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1 A bill to be entitled

2 An act relating to higher education finance policy;  
3 creating s. 1004.09, F.S.; requiring community colleges  
4 and state universities to submit annual reports that  
5 examine affordability and access; prescribing contents of  
6 the report; creating s. 1004.215, F.S.; requiring  
7 university boards of trustees to develop policies and  
8 procedures relating to program completion; providing  
9 credit hours to be included in enrollment calculations;  
10 providing that certain credit hours be omitted from  
11 enrollment calculations; authorizing state universities to  
12 establish an excess hour surcharge; requiring approval of  
13 policies by the Board of Governors prior to  
14 implementation; specifying that provisions become  
15 effective for students entering a community college or  
16 state university for the first time in the 2004-2005  
17 academic year and thereafter; requiring a study and a  
18 report by the Office of Program Policy Analysis and  
19 Government Accountability; amending s. 1007.27, F.S.;  
20 requiring community colleges and state universities to  
21 award credit for certain dual enrollment courses; deleting  
22 obsolete provisions; amending s. 1009.21, F.S.; requiring  
23 classification as a resident or nonresident for purposes  
24 of assessing tuition for certain programs and determining  
25 eligibility to participate in selected financial  
26 assistance programs; revising definitions; revising  
27 provisions relating to determination of resident status;  
28 classifying certain dependent children as residents for  
29 tuition purposes; updating obsolete terminology; amending

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30 s. 1009.23, F.S., relating to community college student  
31 fees; providing authorization for tuition and fees in  
32 selected baccalaureate degree programs; revising  
33 provisions relating to the financial aid fee; revising  
34 eligibility requirements for financial aid fee award  
35 recipients; revising provisions relating to the fee for  
36 capital improvements, technology enhancements, or  
37 equipping student buildings; deleting provisions relating  
38 to fines assessed by community colleges; amending s.  
39 1009.24, F.S., relating to state university student fees;  
40 revising provisions relating to tuition and out-of-state  
41 fees; deleting the cap on annual increases of certain  
42 fees; revising eligibility requirements for financial aid  
43 fee award recipients; increasing the capital improvement  
44 and building fees and authorizing an additional  
45 discretionary amount; authorizing a technology fee not to  
46 exceed certain limits; providing requirements for  
47 establishment or modification of the technology fee;  
48 requiring a billing statement each semester; requiring  
49 each university board of trustees to propose a block  
50 tuition and fee policy and other incentive policies;  
51 requiring each university board of trustees to establish a  
52 fee policy for nondegree-seeking students; providing  
53 exemption for certain students; amending s. 1009.25, F.S.;  
54 revising provisions relating to fee exemptions for  
55 students in apprenticeship programs; amending s. 1009.40,  
56 F.S.; revising provisions relating to general eligibility  
57 requirements for state financial aid awards; creating s.  
58 1011.901, F.S.; providing incentive funding for targeted

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59 degree programs at state universities; specifying the  
 60 targeted discipline areas for the 2004-2005 fiscal year;  
 61 providing for identification of certain academic  
 62 disciplines and courses; establishing a process to  
 63 identify targeted critical areas in future years;  
 64 requiring an allocation methodology; requiring an annual  
 65 report; amending s. 1011.94, F.S., relating to the Trust  
 66 Fund for University Major Gifts; revising provisions  
 67 relating to the use of proceeds; deleting provisions that  
 68 authorize encumbrances; revising provisions that prescribe  
 69 the manner in which donations must be matched; replacing  
 70 references to the State Board of Education with references  
 71 to the Board of Governors; deleting references to New  
 72 College and the New College Foundation; specifying  
 73 implementation contingent upon legislative appropriation  
 74 and as provided by law; providing an effective date.

75

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

77

78 Section 1. Section 1004.09, Florida Statutes, is created  
 79 to read:

80 1004.09 Reports of affordability and access.--

81 (1) No later than February 1, 2005, and annually

82 thereafter, each community college and each state university  
 83 shall forward to its board of trustees a report for the fall,  
 84 spring, and summer semesters of the preceding academic year that  
 85 examines the affordability of and access to the institution. A  
 86 copy of each community college report shall be forwarded to the  
 87 State Board of Education, the Governor, the President of the

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88 Senate, and the Speaker of the House of Representatives. A copy  
 89 of each university report shall be forwarded to the Board of  
 90 Governors, the Governor, the President of the Senate, and the  
 91 Speaker of the House of Representatives.

