subparagraph (1)(b)2.

21           (2) ~~A student is eligible to accept an initial award~~  
22 ~~for 3 years following high school graduation and to accept a~~  
23 ~~renewal award for 7 years following high school graduation.~~A  
24 student who ~~applies for an award by April 1 and who meets all~~  
25 ~~other~~ eligibility requirements, but who does not accept his or  
26 her award during the first year of eligibility after high  
27 school graduation, may apply for reinstatement of the award  
28 for use within 7 reapply during subsequent application periods  
29 ~~up to 3 years after high school graduation. Reinstatement~~  
30 applications must be received by the deadline established by  
31 the Department of Education.

1 Section 17. Section 240.40203, Florida Statutes, is  
2 amended to read:

3 240.40203 Florida Bright Futures Scholarship Program;  
4 student eligibility requirements for renewal, reinstatement,  
5 and restoration awards.--

6 (1) To be eligible to receive ~~renew~~ a scholarship from  
7 any of the three types of scholarships under the Florida  
8 Bright Futures Scholarship Program after the first year of  
9 eligibility, a student must meet the following requirements  
10 for either renewal, reinstatement, or restoration:

11 (a) Renewal applies to students who receive an award  
12 for at least one term during the academic year. For renewal, a  
13 student must complete at least 12 semester credit hours or the  
14 equivalent in the last academic year in which the student  
15 earned a scholarship.

16 ~~(b)~~ and maintain the cumulative grade point average  
17 required by the scholarship program, except that:

18 1. If a recipient's grades fall beneath the average  
19 required to renew a Florida Academic Scholarship, but are  
20 sufficient to renew a Florida Merit Scholarship or a Florida  
21 Vocational Gold Seal Scholarship, the Department of Education  
22 may grant a renewal from one of those other scholarship  
23 programs, if the student meets the renewal eligibility  
24 requirements. ~~or~~

25 2. If, upon renewal evaluation ~~at any time during the~~  
26 ~~eligibility period~~, a student's grades or hours, or both, are  
27 not sufficient ~~insufficient~~ to renew the scholarship, the  
28 student may use grades or hours, or both, earned during the  
29 following summer to renew the scholarship ~~restore eligibility~~  
30 ~~by improving the grade point average to the required level. A~~  
31 ~~student is eligible for such a reinstatement only once. The~~



1 Legislature encourages education institutions to assist  
2 students to calculate whether or not it is possible to raise  
3 the grade point average during the summer term. If the  
4 institution determines that it is possible, the education  
5 institution may so inform the department, which may reserve  
6 the student's award if funds are available. The renewal,  
7 however, must not be granted until the student achieves the  
8 required cumulative grade point average and earns the required  
9 number of hours. If, during the summer term, a student does  
10 not earn is not sufficient hours or to raise the grade point  
11 average to the required renewal level, the student will not be  
12 eligible for an award student's next opportunity for renewal  
13 is the fall semester of the following academic year.

14 (b) Reinstatement applies to students who were  
15 eligible but did not receive an award during the previous  
16 academic year or years, and who may apply to reestablish use  
17 of the scholarship. For reinstatement, a student must have  
18 been eligible at the time of the student's most recent Bright  
19 Futures eligibility determination. The student must apply for  
20 reinstatement by submitting a reinstatement application by the  
21 deadline established by the Department of Education.

22 (c) Restoration applies to students who lost  
23 scholarship eligibility due to a low renewal grade point  
24 average, but earned the required grade point average in a  
25 subsequent academic year, and who may apply to receive awards  
26 in the future. For restoration, a student who did not meet  
27 renewal requirements during a prior evaluation period may  
28 restore eligibility by meeting the required grade point  
29 average during a subsequent renewal evaluation period. A  
30 student is eligible to receive such restoration only once.

31

1 The student must submit an application for restoration by the  
2 deadline established by the Department of Education.

3 (2) A student who is enrolled in a program that  
4 terminates in an associate degree or a baccalaureate degree  
5 may receive an award for a maximum of 110 percent of the  
6 number of credit hours required to complete the program. A  
7 student who is enrolled in an undergraduate program that  
8 terminates in the award of a postbaccalaureate degree, or the  
9 simultaneous award of baccalaureate and postbaccalaureate  
10 degrees, may receive an award for a maximum of 132 semester  
11 hours, or the equivalent, at the undergraduate rate. A student  
12 who is enrolled in a program that terminates in a technical  
13 certificate may receive an award for a maximum of 110 percent  
14 of the credit hours or clock hours required to complete the  
15 program up to 90 credit hours. A student who transfers from  
16 one of these program levels to another becomes eligible for  
17 the higher of the two credit hour limits.

18 Section 18. Subsection (2) of section 240.40204,  
19 Florida Statutes, is amended to read:

20 240.40204 Florida Bright Futures Scholarship Program;  
21 eligible postsecondary education institutions.--A student is  
22 eligible for an award or the renewal of an award from the  
23 Florida Bright Futures Scholarship Program if the student  
24 meets the requirements for the program as described in this  
25 act and is enrolled in a postsecondary education institution  
26 that meets the description in any one of the following  
27 subsections:

28 (2) An independent Florida college or university that  
29 ~~is accredited by a member of the Commission on Recognition of~~  
30 ~~Postsecondary Accreditation and which has operated in the~~  
31 state for at least 3 years and is accredited by an accrediting

1 agency recognized by the United States Department of  
 2 Education.

3 Section 19. Subsections (2), (3), and (4) of section  
 4 240.40205, Florida Statutes, are amended to read:

5 240.40205 Florida Academic Scholars award.--

6 (2) A Florida Academic Scholar who is enrolled in a  
 7 public postsecondary education institution is eligible for an  
 8 award equal to the amount required to pay matriculation and  
 9 fees, as defined by the Department of Education, and \$300 per  
 10 semester or the equivalent \$600 for college-related expenses  
 11 annually. A student who is enrolled in a nonpublic  
 12 postsecondary education institution is eligible for an award  
 13 equal to the amount that would be required to pay for the  
 14 average matriculation and fees of a public postsecondary  
 15 education institution at the comparable level, plus the amount  
 16 provided for college-related expenses annual \$600.

17 (3) To be eligible for a renewal or restoration award  
 18 as a Florida Academic Scholar, a student must meet the  
 19 requirements of s. 240.40203 and the maintain the equivalent  
 20 of a grade point average requirement of 3.0 on a 4.0 scale, or  
 21 the equivalent, for all postsecondary education work  
 22 attempted. A student may have, with an opportunity for one  
 23 restoration reinstatement as provided in this act.

24 (4) In each school district, the Florida Academic  
 25 Scholar with the highest academic ranking shall receive an  
 26 additional award of \$750 per semester or the equivalent \$1,500  
 27 for college-related expenses. This award must be funded from  
 28 the Florida Bright Futures Scholarship Program.

29 Section 20. Section 240.40206, Florida Statutes, is  
 30 amended to read:

31 240.40206 Florida Merit Scholars award.--

1 (1) A student is eligible for a Florida Merit Scholars  
2 award if the student meets the general eligibility  
3 requirements for the Florida Bright Futures Scholarship  
4 Program and the student:

5 (a) Has achieved a weighted grade point average of 3.0  
6 as calculated pursuant to s. 240.40202, or the equivalent, in  
7 high school courses that are adopted by the Board of Regents  
8 and recommended by the State Board of Community Colleges as  
9 college-preparatory academic courses; and

10 (b) Has attained at least the score identified by  
11 rules of the Department of Education on the combined verbal  
12 and quantitative parts of the Scholastic Aptitude Test, the  
13 Scholastic Assessment Test, or the recentered Scholastic  
14 Assessment Test of the College Entrance Examination, or an  
15 equivalent score on the American College Testing Program; or

16 (c) Has attended a home education program according to  
17 s. 232.0201 during grades 11 and 12 or has completed the  
18 International Baccalaureate curriculum but failed to earn the  
19 International Baccalaureate Diploma, and has attained at least  
20 the score identified by rules of the Department of Education  
21 on the combined verbal and quantitative parts of the  
22 Scholastic Aptitude Test, the Scholastic Assessment Test, or  
23 the recentered Scholastic Assessment Test of the College  
24 Entrance Examination, or an equivalent score on the American  
25 College Testing Program; ~~or-~~

26 (d) Has been recognized by the merit or achievement  
27 programs of the National Merit Scholarship Corporation as a  
28 scholar or finalist, but has not completed a program of  
29 community service as provided by s. 240.40205.

30 (2) A Florida Merit Scholar is eligible for an award  
31 equal to the amount required to pay 75 percent of

1 matriculation and fees, as defined by the department, if the  
2 student is enrolled in a public postsecondary education  
3 institution. A student who is enrolled in a nonpublic  
4 postsecondary education institution is eligible for an award  
5 equal to the amount that would be required to pay 75 percent  
6 of the matriculation and fees of a public postsecondary  
7 education institution at the comparable level.

8 (3) To be eligible for ~~a~~ renewal or restoration award  
9 as a Florida Merit Scholar, a student must meet the  
10 requirements of s. 240.40203 and the ~~maintain the equivalent~~  
11 ~~of a~~ grade point average requirement of 2.75 on a 4.0 scale,  
12 or the equivalent, for all postsecondary education work  
13 attempted. A student may have, ~~with~~ an opportunity for  
14 ~~reinstatement~~ one restoration time as provided in this act.

15 Section 21. Section 240.40207, Florida Statutes, is  
16 amended to read:

17 240.40207 Florida Gold Seal Vocational Scholars  
18 award.--The Florida Gold Seal Vocational Scholars award is  
19 created within the Florida Bright Futures Scholarship Program  
20 to recognize and reward academic achievement and vocational  
21 preparation by high school students who wish to continue their  
22 education.

23 (1) A student is eligible for a Florida Gold Seal  
24 Vocational Scholars award if the student meets the general  
25 eligibility requirements for the Florida Bright Futures  
26 Scholarship Program and the student:

27 (a) Successfully ~~completes the secondary school~~  
28 ~~portion of a sequential program of studies that requires at~~  
29 least three secondary school vocational credits in one program  
30 of study identified by the Department of Education ~~taken over~~  
31 ~~at least 2 academic years, and is continued in a planned,~~

1 ~~related postsecondary education program. If the student's~~  
2 ~~school does not offer such a two-plus-two or tech-prep~~  
3 ~~program, the student must complete a job-preparatory career~~  
4 ~~education program selected by the Occupational Forecasting~~  
5 ~~Conference or the Workforce Development Board of Enterprise~~  
6 ~~Florida for its ability to provide high-wage employment in an~~  
7 ~~occupation with high potential for employment opportunities.~~  
8 On-the-job training may not be substituted for any of the  
9 three required vocational credits.

10 (b) Demonstrates readiness for postsecondary education  
11 by earning a passing score on the Florida College Entry Level  
12 Placement Test or its equivalent as identified by the  
13 Department of Education.

14 (c) Earns a minimum cumulative weighted grade point  
15 average of 3.0, as calculated pursuant to s. 240.40202, on all  
16 subjects required for a standard high school diploma,  
17 excluding elective courses.

18 (d) Earns a minimum unweighted grade point average of  
19 3.5 on a 4.0 scale for secondary vocational courses comprising  
20 the vocational program.