92 (2) The report shall include:

93 (a) A description of the criteria used by the institution  
 94 to admit undergraduate students to the institution.

95 (b) A description of the criteria used by the institution  
 96 to award financial assistance to undergraduate students.

97 (c) An analysis of the total number of credits awarded  
 98 during the report year to students who enroll in the institution  
 99 for the acceleration mechanisms identified in s. 1007.27, the  
 100 average number of credits awarded to the students who received  
 101 such credits, and the value in tuition and fees for such  
 102 credits.

103 (d) An analysis of the percentage of gross family income  
 104 required for a student who is a resident of this state to pay  
 105 tuition and required fees charged by the institution.

106 (e) An analysis of the percentage of gross family income  
 107 required for a student who is a resident of this state to fully  
 108 pay the estimated cost of attendance at the institution.

109 Section 2. Section 1004.215, Florida Statutes, is created  
 110 to read:

111 1004.215 Timely completion of baccalaureate degree  
 112 programs.--

113 (1) Each university board of trustees shall develop  
 114 policies and procedures to ensure that students enrolled in  
 115 baccalaureate degree programs complete their programs in a  
 116 timely manner in order to make the most efficient use of

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117 instructional resources and provide capacity within the  
118 institution for additional students.

119 (2) Once a resident undergraduate student has taken 115  
120 percent of the credit hours required for the degree program in  
121 which the student is enrolled, any subsequent credit hours  
122 generated by that student as an undergraduate or unclassified  
123 student shall not be included in calculations of full-time  
124 equivalent enrollments for state funding purposes.

125 (3) Except as otherwise provided by law, the following  
126 hours shall be included when calculating, for purposes of this  
127 section, the number of hours taken by a student:

128 (a) All credit hours for courses taken at the state  
129 university from which the student is seeking a degree, including  
130 repeated courses and failed courses, except as provided in s.  
131 1009.285, and courses that are dropped after the university's  
132 advertised last day of drop and add.

133 (b) All credit hours earned at another institution and  
134 accepted for transfer.

135 (4) The following hours shall not be included when  
136 calculating, for purposes of this section, the number of hours  
137 taken by a student:

138 (a) Credit hours earned through an acceleration mechanism  
139 identified in s. 1007.27.

140 (b) Credit hours earned in a course that does not count  
141 toward any degree at the institution.

142 (c) Credit hours earned in military science courses.

143 (d) Credit hours required to achieve a dual major.

144 (e) Credit hours required to achieve teacher certification  
145 that are not credited toward the student's first baccalaureate

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146 degree.

147 (f) Credit hours taken by active duty military personnel.

148 (g) Credit hours in courses from which a student must  
149 withdraw due to medical or personal hardship reasons.

150 (5) Policies established pursuant to this section may  
151 include assessment by the institution of a surcharge in addition  
152 to regular tuition and fees for any credit hours taken by the  
153 student in excess of 115 percent of the credit hours required  
154 for the student's degree program. The surcharge plus tuition may  
155 not exceed 100 percent of the full cost of instruction.

156 (6) Policies established pursuant to this section must be  
157 submitted to the Board of Governors for review and approval  
158 prior to implementation by a university.

159 (7) The provisions of this section shall become effective  
160 for students who enter a community college or a state university  
161 for the first time in the 2004-2005 academic year and  
162 thereafter.

163 (8) In order to determine whether excess hours is an issue  
164 that should also be addressed for associate and graduate-level  
165 programs, the Office of Program Policy Analysis and Government  
166 Accountability shall conduct a study to determine how the number  
167 of credit hours taken by students at community colleges and  
168 state universities compares to the number of hours required to  
169 complete degree requirements. The study shall also review degree  
170 requirements across institutions to identify the range of degree  
171 requirements for similar programs. A report of the results of  
172 the study shall be submitted to the Governor, the President of  
173 the Senate, and the Speaker of the House of Representatives by  
174 February 1, 2005.

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175 Section 3. Subsection (11) of section 1007.27, Florida  
 176 Statutes, is amended to read:

177 1007.27 Articulated acceleration mechanisms.--

178 (11) Each community college and state university must  
 179 award credit for dual enrollment courses completed at an  
 180 independent college or university eligible for inclusion in the  
 181 dual enrollment or early admission program pursuant to s.  
 182 1011.62(1)(i). ~~(a) The State Board of Education shall conduct a~~  
 183 ~~review of the extent to which the acceleration mechanisms~~  
 184 ~~authorized by this section are currently utilized by school~~  
 185 ~~districts and public postsecondary educational institutions and~~  
 186 ~~shall submit a report to the Governor and the Legislature by~~  
 187 ~~December 31, 2003.~~

188 ~~(b) The report must include a summary of ongoing~~  
 189 ~~activities and a plan to increase and enhance the use of~~  
 190 ~~acceleration mechanisms as a way to shorten the length of time~~  
 191 ~~as well as the funding required for a student, including a~~  
 192 ~~student with a documented disability, to obtain a postsecondary~~  
 193 ~~degree.~~

194 ~~(c) The review and plan shall address, but are not limited~~  
 195 ~~to, the following issues:~~

196 1. ~~The manner in which students, including students with~~  
 197 ~~documented disabilities, are advised regarding the availability~~  
 198 ~~of acceleration mechanism options.~~

199 2. ~~The availability of acceleration mechanism options to~~  
 200 ~~eligible students, including students with documented~~  
 201 ~~disabilities, who wish to participate.~~

202 3. ~~The grading practices, including weighting of courses,~~  
 203 ~~of school districts and public postsecondary educational~~

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204 ~~institutions with regard to credit earned through acceleration~~  
 205 ~~mechanisms.~~

206 ~~4. The extent to which credit earned through an~~  
 207 ~~acceleration mechanism is used to meet the general education~~  
 208 ~~requirements of a public postsecondary educational institution.~~

209 ~~5. The extent to which the secondary instruction~~  
 210 ~~associated with acceleration mechanism options could be offered~~  
 211 ~~at sites other than public K through 12 school sites to assist~~  
 212 ~~in meeting class size reduction needs.~~

213 ~~6. The manner in which funding for instruction associated~~  
 214 ~~with acceleration mechanism options is provided.~~

215 ~~7. The feasibility of providing students, including~~  
 216 ~~students with documented disabilities, the option of choosing~~  
 217 ~~Advanced Placement credit or College Level Examination Program~~  
 218 ~~(CLEP) credit as an alternative to dual enrollment credit upon~~  
 219 ~~completion of a dual enrollment course.~~

220 Section 4. Section 1009.21, Florida Statutes, is amended  
 221 to read:

222 1009.21 Determination of resident status for tuition and  
 223 financial assistance eligibility purposes.--Students shall be  
 224 classified as residents or nonresidents for the purpose of  
 225 assessing tuition in community colleges and state universities,  
 226 for the purpose of assessing tuition for instruction in  
 227 postsecondary career and technical programs offered by school  
 228 districts, and for the purpose of determining student  
 229 eligibility to participate in financial assistance programs  
 230 established pursuant to s. 1009.50, s. 1009.51, s. 1009.52, s.  
 231 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s. 1009.60, s.



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232 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s. 1009.73, s.  
 233 1009.76, s. 1009.77, or s. 1009.89.

234 (1) As used in this section, the term:

235 (a) ~~The term~~ "Dependent child" means any person, whether  
 236 or not living with his or her parent, who is eligible to be  
 237 claimed by his or her parent as a dependent under the federal  
 238 income tax code.

239 (b) "Initial enrollment" means the first day of class.

240 (c)~~(b)~~ ~~The term~~ "Institution of higher education" means  
 241 any public community college or state university.

242 (d)~~(e)~~ A "Legal resident" or "resident" means ~~is~~ a person  
 243 who has maintained his or her residence in this state for the  
 244 preceding year, has purchased a home which is occupied by him or  
 245 her as his or her residence, or has established a domicile in  
 246 this state pursuant to s. 222.17.

247 (e) "Nonresident for tuition purposes" means a person who  
 248 does not qualify for the in-state tuition rate.

249 (f)~~(d)~~ ~~The term~~ "Parent" means the natural or adoptive  
 250 parent or legal guardian of a dependent child.