21 ~~(e) Completes the requirements of a vocational-ready~~  
22 ~~diploma program, as defined by rules of the State Board of~~  
23 ~~Education.~~

24 (2) A Florida Gold Seal Vocational Scholar is eligible  
25 for an award equal to the amount required to pay 75 percent of  
26 matriculation and fees, as defined by the Department of  
27 Education, if the student is enrolled in a public  
28 postsecondary education institution. A student who is enrolled  
29 in a nonpublic postsecondary education institution is eligible  
30 for an award equal to the amount that would be required to pay  
31

1 75 percent of the matriculation and mandatory fees of a public  
2 postsecondary education institution at the comparable level.

3 (3) To be eligible for a renewal or restoration award  
4 as a Florida Gold Seal Vocational Scholar, a student must meet  
5 the requirements of s. 240.40203 and the ~~maintain the~~  
6 ~~equivalent of a~~ grade point average requirement of 2.75 on a  
7 4.0 scale, or the equivalent, for all postsecondary education  
8 work attempted. A student may have, ~~with~~ an opportunity for  
9 ~~reinstatement~~ one restoration ~~time~~ as provided in this act.

10 (4) A student may earn a Florida Gold Seal Vocational  
11 Scholarship for 110 percent of the number of credit hours  
12 required to complete the program, up to 90 credit hours or the  
13 equivalent. ~~A Florida Gold Seal Scholar who has a cumulative~~  
14 ~~grade point average of 2.75 in all postsecondary education~~  
15 ~~work attempted may apply for a Florida Merit Scholars award at~~  
16 ~~any renewal period. All other provisions of that program~~  
17 ~~apply, and the credit-hour limitation must be calculated by~~  
18 ~~subtracting from the student's total eligibility the number of~~  
19 ~~credit hours the student attempted while earning the Gold Seal~~  
20 ~~Vocational Scholarship.~~

21 (5) Beginning with the fall term of 2002, a Florida  
22 Gold Seal Vocational Scholars award may not be used at an  
23 institution that grants baccalaureate degrees unless the award  
24 is a renewal of an initial award issued prior to the fall term  
25 of 2002, or as otherwise provided for in this section.

26 (6) Upon successful completion of an an associate  
27 degree program, an award recipient who meets the renewal  
28 criteria in subsection (3) and enrolls in a baccalaureate  
29 degree program at an eligible postsecondary education  
30 institution is eligible to transfer to the Florida Merit  
31 Scholars award component of the Bright Futures Scholarship

1 Program. If the student receives an associate degree prior to  
2 the end of an academic year and enrolls in the baccalaureate  
3 degree program during a subsequent term of the same academic  
4 year, the student may continue to receive the Gold Seal  
5 Scholars award for the duration of that academic year. If  
6 necessary, the department may provide an exception to the  
7 90-semester-hour limit, or the equivalent, through the end of  
8 that academic year. Other than initial eligibility criteria,  
9 all other requirements of the Florida Merit Scholars award  
10 apply to a student who transfers to that program under this  
11 section. The credit-hour limitation must be calculated by  
12 subtracting from the student's total eligibility the number of  
13 credit hours for which the student has already received  
14 funding under the Bright Futures Scholarship Program.

15 (7) If a Florida Gold Seal Scholar received an initial  
16 Gold Seal Scholars award prior to the fall term of 2002 and  
17 has a cumulative grade point average of 2.75 in all  
18 postsecondary education work attempted, the Department of  
19 Education may transfer the student to the Florida Merit  
20 Scholars award component of the Bright Futures Scholarship  
21 Program during any renewal period. All other provisions of  
22 that program apply, and the credit-hour limitation must be  
23 calculated by subtracting from the student's total eligibility  
24 the number of credit hours for which the student has already  
25 received funding under the Bright Futures Scholarship Program.

26 Section 22. Section 240.40209, Florida Statutes, is  
27 amended to read:

28 240.40209 Bright Futures Scholarship recipients  
29 attending nonpublic institutions; calculation of  
30 awards.--Notwithstanding ss. 240.40201, 240.40205, 240.40206,  
31 and 240.40207, a student who receives any award under the



1 Florida Bright Futures Scholarship Program, who is enrolled in  
2 a nonpublic postsecondary education institution, and who is  
3 assessed tuition and fees that are the same as those of a  
4 full-time student at that institution, shall receive a fixed  
5 award calculated by using the average matriculation and fee  
6 calculation, as defined by the Department of Education,for  
7 full-time attendance at a public postsecondary educational  
8 ~~education~~ institution at the comparable level. If the student  
9 is enrolled part-time and is assessed tuition and fees at a  
10 reduced level, the award shall be either one-half of the  
11 maximum award or three-fourths of the maximum award, depending  
12 on the level of fees assessed.

13 Section 23. Paragraph (a) of subsection (1) of section  
14 240.404, Florida Statutes, is amended to read:

15 240.404 General requirements for student eligibility  
16 for state financial aid.--

17 (1)(a) The general requirements for eligibility of  
18 students for state financial aid awards consist of the  
19 following:

20 1. Achievement of the academic requirements of and  
21 acceptance at a state university or community college; a  
22 nursing diploma school approved by the Florida Board of  
23 Nursing; a Florida college, university, or community college  
24 which is accredited by an accrediting agency recognized by the  
25 United States Department of Education ~~a member of the~~  
26 ~~Commission on Recognition of Postsecondary Accreditation~~; any  
27 Florida institution the credits of which are acceptable for  
28 transfer to state universities; any area technical center; or  
29 any private vocational-technical institution accredited by an  
30 accrediting agency recognized by the United States Department

31

1 of Education ~~a member of the Commission on Recognition of~~  
2 ~~Postsecondary Accreditation.~~

3       2.a. Residency in this state for no less than 1 year  
4 preceding the award of aid for a program established pursuant  
5 to s. 240.409, s. 240.4095, s. 240.4097, s. 240.412, s.  
6 240.4125, s. 240.413, s. 240.4987, s. 240.605, or s. 240.606.  
7 Residency in this state must be for purposes other than to  
8 obtain an education. Resident status for purposes of receiving  
9 state financial aid awards shall be determined in the same  
10 manner as resident status for tuition purposes pursuant to s.  
11 240.1201 and rules of the State Board of Education.

12       b. A person who has been properly classified as a  
13 resident by a postsecondary institution for initial receipt of  
14 state-funded student financial assistance and has been  
15 determined eligible to participate in a financial assistance  
16 program may continue to qualify as a resident for state-funded  
17 financial aid programs if he or she maintains continuous  
18 enrollment at the postsecondary institution, with no break in  
19 enrollment greater than 12 consecutive months.

20       3. Submission of certification attesting to the  
21 accuracy, completeness, and correctness of information  
22 provided to demonstrate a student's eligibility to receive  
23 state financial aid awards. Falsification of such information  
24 shall result in the denial of any pending application and  
25 revocation of any award currently held to the extent that no  
26 further payments shall be made. Additionally, students who  
27 knowingly make false statements in order to receive state  
28 financial aid awards shall be guilty of a misdemeanor of the  
29 second degree subject to the provisions of s. 837.06 and shall  
30 be required to return all state financial aid awards  
31 wrongfully obtained.

1 Section 24. Subsection (3) of section 240.4064,  
2 Florida Statutes, is amended to read:

3 240.4064 Critical teacher shortage tuition  
4 reimbursement program.--

5 (3) Participants may receive tuition reimbursement  
6 payments for up to 9 semester hours, or the equivalent in  
7 quarter hours, per year, at a rate not to exceed ~~\$115~~<sup>\$78</sup> per  
8 semester hour, up to a total of 36 semester hours. All  
9 tuition reimbursements shall be contingent on passing an  
10 approved course with a minimum grade of 3.0 or its equivalent.

11 Section 25. Paragraph (a) of subsection (5) and  
12 subsection (6) of section 240.412, Florida Statutes, are  
13 amended to read:

14 240.412 Jose Marti Scholarship Challenge Grant  
15 Program.--

16 (5)(a) In order to be eligible to receive a  
17 scholarship pursuant to this section, an applicant shall:

18 1. Be a Hispanic-American, or a person of Spanish  
19 culture with origins in Mexico, South America, Central  
20 America, or the Caribbean, regardless of race.

21 2. Be a citizen of the United States and meet the  
22 general requirements for student eligibility as provided in s.  
23 240.404, except as otherwise provided in this section.

24 3. Be accepted at a state university or community  
25 college or any Florida college or university accredited by an  
26 accrediting agency recognized by the United States Department  
27 of Education ~~a member of the Commission on Recognition of~~  
28 ~~Postsecondary Accreditation~~ the credits of which are  
29 acceptable without qualification for transfer to state  
30 universities.

31

1           4. Enroll as a full-time undergraduate ~~or graduate~~  
2 student.

3           5. Earn a 3.0 unweighted grade point average on a 4.0  
4 scale, or the equivalent for high school subjects creditable  
5 toward a diploma. ~~If an applicant applies as a graduate~~  
6 ~~student, he or she shall have earned a 3.0 cumulative grade~~  
7 ~~point average for undergraduate college-level courses.~~

8           (6) The annual scholarship to each recipient shall be  
9 \$2,000. Priority in the distribution of scholarships shall be  
10 given to students with the lowest total family resources.  
11 Renewal scholarships shall take precedence over new awards in  
12 any year in which funds are not sufficient to meet the total  
13 need. No undergraduate student shall receive an award for  
14 more than the equivalent of 8 semesters or 12 quarters over a  
15 period of no more than 6 consecutive years, except as  
16 otherwise provided in s. 240.404(3). ~~No graduate student shall~~  
17 ~~receive an award for more than the equivalent of 4 semesters~~  
18 ~~or 6 quarters.~~

19           Section 26. Subsection (2) of section 240.413, Florida  
20 Statutes, is amended to read:

21           240.413 Seminole and Miccosukee Indian Scholarships.--

22           (2) Scholarships shall be awarded by the department to  
23 students who:

24           (a) Have graduated from high school, have earned an  
25 equivalency diploma issued by the Department of Education  
26 pursuant to s. 229.814, have earned an equivalency diploma  
27 issued by the United States Armed Forces Institute, or have  
28 been accepted through an early admission program;

29           (b) Are enrolled at a state university or community  
30 college authorized by Florida law; a nursing diploma school  
31 approved by the Board of Nursing; any Florida college,

1 university, or community college which is accredited by an  
2 accrediting agency recognized by the United States Department  
3 of Education ~~a member of the Commission on Recognition of~~  
4 ~~Postsecondary Accreditation~~; or any Florida institution the  
5 credits of which are acceptable for transfer to state  
6 universities;

7 (c) Are enrolled as either full-time or part-time  
8 undergraduate or graduate students and make satisfactory  
9 academic progress as defined by the college or university;

10 (d) Have been recommended by the Seminole Tribe of  
11 Florida or the Miccosukee Tribe of Indians of Florida; and

12 (e) Meet the general requirements for student  
13 eligibility as provided in s. 240.404, except as otherwise  
14 provided in this section.

15 Section 27. Subsection (6) of section 240.437, Florida  
16 Statutes, is amended to read:

17 240.437 Student financial aid planning and  
18 development.--

19 (6) Any ~~Effective July 1, 1992, all new and existing~~  
20 financial assistance programs authorized by state law that are  
21 administered by the Bureau of Student Financial Assistance of  
22 the Department of Education, and that ~~under this part which~~  
23 are not funded for 3 consecutive years after enactment shall  
24 stand repealed. Financial aid programs provided under this  
25 part on July 1, 1992, which lose funding for 3 consecutive  
26 years shall stand repealed. The Bureau ~~Office~~ of Student  
27 Financial Assistance of the Department of Education shall  
28 annually review the legislative appropriation of financial aid  
29 to identify such programs.

30 Section 28. Subsection (5) of section 240.465, Florida  
31 Statutes, is repealed.

1           Section 29. Subsection (13) of section 240.472,  
2 Florida Statutes, is amended to read:

3           240.472 Definitions.--As used in this act:

4           (13) "Institution" means any college or university  
5 which, by virtue of law or charter, is accredited by an  
6 accrediting agency recognized by the United States Department  
7 of Education ~~and holds membership in the Commission on~~  
8 ~~Recognition of Postsecondary Accreditation;~~ which grants  
9 baccalaureate or associate degrees; which is not a pervasively  
10 sectarian institution; and which does not discriminate in the  
11 admission of students on the basis of race, color, religion,  
12 sex, or creed.

13           Section 30. Subsection (1) of section 295.01, Florida  
14 Statutes, is amended to read:

15           295.01 Children of deceased or disabled veterans;  
16 education.--

17           (1) It is hereby declared to be the policy of the  
18 state to provide educational opportunity at state expense for  
19 dependent children either of whose parents was a resident of  
20 the state at the time such parent entered the Armed Forces,  
21 had been a bona fide resident of the state for 5 years  
22 preceding the child's application for benefits under this  
23 section, and who:

24           (a) Died in that service or from injuries sustained or  
25 disease contracted during a period of wartime service as  
26 defined in s. 1.01(14) or has died since or may hereafter die  
27 from diseases or disability resulting from such war service,  
28 or

29           (b) Participated during a period of wartime service,  
30 as provided for in this chapter, and has been:

31

1           1. Determined by the United States Department of  
2 Veterans Affairs or its predecessor to have a  
3 service-connected 100-percent total and permanent disability  
4 rating for compensation,

5           2. Determined to have a service-connected total and  
6 permanent disability rating of 100 percent and is in receipt  
7 of disability retirement pay from any branch of the United  
8 States Armed Services, or

9           3. Issued a valid identification card by the  
10 Department of Veterans' Affairs in accordance with s. 295.17~~7~~

11  
12 ~~when the parents of such children have been bona fide~~  
13 ~~residents of the state for 5 years next preceding their~~  
14 ~~application for the benefits hereof, and subject to the rules,~~  
15 ~~restrictions, and limitations hereof.~~

16           Section 31. Section 295.02, Florida Statutes, is  
17 amended to read:

18           295.02 Use of funds; age, etc.--

19           (1) All sums appropriated and expended under this  
20 chapter shall be used to pay tuition and registration fees, as  
21 defined by the Department of Education;board;~~7~~and room rent  
22 and to buy books and supplies for the children of:

23           (a) Deceased or disabled veterans or service members,  
24 as defined and limited in s. 295.01, s. 295.016, s. 295.017,  
25 s. 295.018, or s. 295.0195~~7~~, ~~or of~~

26           (b) Parents classified as prisoners of war or missing  
27 in action, as defined and limited in s. 295.015~~7~~.

28           (2) Such children must be ~~who are~~ between the ages of  
29 16 and 22 years~~7~~ and ~~who are~~ in attendance at:

30  
31

1           (a) A state-supported institution of higher learning,  
2 including a community college or vocational-technical school,  
3 or

4           (b) Any postsecondary institution eligible to  
5 participate in the Florida Bright Futures Scholarship program.

6  
7 A student attending an eligible private postsecondary  
8 institution may receive an award equivalent to the average  
9 matriculation and fees calculated for full-time attendance at  
10 a public postsecondary institution at the comparable level.

11 Any child having entered upon a course of training or  
12 education under the provisions of this chapter, consisting of  
13 a course of not more than 4 years, and arriving at the age of  
14 22 years before the completion of such course may continue the  
15 course and receive all benefits of the provisions of this  
16 chapter until the course is completed. The Department of  
17 Education shall administer this educational program subject to  
18 regulations of the department. The State Board of Education is  
19 authorized to adopt rules to implement this program.

20           Section 32. Sections 228.502, 240.40242, and 240.6055,  
21 Florida Statutes, are repealed.

22           Section 33. Paragraph (r) of subsection (1) of section  
23 246.041, Florida Statutes, is amended to read:

24           246.041 Powers and duties of board.--

25           (1) The board shall:

26           (r) Provide information and documentation on an annual  
27 basis to the Office of Student Financial Assistance of the  
28 Department of Education regarding the requirements set forth  
29 for nonpublic colleges in s. 240.605, relating to William L.  
30 Boyd, IV, Florida resident access grants, ~~s. 240.6055,~~  
31 ~~relating to access grants for community college graduates, and~~



1 s. 240.609, relating to Florida postsecondary endowment  
2 grants.

3 Section 34. Section 240.409, Florida Statutes, is  
4 amended to read:

5 240.409 Florida Public Student Assistance Grant  
6 Program; eligibility for grants.--

7 (1) There is hereby created a Florida Public Student  
8 Assistance Grant Program. The program shall be administered by  
9 the participating institutions in accordance with rules of the  
10 state board.

11 (2) The department is directed to establish an initial  
12 application deadline for funds administered pursuant to this  
13 section.

14 (3) Using the priorities established in this section  
15 and in s. 240.4099, institutions shall first award funds  
16 administered pursuant to this section to students who meet the  
17 initial application deadline established pursuant to  
18 subsection (2). An institution may, at its discretion, award  
19 any remaining funds from this program to students who apply  
20 after the deadline date and who are otherwise eligible  
21 pursuant to this section.

22 (4)(2)(a) State student assistance grants through the  
23 program may be made only to ~~full-time~~ degree-seeking students  
24 who enroll in at least 6 semester hours, or the equivalent,  
25 per term and who meet the general requirements for student  
26 eligibility as provided in s. 240.404, except as otherwise  
27 provided in this section. Such grants shall be awarded  
28 annually for the amount of demonstrated unmet need for the  
29 cost of education and may not exceed an amount equal to the  
30 average prior academic year cost of matriculation fees and  
31 other registration fees for 30 credit hours at state

1 universities or such other amount as specified in the General  
2 Appropriations Act, to any recipient. A demonstrated unmet  
3 need of less than \$200 shall render the applicant ineligible  
4 for a state student assistance grant. Recipients of such  
5 grants must have been accepted at a state university or  
6 community college authorized by Florida law. No student may  
7 receive an award for more than the equivalent of 9 semesters  
8 or 14 quarters of full-time enrollment, except as otherwise  
9 provided in s. 240.404(3).

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

15 (c) Priority in the distribution of grant moneys shall  
16 be given to students with the lowest total family resources,  
17 in accordance with a nationally recognized system of need  
18 analysis. Using the system of need analysis, the department  
19 shall establish a maximum expected family contribution. An  
20 institution may not make a grant from this program to a  
21 student whose expected family contribution exceeds the level  
22 established by the department. An institution may not impose  
23 additional criteria to determine a student's eligibility to  
24 receive a grant award.

25 (d) Each participating institution shall report, to  
26 the department by the established date, the eligible students  
27 to whom grant moneys are disbursed each academic term and  
28 indicate whether or not the student met the application  
29 deadline established pursuant to subsection (2). Each  
30 institution shall also report to the department necessary  
31 demographic and eligibility data for such students.

1           ~~(5)(3)~~ Based on the unmet financial need of an  
2 eligible applicant, the amount of a Florida public student  
3 assistance grant must be between \$200 and the weighted average  
4 of the cost of matriculation and other registration fees for  
5 30 credit hours at state universities per academic year or the  
6 amount specified in the General Appropriations Act.

7           ~~(6)(4)~~(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 to award  
15 recipients who met the application deadline, the number of  
16 ~~full-time~~ eligible applicants who met the application deadline  
17 who did not receive awards, the standardization of the  
18 expected family contribution, and provisions for unused funds.

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

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

1 (d) Institutions shall certify to the department the  
2 amount of funds disbursed to each student and shall remit to  
3 the department any undisbursed advances by June 1 of each  
4 year.

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

13 ~~(8)(6)~~ The State Board of Education shall establish  
14 rules necessary to implement this section.

15 Section 35. Section 240.4095, Florida Statutes, is  
16 amended to read:

17 240.4095 Florida Private Student Assistance Grant  
18 Program; eligibility for grants.--

19 (1) There is hereby created a Florida Private Student  
20 Assistance Grant Program. The program shall be administered by  
21 the participating institutions in accordance with rules of the  
22 state board.

23 (2) The department is directed to establish an initial  
24 application deadline for funds administered pursuant to this  
25 section.

26 (3) Using the priorities established in this section  
27 and in s. 240.4099, institutions shall first award funds  
28 administered pursuant to this section to students who meet the  
29 initial application deadline established pursuant to  
30 subsection (2). An institution may, at its discretion, award  
31 any remaining funds from this program to students who apply

1 after the deadline date and who are otherwise eligible  
2 pursuant to this section.

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

25       (b) A student applying for a Florida private student  
26 assistance grant shall be required to apply for the Pell  
27 Grant. The Pell Grant entitlement shall be considered when  
28 conducting an assessment of the financial resources available  
29 to each student.

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

1 in accordance with a nationally recognized system of need  
2 analysis. Using the system of need analysis, the department  
3 shall establish a maximum expected family contribution. An  
4 institution may not make a grant from this program to a  
5 student whose expected family contribution exceeds the level  
6 established by the department. An institution may not impose  
7 additional criteria to determine a student's eligibility to  
8 receive a grant award.

9 (d) Each participating institution shall report, to  
10 the department by the established date, the eligible students  
11 to whom grant moneys are disbursed each academic term and  
12 indicate whether or not the student met the application  
13 deadline established pursuant to subsection (2). Each  
14 institution shall also report to the department necessary  
15 demographic and eligibility data for such students.

16 (5)~~(3)~~ Based on the unmet financial need of an  
17 eligible applicant, the amount of a Florida private student  
18 assistance grant must be between \$200 and the average cost of  
19 matriculation and other registration fees for 30 credit hours  
20 at state universities plus \$1,000 per academic year or the  
21 amount specified in the General Appropriations Act.

22 (6)~~(4)~~(a) The funds appropriated for the Florida  
23 Private Student Assistance Grant shall be distributed to  
24 eligible institutions in accordance with a formula recommended  
25 by the Department of Education's Florida Council of Student  
26 Financial Aid Advisors and reviewed by the Postsecondary  
27 Education Planning Commission and the Independent Colleges and  
28 Universities of Florida. The formula shall consider at least  
29 the prior year's distribution of funds to award recipients who  
30 met the application deadline, the number of ~~full-time~~ eligible  
31 applicants who met the application deadline who did not

1 receive awards, the standardization of the expected family  
2 contribution, and provisions for unused funds.