251 (g)~~(e)~~ A "Resident for tuition purposes" means ~~is~~ a person  
 252 who qualifies as provided in subsection (2) for the in-state  
 253 tuition rate; ~~a "nonresident for tuition purposes" is a person~~  
 254 ~~who does not qualify for the in-state tuition rate.~~

255 (2)(a) To qualify as a resident for tuition purposes:

256 1. A person or, if that person is a dependent child, his  
 257 or her parent or parents must have established legal residence  
 258 in this state and must have maintained legal residence in this  
 259 state for at least 12 months immediately prior to his or her

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260 initial enrollment in a postsecondary education program in this  
 261 state qualification.

262 2. Every applicant for admission to an institution of  
 263 higher education shall be required to make a statement as to his  
 264 or her length of residence in the state and, further, shall  
 265 establish that his or her presence or, if the applicant is a  
 266 dependent child, the presence of his or her parent or parents in  
 267 the state currently is, and during the requisite 12-month  
 268 qualifying period was, for the purpose of maintaining a bona  
 269 fide domicile, rather than for the purpose of maintaining a mere  
 270 temporary residence or abode incident to enrollment in an  
 271 institution of higher education.

272 (b) However, with respect to a dependent child living with  
 273 an adult relative other than the child's parent, such child may  
 274 qualify as a resident for tuition purposes if the adult relative  
 275 is a legal resident who has maintained legal residence in this  
 276 state for at least 12 months immediately prior to the child's  
 277 initial enrollment in a postsecondary education program in this  
 278 state qualification, provided the child has resided continuously  
 279 with such relative for the 5 years immediately prior to the  
 280 child's initial enrollment qualification, during which time the  
 281 adult relative has exercised day-to-day care, supervision, and  
 282 control of the child.

283 (c) The legal residence of a dependent child whose parents  
 284 are divorced, separated, or otherwise living apart will be  
 285 deemed to be this state if either parent is a legal resident of  
 286 this state, regardless of which parent is entitled to claim, and  
 287 does in fact claim, the minor as a dependent pursuant to federal  
 288 individual income tax provisions.

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289       (d) A person who is classified as a nonresident for  
290       tuition purposes may become eligible for reclassification as a  
291       resident for tuition purposes if that person or, if that person  
292       is a dependent child, his or her parent presents documentation  
293       that supports permanent residency in this state rather than  
294       temporary residency for the purpose of pursuing an education,  
295       such as documentation of full-time permanent employment for the  
296       previous 12 months or the purchase of a home in this state and  
297       residence therein for the prior 12 months.

298       (3) An individual shall not be classified as a resident  
299       for tuition purposes and, thus, shall not be eligible to receive  
300       the in-state tuition rate until he or she has provided such  
301       evidence related to legal residence and its duration as may be  
302       required by officials of the institution of higher education  
303       from which he or she seeks the in-state tuition rate.

304       (4) With respect to a dependent child, the legal residence  
305       of such individual's parent or parents is prima facie evidence  
306       of the individual's legal residence, which evidence may be  
307       reinforced or rebutted, relative to the age and general  
308       circumstances of the individual, by the other evidence of legal  
309       residence required of or presented by the individual. However,  
310       the legal residence of an individual whose parent or parents are  
311       domiciled outside this state is not prima facie evidence of the  
312       individual's legal residence if that individual has lived in  
313       this state for 5 consecutive years prior to enrolling or  
314       reregistering at the institution of higher education at which  
315       resident status for tuition purposes is sought.

316       (5) In making a domiciliary determination related to the  
317       classification of a person as a resident or nonresident for

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318 tuition purposes, the domicile of a married person, irrespective  
 319 of sex, shall be determined, as in the case of an unmarried  
 320 person, by reference to all relevant evidence of domiciliary  
 321 intent. For the purposes of this section:

322 (a) A person shall not be precluded from establishing or  
 323 maintaining legal residence in this state and subsequently  
 324 qualifying or continuing to qualify as a resident for tuition  
 325 purposes solely by reason of marriage to a person domiciled  
 326 outside this state, even when that person's spouse continues to  
 327 be domiciled outside of this state, provided such person  
 328 maintains his or her legal residence in this state.

329 (b) A person shall not be deemed to have established or  
 330 maintained a legal residence in this state and subsequently to  
 331 have qualified or continued to qualify as a resident for tuition  
 332 purposes solely by reason of marriage to a person domiciled in  
 333 this state.

334 (c) In determining the domicile of a married person,  
 335 irrespective of sex, the fact of the marriage and the place of  
 336 domicile of such person's spouse shall be deemed relevant  
 337 evidence to be considered in ascertaining domiciliary intent.