3 (b) Payment of Florida private student assistance  
4 grants shall be transmitted to the president of the college or  
5 university, or to his or her representative, in advance of the  
6 registration period. Institutions shall notify students of the  
7 amount of their awards.

8 (c) The eligibility status of each student to receive  
9 a disbursement shall be determined by each institution as of  
10 the end of its regular registration period, inclusive of a  
11 drop-add period. Institutions shall not be required to  
12 reevaluate a student's eligibility status after this date for  
13 purposes of changing eligibility determinations previously  
14 made.

15 (d) Institutions shall certify to the department the  
16 amount of funds disbursed to each student, indicate whether or  
17 not the student met the application deadline established  
18 pursuant to subsection (2), and shall remit to the department  
19 any undisbursed advances by June 1 of each year.

20 (e) Each institution that receives moneys through the  
21 Florida Private Student Assistance Grant Program shall cause  
22 to be prepared a biennial report that includes an independent  
23 external audit of the institution's administration of the  
24 program and a complete accounting of moneys in the State  
25 Student Financial Assistance Trust Fund allocated to the  
26 institution for the program. Such report shall be submitted to  
27 the department on or before March 1 every other year. The  
28 department may conduct its own annual or biennial audit of an  
29 institution's administration of the program and its allocated  
30 funds in lieu of the required biennial report and independent  
31 external audit. The department may suspend or revoke an

1 institution's eligibility to receive future moneys from the  
2 trust fund for the program or request a refund of any moneys  
3 overpaid to the institution through the trust fund for the  
4 program if the department finds that an institution has not  
5 complied with the provisions of this section. Any refund  
6 requested pursuant to this paragraph shall be remitted within  
7 60 days.

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

17 ~~(8)(6)~~ The State Board of Education shall adopt rules  
18 necessary to implement this section.

19 Section 36. Section 240.4097, Florida Statutes, is  
20 amended to read:

21 240.4097 Florida Postsecondary Student Assistance  
22 Grant Program; eligibility for grants.--

23 (1) There is hereby created a Florida Postsecondary  
24 Student Assistance Grant Program. The program shall be  
25 administered by the participating institutions in accordance  
26 with rules of the state board.

27 (2) The department is directed to establish an initial  
28 application deadline for funds administered pursuant to this  
29 section.

30 (3) Using the priorities established in this section  
31 and s. 240.4099, institutions shall first award funds



1 administered pursuant to this section to students who meet the  
2 initial application deadline established pursuant to  
3 subsection (2). An institution may, at its discretion, award  
4 any remaining funds from this program to students who apply  
5 after the deadline date and who are otherwise eligible  
6 pursuant to this section.

7 (4)(a) Florida postsecondary student assistance grants  
8 through the State Student Financial Assistance Trust Fund may  
9 be made only to ~~full-time~~ degree-seeking students who enroll  
10 in at least 6 semester hours, or the equivalent, per term and  
11 who meet the general requirements for student eligibility as  
12 provided in s. 240.404, except as otherwise provided in this  
13 section. Such grants shall be awarded for the amount of  
14 demonstrated unmet need for tuition and fees and may not  
15 exceed an amount equal to the average prior academic year cost  
16 of matriculation and other registration fees for 30 credit  
17 hours at state universities plus \$1,000 per academic year, or  
18 as specified in the General Appropriations Act, to any  
19 applicant. A demonstrated unmet need of less than \$200 shall  
20 render the applicant ineligible for a Florida postsecondary  
21 student assistance grant. Recipients of such grants must have  
22 been accepted at a postsecondary institution that is located  
23 in the state and that is:

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

26 2. An institution either licensed by the State Board  
27 of Independent Colleges and Universities or exempt from  
28 licensure pursuant to s. 246.085(1)(a), excluding those  
29 institutions the students of which are eligible to receive a  
30 Florida private student assistance grant pursuant to s.  
31 240.4095.

1  
2 No student may receive an award for more than the equivalent  
3 of 9 semesters or 14 quarters of full-time enrollment, except  
4 as otherwise provided in s. 240.404(3).

5 (b) A student applying for a Florida postsecondary  
6 student assistance grant shall be required to apply for the  
7 Pell Grant. The Pell Grant entitlement shall be considered  
8 when conducting an assessment of the financial resources  
9 available to each student.

10 (c) Priority in the distribution of grant moneys shall  
11 be given to students with the lowest total family resources,  
12 in accordance with a nationally recognized system of need  
13 analysis. Using the system of need analysis, the department  
14 shall establish a maximum expected family contribution. An  
15 institution may not make a grant from this program to a  
16 student whose expected family contribution exceeds the level  
17 established by the department. An institution may not impose  
18 additional criteria to determine a student's eligibility to  
19 receive a grant award.

20 (d) Each participating institution shall report, to  
21 the department by the established date, the eligible students  
22 to whom grant moneys are disbursed each academic term and  
23 indicate whether or not the student met the application  
24 deadline established pursuant to subsection (2). Each  
25 institution shall also report to the department necessary  
26 demographic and eligibility data for such students.

27 ~~(5)(3)~~ Based on the unmet financial need of an  
28 eligible applicant, the amount of a Florida postsecondary  
29 student assistance grant must be between \$200 and the average  
30 cost of matriculation and other registration fees for 30  
31 credit hours at state universities plus \$1,000 per academic

1 year or the amount specified in the General Appropriations  
2 Act.

3 (6)~~(4)~~(a) The funds appropriated for the Florida  
4 Postsecondary Student Assistance Grant shall be distributed to  
5 eligible institutions in accordance with a formula recommended  
6 by the Department of Education's Florida Council of Student  
7 Financial Aid Advisors and reviewed by the Postsecondary  
8 Education Planning Commission and the Florida Association of  
9 Postsecondary Schools and Colleges. The formula shall consider  
10 at least the prior year's distribution of funds to award  
11 recipients who met the application deadline, the number of  
12 ~~full-time~~ eligible applicants who met the application deadline  
13 who did not receive awards, the standardization of the  
14 expected family contribution, and provisions for unused funds.

15 (b) Payment of Florida postsecondary student  
16 assistance grants shall be transmitted to the president of the  
17 eligible institution, or to his or her representative, in  
18 advance of the registration period. Institutions shall notify  
19 students of the amount of their awards.

20 (c) The eligibility status of each student to receive  
21 a disbursement shall be determined by each institution as of  
22 the end of its regular registration period, inclusive of a  
23 drop-add period. Institutions shall not be required to  
24 reevaluate a student's eligibility status after this date for  
25 purposes of changing eligibility determinations previously  
26 made.

27 (d) Institutions shall certify to the department the  
28 amount of funds disbursed to each student, indicate whether or  
29 not the student met the application deadline established  
30 pursuant to subsection (2), and shall remit to the department  
31 any undisbursed advances by June 1 of each year.

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

20           ~~(7)(5)~~ Any institution that was eligible to receive  
21 state student assistance grants on January 1, 1989, and that  
22 is not eligible to receive grants pursuant to s. 240.4095 is  
23 eligible to receive grants pursuant to this section.

24           ~~(8)(6)~~ Funds appropriated by the Legislature for  
25 Florida postsecondary student assistance grants shall be  
26 deposited in the State Student Financial Assistance Trust  
27 Fund. Notwithstanding the provisions of s. 216.301 and  
28 pursuant to s. 216.351, any balance in the trust fund at the  
29 end of any fiscal year that has been allocated to the Florida  
30 Postsecondary Student Assistance Grant Program shall remain  
31

1 therein and shall be available for carrying out the purposes  
2 of this section and as otherwise provided by law.

3 ~~(9)(7)~~ The State Board of Education shall adopt rules  
4 necessary to implement this section.

5 Section 37. Section 240.4099, Florida Statutes, is  
6 created to read:

7 240.4099 Florida student assistance grant programs;  
8 priority for receiving grants.--In addition to priorities and  
9 criteria for the distribution of Florida student assistance  
10 grant program funds established in ss. 240.409, 240.4095, and  
11 240.4097, priority in the distribution of grant money to  
12 eligible initial applicants shall be given in the following  
13 order:

14 (1) To full-time students with financial need who  
15 graduate from Florida public high schools, who have completed  
16 the high school courses that are adopted by the Board of  
17 Regents and recommended by the State Board of Community  
18 Colleges as college-preparatory courses, and who rank in the  
19 top 20 percent of their high school graduating class. Class  
20 rank shall be determined by the Department of Education.

21 (2) To other full-time students with financial need.

22 (3) To part-time students with financial need, if  
23 funds are remaining. However, awards to full-time students are  
24 not to be reduced to accomplish this purpose.

25 Section 38. Subsection (3) of section 240.404, Florida  
26 Statutes, is amended to read:

27 240.404 General requirements for student eligibility  
28 for state financial aid.--

29 (3) Undergraduate students shall be eligible to  
30 receive financial aid for a maximum of 110 percent of the  
31 number of credit hours required to complete the program, up to

1 a maximum of 132 credit hours, or the equivalent 8 semesters  
2 or 12 quarters. However, undergraduate students participating  
3 in college-preparatory instruction, students requiring  
4 additional time to complete the college-level communication  
5 and computation skills testing programs, or students enrolled  
6 in a 5-year undergraduate degree program shall be eligible to  
7 receive financial aid for a maximum of 10 semesters or 15  
8 quarters.

9           Section 39. The Division of Statutory Revision of the  
10 Office of Legislative Services is directed to prepare a  
11 reviser's bill for introduction at the 2001 Regular Session of  
12 the Legislature to change "Florida Merit Scholarship" to  
13 "Florida Medallion Scholarship" and to change "Florida Merit  
14 Scholar" to "Florida Medallion Scholar," effective for the  
15 2002-2003 school year.

16           Section 40. Short title.--Sections 40-69 of this act  
17 may be referred to as the "Higher Educational Facilities  
18 Financing Act."

19           Section 41. Findings and declarations.--It is declared  
20 that for the benefit of the people of the state, the increase  
21 of their commerce, welfare, and prosperity, and the  
22 improvement of their health and living conditions, it is  
23 essential that this and future generations of youth be given  
24 the fullest opportunity to learn and to develop their  
25 intellectual and mental capacities; that it is essential for  
26 private institutions of higher education in the state to be  
27 provided with appropriate additional means to assist such  
28 youth in achieving the required levels of learning and  
29 development of their intellectual and mental capacities; that  
30 it is the purpose of this act to provide a measure of  
31 assistance and an alternative method enabling private

1 institutions of higher education of this state to provide the  
2 facilities and structures that are sorely needed to accomplish  
3 the purposes of this act; and that it is essential to provide  
4 additional assistance to private institutions of higher  
5 education by enabling those institutions to coordinate their  
6 budgetary needs with the timing of receipt of tuition  
7 revenues.

8 Section 42. Definitions.--As used in this act, the  
9 term:

10 (1) "Authority" or "educational facilities authority"  
11 means the public corporation created by this act.

12 (2) "Real property" includes all lands, including  
13 improvements and fixtures thereon, and any such property  
14 appurtenant thereto, or used in connection therewith and every  
15 estate, interest and right, legal or equitable, therein,  
16 including terms for years and liens by way of judgment,  
17 mortgage, or otherwise and the indebtedness secured by such  
18 liens. This definition does not affect the classification of  
19 property as real property or tangible personal property for  
20 purposes of ad valorem taxation under chapters 192 and 193,  
21 Florida Statutes, or sales and use taxation under chapter 212,  
22 Florida Statutes.

23 (3) "Project" means a structure suitable for use as a  
24 dormitory or other housing facility, dining hall, student  
25 union, administration building, academic building, library,  
26 laboratory, research facility, classroom, athletic facility,  
27 health care facility, and maintenance, storage, or utility  
28 facility, and other structures or facilities related thereto,  
29 or required thereby, or required or useful for the instruction  
30 of students, or the conducting of research, or the operation  
31 of an institution of higher education, including parking and

1 other facilities or structures, essential for the orderly  
2 conduct of an institution of higher education and shall also  
3 include equipment and machinery and other similar items  
4 necessary for the operation of a particular facility or  
5 structure in the manner for which its use is intended, but the  
6 term does not include such items as books, fuel, supplies, or  
7 other items that are customarily considered to result in a  
8 current operating charge. The term also includes a loan in  
9 anticipation of tuition revenues by a private institution of  
10 higher education.

11 (4) "Cost," as applied to a project or any portion  
12 thereof financed under this act, embraces all or any part of  
13 the cost of construction and acquisition of all lands,  
14 structures, real or personal property, rights, rights-of-way,  
15 franchises, easements, and interests acquired or used for a  
16 project, the cost of demolishing or removing any buildings or  
17 structures on land so acquired, including the cost of  
18 acquiring any lands to which the buildings or structures may  
19 be removed, the cost of all machinery and equipment, financing  
20 charges, interest before, during, and for a period of 30  
21 months after completion of the construction, provisions for  
22 working capital, reserves for principal, interest and rebate,  
23 and for extensions, enlargements, additions and improvements,  
24 cost of engineering, financial and legal services, plans,  
25 specifications, studies, surveys, estimates of cost and of  
26 revenues, administrative expenses, expenses necessary to  
27 determining the feasibility or practicability of constructing  
28 the project and other expenses as may be necessary to the  
29 construction and acquisition of the project, the financing of  
30 the construction and acquisition and the placing of the  
31 project in operation. In the case of a loan in anticipation of



1 tuition revenues, the term "cost" means the amount of the loan  
2 in anticipation of revenues which does not exceed the amount  
3 of tuition revenues anticipated to be received by the  
4 borrowing institution of higher education in the 1-year period  
5 following the date of the loan, plus costs related to the  
6 issuance of the loans, or bonds, the proceeds of which fund  
7 the loans, and any related cost of debt service reserve funds  
8 and rebate associated therewith.

9 (5) "Bond" or "revenue bond" means a revenue bond of  
10 the authority issued under this act, including a revenue  
11 refunding bond, notwithstanding that it may be secured by  
12 mortgage or the full faith and credit of a participating  
13 institution of higher education or any other lawfully pledged  
14 security of a participating institution of higher education.

15 (6) "Institution of higher education" means an  
16 educational institution that by virtue of law or charter is a  
17 nonprofit educational institution empowered to provide a  
18 project of education beyond the high school level; is not  
19 owned or controlled by the state or any political subdivision,  
20 agency, instrumentality, district, or municipality of the  
21 state; and otherwise meets the requirements of section 196.012  
22 (5), Florida Statutes.

23 (7) "Participating institution" means an institution  
24 of higher education that undertakes the financing and  
25 construction or acquisition of a project or undertakes the  
26 refunding or refinancing of obligations or of a mortgage or of  
27 advances as provided in and permitted by this act.

28 (8) "Loan in anticipation of tuition revenues" means a  
29 loan to an institution of higher education under circumstances  
30 in which tuition revenues anticipated to be received by the  
31 institution in any budget year are estimated to be

1 insufficient at any time during the budget year to pay the  
2 operating expenses or other obligations of the institution in  
3 accordance with the budget of the institution.

4 Section 43. Creation of Higher Educational Facilities  
5 Financing Authority.--

6 (1) There is created a public body corporate and  
7 politic to be known as the Higher Educational Facilities  
8 Financing Authority. The authority is constituted as a public  
9 instrumentality and the exercise by the authority of the  
10 powers conferred by this act is considered to be the  
11 performance of an essential public function. Chapters 119 and  
12 286, Florida Statutes, shall apply to the authority.

13 (2) The authority shall consist of five members to be  
14 appointed by the Governor, subject to confirmation by the  
15 Senate. One member shall be a trustee, director, officer, or  
16 employee of an institution of higher education. Of the members  
17 first appointed, one shall serve for 1 year, one for 2 years,  
18 one for 3 years, one for 4 years, and one for 5 years, and in  
19 each case until his or her successor is appointed and has  
20 qualified. Thereafter, the Governor shall appoint for terms of  
21 5 years each a member or members to succeed those whose terms  
22 expire. The Governor shall fill any vacancy for an unexpired  
23 term. A member of the authority is eligible for reappointment.  
24 Any member of the authority may be removed by the Governor for  
25 misfeasance, malfeasance, or willful neglect of duty. Each  
26 member of the authority before entering upon his or her duties  
27 shall take and subscribe to the oath or affirmation required  
28 by the State Constitution. A record of each oath must be filed  
29 in the office of the Department of State and with the  
30 authority.

31

1           (3) The authority shall annually elect one of its  
2 members as chair and one as vice chair, and shall also appoint  
3 an executive director who is not a member of the authority and  
4 who serves at the pleasure of the authority and receives  
5 compensation as fixed by the authority. The duties of the  
6 executive director may be discharged under a contract with the  
7 Independent Colleges and Universities of Florida, a  
8 not-for-profit corporation representing the independent  
9 colleges and universities of the state, or any successor  
10 corporation or other such entity providing similar  
11 representation, chosen by the authority, or an agency or other  
12 entity representing independent colleges and universities  
13 providing such services, in which case the entity shall  
14 designate a person to perform those duties.

15           (4) The executive director shall keep a record of the  
16 proceedings of the authority and shall be custodian of all  
17 books, documents, and papers filed with the authority and of  
18 the minute book or journal of the authority and of its  
19 official seal. He or she may cause copies to be made of all  
20 minutes and other records and documents of the authority and  
21 may give certificates under the official seal of the authority  
22 to the effect that the copies are true copies, and all persons  
23 dealing with the authority may rely upon the certificates.

24           (5) A majority of the members of the authority  
25 constitutes a quorum, and the affirmative vote of a majority  
26 of the members present at a meeting of the authority is  
27 necessary for any action taken by the authority. A vacancy in  
28 the membership of the authority may not impair the right of a  
29 quorum to exercise all the rights and perform all the duties  
30 of the authority. Any action taken by the authority under this  
31 act may be authorized by resolution at any regular or special

1 meeting, and each resolution shall take effect immediately and  
2 need not be published or posted.

3 (6) The members of the authority shall receive no  
4 compensation for the performance of their duties, but each  
5 member shall be paid his or her necessary expenses incurred  
6 while engaged in the performance of his or her duties.

7 (7) The authority is assigned to the Department of  
8 Education for administrative purposes.

9 Section 44. Powers of authority.--The purpose of the  
10 authority is to assist institutions of higher education in the  
11 construction, financing, and refinancing of projects  
12 throughout the state and for this purpose the authority may:

13 (1) Exercise all powers granted to corporations under  
14 the Florida Business Corporation Act, chapter 607, Florida  
15 Statutes.

16 (2) Have perpetual succession as a body politic and  
17 corporate and adopt bylaws for the regulation of its affairs  
18 and the conduct of its business.

19 (3) Adopt an official seal and alter the same at its  
20 pleasure.

21 (4) Maintain an office at any place in the state that  
22 it may designate.

23 (5) Sue and be sued in its own name, and plead and be  
24 impleaded.

25 (6) Make and execute financing agreements, leases, as  
26 lessee or as lessor, contracts, deeds, and other instruments  
27 necessary or convenient in the exercise of the powers and  
28 functions of the authority under this act, including contracts  
29 with persons, firms, corporations, federal and state agencies,  
30 and other authorities, which state agencies and other  
31 authorities are hereby authorized to enter into contracts and

1 otherwise cooperate with the authority to facilitate the  
2 financing, construction, leasing, or sale of any project or  
3 the institution of any program; engage in sale-leaseback,  
4 lease-purchase, lease-leaseback, or other undertakings and  
5 provide for the sale of certificates of participation incident  
6 thereto; enter into interlocal agreements in the manner  
7 provided in section 163.01, Florida Statutes.

8 (7) Determine the location and character of any  
9 project to be financed under this act and may:

10 (a) Construct, reconstruct, maintain, repair, operate,  
11 lease as lessee or lessor, and regulate the project;

12 (b) Enter into contracts for any of those purposes;

13 (c) Enter into contracts for the management and  
14 operation of a project; and

15 (d) Designate a participating institution of higher  
16 education as its agent to determine the location and character  
17 of a project undertaken by a participating institution of  
18 higher education under this act and, as the agent of the  
19 authority, construct, reconstruct, maintain, repair, operate,  
20 own, lease as lessee or lessor, and regulate the project, and,  
21 as the agent of the authority, enter into contracts for any of  
22 those purposes, including contracts for the management and  
23 operation of the project.

24 (8) Issue bonds, bond anticipation notes, and other  
25 obligations of the authority for any of its corporate  
26 purposes, including the providing of funds to pay all or any  
27 part of the cost of any project, and to fund or refund the  
28 cost of any project as provided in this act.

29 (9) Generally fix and revise and charge and collect  
30 rates, rents, fees, and charges for the use of and for the  
31 services furnished or to be furnished by a project or any

1 portion thereof and to contract with any person, partnership,  
2 association, or corporation or other body public or private in  
3 respect thereof.

4 (10) Establish rules and regulations for the use of a  
5 project or any portion thereof and designate a participating  
6 institution of higher education as its agent to establish  
7 rules and regulations for the use of a project undertaken by  
8 the participating institution of higher education.

9 (11) Employ consulting engineers, architects,  
10 attorneys, accountants, construction and financial experts,  
11 superintendents, managers, and other employees and agents as  
12 may be necessary in its judgment, and fix their compensation.

13 (12) Receive and accept from any public agency loans  
14 or grants for or in aid of the construction of a project or  
15 any portion thereof, and receive and accept loans, grants,  
16 aid, or contributions from any source of either money,  
17 property, labor, or other things of value, to be held, used,  
18 and applied only for the purposes for which the loans, grants,  
19 aid, and contributions are made.

20 (13) Mortgage any project and the site thereof for the  
21 benefit of the holders of revenue bonds issued to finance  
22 projects or those providing credit for that purpose.

23 (14) Make loans to any participating institution of  
24 higher education for the cost of a project, including a loan  
25 in anticipation of tuition revenues, in accordance with an  
26 agreement between the authority and the participating  
27 institution of higher education; but no loan may exceed the  
28 total cost of the project as determined by the participating  
29 institution of higher education and approved by the authority.

30 (15) Make loans to a participating institution of  
31 higher education to refund outstanding obligations, mortgages,

1 or advances issued, made, or given by the participating  
2 institution of higher education for the cost of a project.

3 (16) Charge to and equitably apportion among  
4 participating institutions of higher education its  
5 administrative costs and expenses incurred in the exercise of  
6 the powers and duties conferred by this act.