338 (6) Any nonresident person, irrespective of sex, who  
 339 marries a legal resident of this state or marries a person who  
 340 later becomes a legal resident may, upon becoming a legal  
 341 resident of this state, accede to the benefit of the spouse's  
 342 immediately precedent duration as a legal resident for purposes  
 343 of satisfying the 12-month durational requirement of this  
 344 section.

345 (7) A person shall not lose his or her resident status for  
 346 tuition purposes solely by reason of serving, or, if such person

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347 is a dependent child, by reason of his or her parent's or  
 348 parents' serving, in the Armed Forces outside this state.

349 (8) A person who has been properly classified as a  
 350 resident for tuition purposes but who, while enrolled in an  
 351 institution of higher education in this state, loses his or her  
 352 resident tuition status because the person or, if he or she is a  
 353 dependent child, the person's parent or parents establish  
 354 domicile or legal residence elsewhere shall continue to enjoy  
 355 the in-state tuition rate for a statutory grace period, which  
 356 period shall be measured from the date on which the  
 357 circumstances arose that culminated in the loss of resident  
 358 tuition status and shall continue for 12 months. However, if the  
 359 12-month grace period ends during a semester or academic term  
 360 for which such former resident is enrolled, such grace period  
 361 shall be extended to the end of that semester or academic term.

362 (9) Any person who ceases to be enrolled at or who  
 363 graduates from an institution of higher education while  
 364 classified as a resident for tuition purposes and who  
 365 subsequently abandons his or her domicile in this state shall be  
 366 permitted to reenroll at an institution of higher education in  
 367 this state as a resident for tuition purposes without the  
 368 necessity of meeting the 12-month durational requirement of this  
 369 section if that person has reestablished his or her domicile in  
 370 this state within 12 months of such abandonment and continuously  
 371 maintains the reestablished domicile during the period of  
 372 enrollment. The benefit of this subsection shall not be accorded  
 373 more than once to any one person.

374 (10) The following persons shall be classified as  
 375 residents for tuition purposes:

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376 (a) Active duty members of the Armed Services of the  
 377 United States residing or stationed in this state, their  
 378 spouses, and dependent children, and active members of the  
 379 Florida National Guard who qualify under s. 250.10(7) and (8)  
 380 for the tuition assistance program.

381 (b) Active duty members of the Armed Services of the  
 382 United States, ~~and~~ and their spouses, and their dependent children  
 383 attending a public community college or state university within  
 384 50 miles of the military establishment where they are stationed,  
 385 if such military establishment is within a county contiguous to  
 386 Florida.

387 (c) United States citizens living on the Isthmus of  
 388 Panama, who have completed 12 consecutive months of college work  
 389 at the Florida State University Panama Canal Branch, and their  
 390 spouses and dependent children.

391 (d) Full-time instructional and administrative personnel  
 392 employed by state public schools, community colleges, and  
 393 institutions of higher education, as defined in s. 1000.04, and  
 394 their spouses and dependent children.

395 (e) Students from Latin America and the Caribbean who  
 396 receive scholarships from the federal or state government. Any  
 397 student classified pursuant to this paragraph shall attend, on a  
 398 full-time basis, a Florida institution of higher education.

399 (f) Southern Regional Education Board's Academic Common  
 400 Market graduate students attending Florida's state universities.

401 (g) Full-time employees of state agencies or political  
 402 subdivisions of the state when the student fees are paid by the  
 403 state agency or political subdivision for the purpose of job-  
 404 related law enforcement or corrections training.

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405 (h) McKnight Doctoral Fellows and Finalists who are United  
406 States citizens.

407 (i) United States citizens living outside the United  
408 States who are teaching at a Department of Defense Dependent  
409 School or in an American International School and who enroll in  
410 a graduate level education program which leads to a Florida  
411 teaching certificate.

412 (j) Active duty members of the Canadian military residing  
413 or stationed in this state under the North American Aerospace  
414 Defense Command ~~Air Defense~~ (NORAD) agreement, and their spouses  
415 and dependent children, attending a community college or state  
416 university within 50 miles of the military establishment where  
417 they are stationed.

418 (11) The State Board of Education shall by rule designate  
419 classifications of students as residents or nonresidents for  
420 tuition purposes at community colleges and state universities.