7 (17) Contract with an entity representing independent  
8 colleges and universities as its agent to assist the authority  
9 in screening applications of institutions of higher education  
10 for loans under this act and receive any recommendations the  
11 entity may make.

12 (18) Do all things necessary or convenient to carry  
13 out the purposes of this act.

14 Section 45. Payment of expenses.--All expenses  
15 incurred in carrying out this act are payable solely from  
16 funds provided under the authority of this act, and no  
17 liability or obligation may be incurred by the authority  
18 beyond the extent to which moneys have been provided under  
19 this act.

20 Section 46. Acquisition of real property.--The  
21 authority may directly, or by and through a participating  
22 institution of higher education as its agent, acquire by  
23 purchase or lease solely from funds provided under this act,  
24 or by gift or devise, any lands, structures, property, real or  
25 personal, rights, rights-of-way, franchises, easements, and  
26 other interests in lands, including lands lying underwater,  
27 and riparian rights, which are located within or outside the  
28 state as it may consider necessary or convenient for the  
29 construction or operation of a project, upon terms and at  
30 prices as are considered by it to be reasonable and that can  
31 be agreed upon between it and the owner thereof, and to take

1 title thereto in the name of the authority or in the name of a  
2 participating institution of higher education as its agent or  
3 as an owner and borrower.

4 Section 47. Conveyance of title or interest to  
5 participating institutions.--When the principal of and  
6 interest on revenue bonds of the authority issued to finance  
7 the cost of a particular project or projects at a  
8 participating institution of higher education, including any  
9 revenue refunding bonds issued to refund and refinance the  
10 revenue bonds, have been fully paid and retired, or when  
11 adequate provision has been made to pay fully and retire them,  
12 and all other conditions of the resolution or trust agreement  
13 authorizing and securing the revenue bonds have been satisfied  
14 and the lien of the resolution or trust agreement has been  
15 released in accordance with the provisions thereof, the  
16 authority shall promptly execute deeds and conveyances  
17 necessary and required to convey title to the project or  
18 projects to the participating institution of higher education,  
19 free and clear of all liens and encumbrances.

20 Section 48. Criteria and requirements.--In undertaking  
21 any project under this act, the authority shall be guided by  
22 and shall observe the following criteria and requirements;  
23 however, the determination of the authority as to compliance  
24 with the criteria and requirements is final and conclusive:

25 (1) The project, in the determination of the  
26 authority, is appropriate to the needs and circumstances of,  
27 and shall make a significant contribution to the purposes of,  
28 the authority and this act as set forth in the findings and  
29 declarations, and shall serve a public purpose by advancing  
30 the prosperity and general welfare of the state and its  
31 people.



1           (2) A financing agreement for a project may not be  
2 entered into with a participating institution that is not  
3 financially responsible and fully capable of and willing to  
4 fulfill its obligations under the financing agreement,  
5 including the obligations to make payments in the amounts and  
6 at the times required; to operate, repair, and maintain at its  
7 own expense the project owned or leased; and to serve the  
8 purposes of this act and any other responsibilities that may  
9 be imposed under the financing agreement. In determining the  
10 financial responsibility of the participating institution,  
11 consideration must be given to the party's ratio of current  
12 assets to current liabilities; net worth; endowments; pledges;  
13 earning trends; coverage of all fixed charges; the nature of  
14 the project involved; its inherent stability; any guarantee of  
15 the obligations by some other financially responsible  
16 corporation, firm, or person; means by which the bonds are to  
17 be marketed to the public; and other factors determinative of  
18 the capability of the participating institution, financially  
19 and otherwise, to fulfill its obligations consistently with  
20 the purposes of this act. In making findings and  
21 determinations, the authority may rely upon the  
22 recommendations of the entity representing independent  
23 colleges and universities.

24           (3) Adequate provision must be made for the operation,  
25 repair, and maintenance of the project at the expense of the  
26 owner or lessee and for the payment of principal of and  
27 interest on the bonds.

28           (4) The costs to be paid from the proceeds of the  
29 bonds are costs of a project within the meaning of this act,  
30 except for payments included in the purposes for which revenue  
31 refunding bonds may be issued under this act.

1           Section 49. Approval required to issue bonds.--The  
2 authority is created for the purpose of promoting higher  
3 education and issuing bonds on behalf of the state, and the  
4 Governor may approve any bonds issued by the authority which  
5 require approval under federal law.

6           Section 50. Agreements of sale, lease, or loan.--

7           (1) A project financed under this act may not be  
8 operated by the authority or any other governmental agency,  
9 except that the authority may temporarily operate or cause to  
10 be operated all or any part of a project to protect its  
11 interest therein, pending any leasing or sale of the project.

12 A project acquired or constructed by the authority, unless  
13 sold or contracted to be sold, must be leased to one or more  
14 persons, firms, or private corporations for operation and  
15 maintenance in a manner as will effectuate the purposes of  
16 this act, under an agreement of sale, installment sale, lease  
17 or loan, in form and substance not inconsistent herewith. Any  
18 agreement may provide, among other provisions, that:

19           (a) The owner or lessee shall at its own expense  
20 operate, repair, and maintain the project sold or leased  
21 thereunder.

22           (b) The payments or rent payable under the agreement  
23 will in the aggregate be not less than an amount sufficient to  
24 pay all of the interest, principal, and redemption premiums,  
25 if any, on the bonds that will be issued by the authority to  
26 pay the cost of the project sold or leased thereunder.

27           (c) The owner or lessee shall pay all other costs  
28 incurred by the authority in connection with the financing,  
29 construction, and administration of the project sold or  
30 leased, except as may be paid out of the proceeds of bonds or  
31 otherwise, including, but without being limited to, insurance

1 costs, the cost of administering the bond resolution  
2 authorizing the bonds and any trust agreement securing the  
3 bonds, and the fees and expenses of the authority, trustees,  
4 paying agents, attorneys, consultants, and others.

5 (d) The term of an agreement will terminate not  
6 earlier than the date on which all bonds and all other  
7 obligations incurred by the authority in connection with the  
8 project sold or leased thereunder are paid in full, including  
9 interest, principal, and redemption premiums, if any, or on  
10 which adequate funds for payment are deposited in trust.

11 (e) The owner or lessee's obligation to pay payments  
12 or rent is not subject to cancellation, termination, or  
13 abatement until payment of the bonds or provision for payment  
14 is made.

15 (2) An agreement may contain additional provisions  
16 that in the determination of the authority are necessary to  
17 effectuate the purposes of this act, including provisions for  
18 extensions of the term and renewals of the sale or the lease  
19 and vesting in the lessee an option to purchase the project  
20 leased thereunder pursuant to any terms and conditions  
21 consistent with this act that are prescribed in the lease;  
22 however, except as is otherwise expressly stated in the  
23 agreement and except to provide for any contingencies  
24 involving the damaging, destruction, or condemnation of the  
25 project or any substantial portion thereof, an option to  
26 purchase may not be exercised unless all bonds issued for the  
27 project, including all principal, interest, and redemption  
28 premiums, if any, and all other obligations incurred by the  
29 authority in connection with the project have been paid in  
30 full or sufficient funds have been deposited in trust or  
31 sufficient arrangements have been made for payment. However,

1 the purchase price of the project may not be less than an  
2 amount sufficient to pay in full all of the bonds, including  
3 all principal, interest, and redemption premium, if any,  
4 issued for the project then outstanding and all other  
5 obligations incurred by the authority in connection with the  
6 project.

7       Section 51. Notes of authority.--The authority may  
8 issue its negotiable notes for any corporate purpose and renew  
9 any notes by the issuance of new notes, whether the notes to  
10 be renewed have or have not matured. The authority may issue  
11 notes partly to renew notes or to discharge other obligations  
12 then outstanding and partly for any other purpose. The notes  
13 may be authorized, sold, executed, and delivered in the same  
14 manner as bonds. Any resolution authorizing notes of the  
15 authority or any issue thereof may contain any provisions that  
16 the authority is authorized to include in any resolution  
17 authorizing revenue bonds of the authority or any issue  
18 thereof, and the authority may include in any notes any terms,  
19 covenants, or conditions that it is authorized to include in  
20 any bonds. All the notes must be payable solely from the  
21 revenues of the project to be financed, subject only to any  
22 contractual rights of the holders of any of its notes or other  
23 obligations then outstanding.

24       Section 52. Revenue bonds.--

25       (1) The authority may issue its negotiable revenue  
26 bonds for any corporate purpose, including the provision of  
27 funds to pay all or any part of the cost of any project. In  
28 anticipation of the sale of revenue bonds, the authority may  
29 issue negotiable bond anticipation notes and may renew them  
30 from time to time, but the maximum maturity of any note,  
31 including renewals thereof, may not exceed 5 years from the

1 date of issue of the original note. The notes must be paid  
2 from any revenues of the authority available therefor or of  
3 the project and not otherwise pledged, or from the proceeds of  
4 sale of the revenue bonds of the authority in anticipation of  
5 which they were issued. The notes must be issued in the same  
6 manner as the revenue bonds. The notes and the resolution  
7 authorizing them may contain any provisions, conditions, or  
8 limitations that a bond resolution of the authority may  
9 contain.

10 (2) The revenue bonds and notes of every issue must be  
11 payable solely out of revenues of the authority, including the  
12 provision of funds of the participating institution to pay all  
13 or any part of the cost of any project, subject only to any  
14 agreements with the holders of particular revenue bonds or  
15 notes pledging any particular revenues. Notwithstanding that  
16 revenue bonds and notes may be payable from a special fund,  
17 they are for all purposes negotiable instruments, subject only  
18 to the provisions of the revenue bonds and notes for  
19 registration.

20 (3) The revenue bonds may be issued as serial bonds or  
21 as term bonds; or the authority may issue bonds of both types.  
22 The revenue bonds must be authorized by resolution of the  
23 authority; must bear the date of issuance, the date of  
24 maturity, not exceeding 50 years from issuance, and the  
25 interest rate of the bonds, which may be a variable rate,  
26 notwithstanding any limitation in other laws relating to  
27 maximum interest rates; must be payable at a specified time;  
28 must be in specified denominations; must be in specified form,  
29 carry registration privileges, be executed in a specified  
30 manner, be payable in lawful money of the United States at a  
31 specified place, and be subject to the terms of redemption, as

1 the resolution may provide. The revenue bonds or notes may be  
2 sold at public or private sale for the price the authority  
3 determines. Pending preparation of the definitive bonds, the  
4 authority may issue interim receipts or certificates that may  
5 be exchanged for the definitive bonds. In case any officer  
6 whose signature, or a facsimile of whose signature, appears on  
7 any bonds or coupons ceases to be that officer before the  
8 delivery of the bonds, the signature or facsimile is  
9 nevertheless valid and sufficient for all purposes as if he or  
10 she had remained in office until delivery. The authority may  
11 also provide for the authentication of the bonds by a trustee  
12 or fiscal agent. The bonds may be issued in coupon form or in  
13 registered form, or both, as the authority may determine, and  
14 provision may be made for the registration of any coupon bonds  
15 as to principal alone and also as to both principal and  
16 interest; for the reconversion into coupon bonds of any bonds  
17 registered as to both principal and interest; and for the  
18 interchange of registered and coupon bonds. The authority may  
19 sell the bonds either at public or private sale, and for the  
20 price it determines will best effectuate the purpose of this  
21 act, notwithstanding any limitation in other laws relating to  
22 the maximum interest rate permitted for bonds or limitations  
23 on the manner by which bonds are sold.

24 (4) Any resolution authorizing any revenue bonds may  
25 contain provisions, which are a part of the contract with the  
26 holders of the revenue bonds to be authorized, as to:

27 (a) Pledging of all or any part of the revenues of a  
28 project or any revenue-producing contract made by the  
29 authority with any individual, partnership, corporation, or  
30 association or other body, public or private, to secure the  
31 payment of the revenue bonds or of any particular issue of

1 revenue bonds, subject to any agreements with bondholders as  
2 may then exist.

3 (b) The rentals, fees, and other charges to be  
4 charged, and the amounts to be raised in each year thereby,  
5 and the use and disposition of the revenues.

6 (c) The setting aside of reserves or sinking funds and  
7 the regulation and disposition thereof.

8 (d) Limitations on the right of the authority or its  
9 agent to restrict and regulate the use of the project.

10 (e) Limitations on the purpose to which the proceeds  
11 of sale of any issue of revenue bonds then or thereafter to be  
12 issued may be applied and pledging the proceeds to secure the  
13 payment of the revenue bonds or any issue of the revenue  
14 bonds.

15 (f) Limitations on the issuance of additional bonds,  
16 the terms upon which additional bonds may be issued and  
17 secured, and the refunding of outstanding bonds.

18 (g) The procedure, if any, by which the terms of any  
19 contract with bondholders may be amended or abrogated,  
20 including the amount of bonds the holders of which must  
21 consent thereto and the manner in which consent may be given.

22 (h) Limitations on the amount of moneys derived from  
23 the project to be expended for operating, administrative, or  
24 other expenses of the authority.

25 (i) The acts or omissions to act that constitute a  
26 default in the duties of the authority to holders of its  
27 obligations and providing the rights and remedies of the  
28 holders in the event of a default.

29 (j) The mortgaging of or granting of a security  
30 interest in the project or the site thereof for the purpose of  
31 securing the bondholders.

1           (5) Neither the members of the authority nor any  
2 person executing the revenue bonds or notes is liable  
3 personally on the revenue bonds or notes or is subject to any  
4 personal liability or accountability by reason of the issuance  
5 thereof.

6           (6) The authority may purchase its bonds or notes out  
7 of any funds available therefor. The authority may hold,  
8 pledge, cancel, or resell the bonds, subject to and in  
9 accordance with agreements with bondholders.

10           (7) Incident to its powers to issue bonds and notes,  
11 the authority may enter into interest rate swap agreements,  
12 collars, caps, forward securities purchase agreements, delayed  
13 delivery bond purchase agreements, and any other financial  
14 agreements considered to be in the best interest of the  
15 authority.

16           (8) Bonds may be issued under this act without  
17 obtaining, except as otherwise expressly provided in this act,  
18 the consent of any department, division, commission, board,  
19 body, bureau, or agency of the state or any local government,  
20 and without any other proceedings or the happening of any  
21 conditions or things other than those proceedings, conditions,  
22 or things that are specifically required by this act and the  
23 resolution authorizing the issuance of bonds or the trust  
24 agreement securing them.

25           Section 53. Authority reporting requirement.--

26           (1) Any authority that issues any revenue bonds under  
27 this act shall supply the Division of Bond Finance of the  
28 State Board of Administration with a copy of the report  
29 required in s. 103 of the Internal Revenue Code of 1954, as  
30 amended, at the times required under that section.

31



1           (2) The Division of Bond Finance shall, upon receipt,  
2 provide a copy of the information supplied under subsection  
3 (1) to the Department of Education.

4           Section 54. Covenants.--Any resolution authorizing the  
5 issuance of bonds may contain any covenants the authority  
6 considers advisable, including those provisions set forth in  
7 section 13(4), and all those covenants constitute valid and  
8 legally binding and enforceable contracts between the  
9 authority and the bondholders, regardless of the time of  
10 issuance thereof. The covenants may include, without  
11 limitation, covenants concerning the disposition of the bond  
12 proceeds, the use and disposition of project revenues, the  
13 pledging of revenues and assessments, the obligations of the  
14 authority with respect to the operation of the project and the  
15 maintenance of adequate project revenues, the issuance of  
16 additional bonds, the appointment, powers, and duties of  
17 trustees and receivers, the acquisition of outstanding bonds  
18 and obligations, restrictions on the establishing of competing  
19 projects or facilities, restrictions on the sale or disposal  
20 of the assets and property of the authority, the maintenance  
21 of deposits to assure the payment of the bonds issued  
22 hereunder, acceleration upon default, the execution of  
23 necessary instruments, the procedure for amending or  
24 abrogating covenants with the bondholders, and any other  
25 covenants considered necessary for the security of the  
26 bondholders.

27           Section 55. Validity of bonds; validation  
28 proceedings.--Any bonds issued by the authority are  
29 incontestable in the hands of bona fide purchasers or holders  
30 for value and are not invalid because of any irregularity or  
31 defect in the proceedings for the issue and sale thereof.

1 Before the issuance of any bonds, the authority shall publish  
2 a notice at least once in a newspaper or newspapers published  
3 or of general circulation in the county or counties in the  
4 state in which the project will be located, stating the date  
5 of adoption of the resolution authorizing the obligations, the  
6 amount, maximum rate of interest, and maturity of the  
7 obligations, and the purpose in general terms for which the  
8 obligations are to be issued, and further stating that no  
9 action or proceeding questioning the validity of the  
10 obligations or of the proceedings authorizing the issuance  
11 thereof, or of any covenants made therein, must be instituted  
12 within 20 days after the first publication of the notice, or  
13 the validity of the obligations, proceedings, and covenants  
14 may not be thereafter questioned in any court. If no action or  
15 proceeding is instituted within the 20-day period, then the  
16 validity of the obligations, proceedings, and covenants is  
17 conclusive, and all persons or parties whatsoever are forever  
18 barred from questioning the validity of the obligations,  
19 proceedings, or covenants in any court. Notwithstanding this  
20 section, the bonds, notes, or other obligations issued by the  
21 authority and the obligations of any participating  
22 institution, or others providing credit for the obligations,  
23 who may be before the jurisdiction of the court, must be  
24 validated in the manner provided by chapter 75, Florida  
25 Statutes, and the jurisdiction of the action may be in the  
26 jurisdiction of the circuit court where the project is to be  
27 located, or in the discretion of the authority, in the county  
28 seat of state government.

29       Section 56. Act furnishes full authority for issuance  
30 of bonds.--This act constitutes full authority for the  
31 issuance of bonds and the exercise of the powers of the

1 authority provided in this act. Any bonds issued by the  
2 authority are not secured by the full faith and credit of the  
3 state and do not constitute an obligation, either general or  
4 special, of the state.

5       Section 57. Security of bondholders.--In the  
6 discretion of the authority any revenue bonds issued under  
7 this act may be secured by a trust agreement by and between  
8 the authority and a corporate trustee or trustees, which may  
9 be any trust company or bank having the powers of a trust  
10 company within or without the state. The trust agreement or  
11 the resolution providing for the issuance of revenue bonds may  
12 pledge or assign the revenues to be received or the proceeds  
13 of any contract or contracts pledged and may convey or  
14 mortgage the project or any portion thereof. The trust  
15 agreement or resolution providing for the issuance of revenue  
16 bonds may contain provisions for protecting and enforcing the  
17 rights and remedies of the bondholders as may be reasonable  
18 and proper and not in violation of law, including particularly  
19 those provisions specifically authorized by this act to be  
20 included in any resolution of the authority authorizing  
21 revenue bonds. Any bank or trust company incorporated under  
22 the laws of this state or of any other state or the United  
23 States which may legally act as depository of the proceeds of  
24 bonds or of revenues or other moneys or security may furnish  
25 indemnifying bonds or pledge securities required by the  
26 authority, if any. Any trust agreement may set forth the  
27 rights and remedies of the bondholders and of the trustee or  
28 trustees, and may restrict the individual right of action by  
29 bondholders. In addition any trust agreement or resolution may  
30 contain any other provisions the authority may consider  
31 reasonable and proper for the security of the bondholders. All

1 expenses incurred in carrying out the trust agreement or  
2 resolution may be treated as a part of the cost of the  
3 operation of a project.

4           Section 58. Payment of bonds.--Revenue bonds issued  
5 under this act may not be considered to constitute a debt or  
6 liability of the authority, any municipality, the state or any  
7 political subdivision thereof or a pledge of the faith and  
8 credit of the state, of the authority, of any municipality or  
9 of any political subdivision, but are payable solely from  
10 revenues of the authority pertaining to the project relating  
11 to the issue; payments by participating institutions of higher  
12 education, banks, insurance companies, or others under letters  
13 of credit or purchase agreements; investment earnings from  
14 funds or accounts maintained under the bond resolution;  
15 insurance proceeds; loan funding deposits; proceeds of sales  
16 of education loans; proceeds of refunding obligations; and  
17 fees, charges, and other revenues of the authority from the  
18 project. All revenue bonds must contain on the face thereof a  
19 statement to the effect that neither the authority, any  
20 municipality, the state, nor any political subdivision thereof  
21 is obligated to pay the bond or the interest thereon except  
22 from revenues of the project or the portion thereof for which  
23 they are issued, and that neither the faith and credit nor the  
24 taxing power of the authority, any municipality, the state, or  
25 any political subdivision thereof is pledged to the payment of  
26 the principal of or the interest on the bonds. The issuance of  
27 revenue bonds under this act may not directly or indirectly or  
28 contingently obligate the authority, any municipality, the  
29 state, or any political subdivision thereof to levy or to  
30 pledge any form of taxation therefor or to make any  
31 appropriation for their payment.

1           Section 59. Rates, rents, fees, and charges.--  
2           (1) The authority may fix, revise, charge, and collect  
3 rates, rents, fees, and charges for the use of and for the  
4 services furnished or to be furnished by each project and may  
5 contract with any person, partnership, association or  
6 corporation, or other body, public or private, in respect  
7 thereof. The rates, rents, fees, and charges must be fixed and  
8 adjusted in respect of the aggregate of rates, rents, fees,  
9 and charges from the project so as to provide funds sufficient  
10 with other revenues, if any:  
11           (a) To pay the cost of maintaining, repairing, and  
12 operating the project and each portion thereof, to the extent  
13 that the payment of the cost has not otherwise been adequately  
14 provided for.  
15           (b) To pay the principal of and the interest on  
16 outstanding revenue bonds of the authority issued in respect  
17 of the project as the bonds become due and payable.  
18           (c) To create and maintain reserves required or  
19 provided for in any resolution authorizing, or trust agreement  
20 securing, the revenue bonds of the authority. The rates,  
21 rents, fees, and charges are not subject to supervision or  
22 regulation by any department, commission, board, body, bureau,  
23 or agency of this state other than the authority.  
24           (2) A sufficient amount of the revenues derived in  
25 respect of a project, except the part of the revenues  
26 necessary to pay the cost of maintenance, repair, and  
27 operation and to provide reserves and for renewals,  
28 replacements, extensions, enlargements, and improvements  
29 provided for in the resolution authorizing the issuance of any  
30 revenue bonds of the authority or in the trust agreement  
31 securing them must be set aside at regular intervals as

1 provided in the resolution or trust agreement in a sinking or  
2 other similar fund that is hereby pledged to, and charged  
3 with, the payment of the principal of and the interest on the  
4 revenue bonds as they become due and the redemption price or  
5 the purchase price of bonds retired by call or purchase as  
6 therein provided. The pledge must be valid and binding from  
7 the time when the pledge is made; the rates, rents, fees,  
8 charges, and other revenues or other moneys so pledged and  
9 thereafter received by the authority must immediately be  
10 subject to the lien of the pledge without any physical  
11 delivery thereof or further act, and the lien of any pledge is  
12 valid and binding as against all parties having claims of any  
13 kind in tort, contract, or otherwise against the authority,  
14 irrespective of whether the parties have notice thereof.  
15 Neither the resolution nor any trust agreement by which a  
16 pledge is created need be filed or recorded except in the  
17 records of the authority.