421 Section 5. Subsections (1), (3), (8), (11), and (12) of  
422 section 1009.23, Florida Statutes, are amended to read:

423 1009.23 Community college student fees.--

424 (1) Unless otherwise provided, the provisions of this  
425 section apply only to fees charged for college credit  
426 instruction leading to an associate in arts degree, an associate  
427 in applied science degree, ~~or~~ an associate in science degree, or  
428 a baccalaureate degree authorized by the State Board of  
429 Education pursuant to s. 1007.33 and noncollege credit college-  
430 preparatory courses defined in s. 1004.02.

431 (3) The State Board of Education shall adopt by December  
432 31 of each year a resident fee schedule for the following fall  
433 for advanced and professional, associate in science degree, and

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434 college-preparatory programs and baccalaureate degree programs  
 435 authorized by the State Board of Education pursuant to s.  
 436 1007.33 that produce revenues in the amount of 25 percent of the  
 437 full prior year's cost of these programs. Fees for courses in  
 438 college-preparatory programs and associate in arts and associate  
 439 in science degree programs may be established at the same level.  
 440 In the absence of a provision to the contrary in an  
 441 appropriations act, the fee schedule shall take effect and the  
 442 colleges shall expend the funds on instruction. If the  
 443 Legislature provides for an alternative fee schedule in an  
 444 appropriations act, the fee schedule shall take effect the  
 445 subsequent fall semester.

446 (8)(a) Each community college board of trustees is  
 447 authorized to establish a separate fee for financial aid  
 448 purposes in an additional amount up to, but not to exceed, 5  
 449 percent of the total student tuition and ~~or~~ out-of-state fees  
 450 collected. Each community college board of trustees may collect  
 451 up to an additional 2 percent if the amount generated by the  
 452 total financial aid fee is less than \$250,000. If the amount  
 453 generated is less than \$250,000, a community college that  
 454 charges tuition and out-of-state fees at least equal to the  
 455 average fees established by rule may transfer from the general  
 456 current fund to the scholarship fund an amount equal to the  
 457 difference between \$250,000 and the amount generated by the  
 458 total financial aid fee assessment. No other transfer from the  
 459 general current fund to the loan, endowment, or scholarship  
 460 fund, by whatever name known, is authorized.

461 (b) All funds collected under this program shall be placed  
 462 in the loan and endowment fund or scholarship fund of the



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463 college, by whatever name known. Such funds shall be disbursed  
 464 to students as quickly as possible. An amount not greater than  
 465 40 percent of the fees collected in a fiscal year may be carried  
 466 forward unexpended to the following fiscal year. However, funds  
 467 collected prior to July 1, 1989, and placed in an endowment fund  
 468 may not be considered part of the balance of funds carried  
 469 forward unexpended to the following fiscal year.

470 (c) Up to 25 percent or \$300,000, whichever is greater, of  
 471 the financial aid fees collected may be used to assist students  
 472 who demonstrate academic merit; who participate in athletics,  
 473 public service, cultural arts, and other extracurricular  
 474 programs as determined by the institution; or who are identified  
 475 as members of a targeted gender or ethnic minority population.  
 476 The financial aid fee revenues allocated for athletic  
 477 scholarships and fee exemptions provided pursuant to s.  
 478 1009.25(3) for athletes shall be distributed equitably as  
 479 required by s. 1000.05(3)(d). A minimum of 75 percent of the  
 480 balance of these funds for new awards shall be used to provide  
 481 financial aid based on absolute need, and the remainder of the  
 482 funds shall be used for academic merit purposes and other  
 483 purposes approved by the boards of trustees. Such other purposes  
 484 shall include the payment of child care fees for students with  
 485 financial need. The State Board of Education shall develop  
 486 criteria for making financial aid awards. Each college shall  
 487 report annually to the Department of Education on the revenue  
 488 collected pursuant to this paragraph, the amount carried  
 489 forward, the criteria used to make awards, the amount and number  
 490 of awards for each criterion, and a delineation of the  
 491 distribution of such awards. The report shall include an

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492 assessment by category of the financial need of every student  
 493 who receives an award, regardless of the purpose for which the  
 494 award is received. Awards which are based on financial need  
 495 shall be distributed in accordance with a nationally recognized  
 496 system of need analysis approved by the State Board of  
 497 Education. An award for academic merit shall require a minimum  
 498 overall grade point average of 3.0 on a 4.0 scale or the  
 499 equivalent for both initial receipt of the award and renewal of  
 500 the award.