18 (3) The use and disposition of moneys to the credit of  
19 a sinking or other similar fund must be subject to the  
20 resolution authorizing the issuance of the bonds or of the  
21 trust agreement. Except as may otherwise be provided in the  
22 resolution or the trust agreement, the sinking or other  
23 similar fund must be a fund for all revenue bonds issued to  
24 finance projects at a particular institution for higher  
25 education without distinction or priority of one over another.  
26 However, the authority in any resolution or trust agreement  
27 may provide that the sinking or other similar fund be the fund  
28 for a particular project at an institution for higher  
29 education and for the revenue bonds issued to finance a  
30 particular project, and may, additionally, permit and provide  
31 for the issuance of revenue bonds having a subordinate lien in

1 respect of the security authorized to other revenue bonds of  
2 the authority, and, in such case, the authority may create  
3 separate sinking or other similar funds in respect of the  
4 subordinate lien bonds.

5 Section 60. Trust funds.--All moneys received under  
6 the authority of this act, whether as proceeds from the sale  
7 of bonds or as revenues, are considered to be trust funds to  
8 be held and applied solely as provided in this act. Any  
9 officer with whom, or any bank or trust company with which,  
10 the moneys are deposited shall act as trustee of the moneys  
11 and shall hold and apply them for the purposes of this act,  
12 subject to the regulations this act and the resolution  
13 authorizing the bonds of any issue or the trust agreement  
14 securing the bonds provides.

15 Section 61. Remedies of bondholders.--Any holder of  
16 revenue bonds issued under this act or any of the coupons  
17 appertaining thereto, and the trustee or trustees under any  
18 trust agreement, except to the extent the rights given may be  
19 restricted by any resolution authorizing the issuance of, or  
20 any such trust agreement securing, the bonds, may, either at  
21 law or in equity, by suit, action, mandamus, or other  
22 proceedings, protect and enforce any rights under the laws of  
23 the state or granted hereunder or under the resolution or  
24 trust agreement, and may enforce and compel the performance of  
25 all duties required by this act or by the resolution or trust  
26 agreement to be performed by the authority or by any officer,  
27 employee, or agent thereof, including the fixing, charging,  
28 and collecting of the rates, rents, fees, and charges  
29 authorized and required by the provisions of the resolution or  
30 trust agreement to be fixed, established, and collected.

31

1           Section 62. Tax exemption.--The exercise of the powers  
2 granted by this act will be in all respects for the benefit of  
3 the people of this state, for the increase of their commerce,  
4 education, welfare, and prosperity, and for the improvement of  
5 their health and living conditions, and because the operation  
6 and maintenance of a project by the authority or its agent or  
7 the owner or lessee thereof, as authorized in this act, will  
8 constitute the performance of an essential public function,  
9 neither the authority nor its agent is required to pay any  
10 taxes or assessments upon or in respect of a project or any  
11 property acquired or used by the authority or its agent under  
12 the provisions of this act or upon the income therefrom, and  
13 any bonds issued under this act, any security therefor, their  
14 transfer, and the income therefrom, including any profit made  
15 on the sale thereof, and all notes, mortgages, security  
16 agreements, letters of credit, or other instruments that arise  
17 out of or are given to secure the repayment of bonds issued in  
18 connection with a project financed under this part, shall at  
19 all times be free from taxation by the state or any local  
20 unit, political subdivision, or other instrumentality of the  
21 state. The exemption granted by this section is not applicable  
22 to any tax imposed by chapter 220, Florida Statutes, on  
23 interest, income, or profits or on debt obligations owned by  
24 corporations.

25           Section 63. Refunding bonds.--

26           (1) The authority may provide for the issuance of  
27 revenue bonds of the authority for the purpose of refunding  
28 any revenue bonds of the authority then outstanding, including  
29 the payment of any redemption premium thereon and any interest  
30 accrued or to accrue to the earliest or subsequent date of  
31 redemption, purchase, or maturity of the revenue bonds, and,



1 if considered advisable by the authority, for the additional  
2 purpose of paying all or any part of the cost of constructing  
3 and acquiring additions, improvements, extensions, or  
4 enlargements of a project or any portion thereof.

5 (2) The proceeds of any revenue bonds issued for the  
6 purpose of refunding outstanding revenue bonds may be applied  
7 to the purchase or retirement at maturity or redemption of the  
8 outstanding revenue bonds either on their earliest or any  
9 subsequent redemption date or upon the purchase or at the  
10 maturity thereof and may, pending the application, be placed  
11 in escrow to be applied to the purchase or retirement at  
12 maturity or redemption on the date as may be determined by the  
13 authority.

14 (3) Any escrowed proceeds, pending use, may be  
15 invested and reinvested in direct obligations of the United  
16 States of America, or in certificates of deposit or time  
17 deposits secured by direct obligations of the United States,  
18 or other investments as the resolution authorizing the  
19 issuance and sale of the bonds, or the trust agreement, may  
20 provide, maturing at the time or times as shall be appropriate  
21 to assure the prompt payment, as to principal, interest, and  
22 redemption premium, if any, of the outstanding revenue bonds  
23 to be so refunded. The interest, income, and profits, if any,  
24 earned or realized on any such investment may also be applied  
25 to the payment of the outstanding revenue bonds to be so  
26 refunded. After the terms of the escrow have been fully  
27 satisfied and carried out, any balance of the proceeds and  
28 interest, income and profits, if any, earned or realized on  
29 the investments thereof may be returned to the authority or to  
30 the participating institution for use by it in any lawful  
31 manner.

1           (4) The portion of the proceeds of any revenue bonds  
2 issued for the additional purpose of paying all or any part of  
3 the cost of constructing and acquiring additions,  
4 improvements, extensions, or enlargements of a project may be  
5 invested and reinvested in direct obligations of the United  
6 States, or in certificates of deposit or time deposits secured  
7 by direct obligations of the United States, or other  
8 investments as the resolution authorizing the issuance and  
9 sale of the bonds, or the trust agreement, may provide,  
10 maturing not later than the time or times when the proceeds  
11 will be needed for the purpose of paying all or any part of  
12 the cost. The interest, income, and profits, if any, earned or  
13 realized on the investment may be applied to the payment of  
14 all or any part of the cost or may be used by the authority or  
15 the participating institution in any lawful manner.

16           (5) All refunding revenue bonds are subject to this  
17 act in the same manner and to the same extent as other revenue  
18 bonds issued under this act.

19           Section 64. Legal investment.--Bonds issued by the  
20 authority under this act are made securities in which all  
21 public officers and public bodies of the state and its  
22 political subdivisions, all insurance companies, trust  
23 companies, banking associations, investment companies,  
24 executors, administrators, trustees, and other fiduciaries may  
25 properly and legally invest funds, including capital in their  
26 control or belonging to them. The bonds are made securities  
27 that may properly and legally be deposited with and received  
28 by any state or municipal officer or any agency or political  
29 subdivision of the state for any purpose for which the deposit  
30 of bonds or obligations of the state is now or may hereafter  
31 be authorized by law.

1           Section 65. Reports.--Within the first 90 days of each  
2 calendar year, the authority shall make a report to the  
3 Department of Education of its activities for the preceding  
4 calendar year. Each report must set forth a complete operating  
5 and financial statement covering its operations during the  
6 year. The authority shall cause an audit of its books and  
7 accounts to be made at least once each year by a certified  
8 public accountant and the cost of the audit shall be paid by  
9 the authority from funds available to it under this act.

10           Section 66. State agreement.--The state agrees with  
11 the holders of any obligations issued under this act, and with  
12 those parties who may enter into contracts with the authority  
13 under this act, that the state will not limit or alter the  
14 rights vested in the authority until the obligations, together  
15 with the interest thereon, are fully met and discharged and  
16 the contracts are fully performed on the part of the  
17 authority. However, this act does not preclude any limitation  
18 or alteration if adequate provision is made by law for the  
19 protection of the holders of the obligations of the authority  
20 or those entering into contracts with the authority. The  
21 authority is authorized to include this pledge and undertaking  
22 for the state in any obligations or contracts.

23           Section 67. Alternative means.--This act provides an  
24 additional and alternative method for the doing of the things  
25 authorized, and shall be regarded as supplemental and  
26 additional to powers conferred by other laws; but the issuance  
27 of notes, certificates of participation, revenue bonds, and  
28 revenue refunding bonds under this act need not comply with  
29 the requirements of any other law applicable to the issuance  
30 of bonds or such obligations. Except as otherwise expressly  
31 provided in this act, the powers granted to the authority

1 under this act are not subject to the supervision or  
2 regulation of, or require the approval or consent of, any  
3 municipality or political subdivision or any commission,  
4 board, body, bureau, official, or agency thereof or of the  
5 state.

6 Section 68. Liberal construction.--Sections 40-69 of  
7 this act shall be liberally construed to effectively carry out  
8 their purpose.

9 Section 69. Act controlling.--To the extent that  
10 sections 40-69 of this act are inconsistent with any general  
11 statute or special act or parts thereof, sections 40-69  
12 control.

13 Section 70. Subsection (5) of section 196.012, Florida  
14 Statutes, is amended to read:

15 196.012 Definitions.--For the purpose of this chapter,  
16 the following terms are defined as follows, except where the  
17 context clearly indicates otherwise:

18 (5) "Educational institution" means a federal, state,  
19 parochial, church, or private school, college, or university  
20 conducting regular classes and courses of study required for  
21 eligibility to certification by, accreditation to, or  
22 membership in the State Department of Education of Florida,  
23 Southern Association of Colleges and Schools, or the Florida  
24 Council of Independent Schools; a nonprofit private school the  
25 principal activity of which is conducting regular classes and  
26 courses of study accepted for continuing postgraduate dental  
27 education credit by a board of the Division of Medical Quality  
28 Assurance; educational direct-support organizations created  
29 pursuant to ss. 229.8021, 240.299, and 240.331; and facilities  
30 located on the property of eligible entities which will become  
31 owned by those entities on a date certain; and institutions of

1 higher education as defined under and participating in the  
2 Higher Educational Facilities Financing Act created pursuant  
3 to chapter 2000- , Laws of Florida.

4 Section 71. This act shall take effect upon becoming a  
5 law.

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