501 (d) These funds may not be used for direct or indirect  
 502 administrative purposes or salaries.

503 (e) Beginning with awards for the 2005-2006 academic year,  
 504 a student must have submitted a completed Free Application for  
 505 Federal Student Aid to the United States Department of Education  
 506 to be eligible to receive an award pursuant to the provisions of  
 507 this subsection.

508 (11) Each community college board of trustees may  
 509 establish a separate fee for capital improvements, technology  
 510 enhancements, or equipping student buildings which may not  
 511 exceed 10 percent of tuition for resident students or 10 percent  
 512 of the sum of tuition and out-of-state fees for nonresident  
 513 students. The fee for resident students shall be limited to an  
 514 increase of \$2 per credit hour over the prior year ~~\$1 per credit~~  
 515 ~~hour or credit-hour equivalent for residents and which equals or~~  
 516 ~~exceeds \$3 per credit hour for nonresidents.~~ Funds collected by  
 517 community colleges through these fees may be bonded only for the  
 518 purpose of financing or refinancing new construction and  
 519 equipment, renovation, or remodeling of educational facilities.  
 520 The fee shall be collected as a component part of the tuition

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521 and fees, paid into a separate account, and expended only to  
 522 construct and equip, maintain, improve, or enhance the  
 523 educational facilities of the community college. Projects funded  
 524 through the use of the capital improvement fee shall meet the  
 525 survey and construction requirements of chapter 1013. Pursuant  
 526 to s. 216.0158, each community college shall identify each  
 527 project, including maintenance projects, proposed to be funded  
 528 in whole or in part by such fee. Capital improvement fee  
 529 revenues may be pledged by a board of trustees as a dedicated  
 530 revenue source to the repayment of debt, including lease-  
 531 purchase agreements and revenue bonds, with a term not to exceed  
 532 20 years, and not to exceed the useful life of the asset being  
 533 financed, only for the new construction and equipment,  
 534 renovation, or remodeling of educational facilities. Community  
 535 colleges may use the services of the Division of Bond Finance of  
 536 the State Board of Administration to issue any bonds authorized  
 537 through the provisions of this subsection. Any such bonds issued  
 538 by the Division of Bond Finance shall be in compliance with the  
 539 provisions of the State Bond Act. Bonds issued pursuant to the  
 540 State Bond Act shall be validated in the manner provided by  
 541 chapter 75. The complaint for such validation shall be filed in  
 542 the circuit court of the county where the seat of state  
 543 government is situated, the notice required to be published by  
 544 s. 75.06 shall be published only in the county where the  
 545 complaint is filed, and the complaint and order of the circuit  
 546 court shall be served only on the state attorney of the circuit  
 547 in which the action is pending. A maximum of 15 percent ~~cents~~  
 548 per credit hour may be allocated from the capital improvement  
 549 fee for child care centers conducted by the community college.

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550 (12) In addition to tuition, out-of-state, financial aid,  
 551 capital improvement, student activity and service, and  
 552 technology fees authorized in this section, each community  
 553 college board of trustees is authorized to establish fee  
 554 schedules for the following user fees and fines: laboratory  
 555 fees; parking fees and fines; library fees and fines; fees and  
 556 fines relating to facilities and equipment use or damage; access  
 557 or identification card fees; duplicating, photocopying, binding,  
 558 or microfilming fees; standardized testing fees; diploma  
 559 replacement fees; transcript fees; application fees; graduation  
 560 fees; and late fees related to registration and payment. Such  
 561 user fees ~~and fines~~ shall not exceed the cost of the services  
 562 provided and shall only be charged to persons receiving the  
 563 service. A community college may not charge any fee except as  
 564 authorized by law or rules of the State Board of Education.  
 565 Parking fee revenues may be pledged by a community college board  
 566 of trustees as a dedicated revenue source for the repayment of  
 567 debt, including lease-purchase agreements and revenue bonds with  
 568 terms not exceeding 20 years and not exceeding the useful life  
 569 of the asset being financed. Community colleges shall use the  
 570 services of the Division of Bond Finance of the State Board of  
 571 Administration to issue any revenue bonds authorized by the  
 572 provisions of this subsection. Any such bonds issued by the  
 573 Division of Bond Finance shall be in compliance with the  
 574 provisions of the State Bond Act. Bonds issued pursuant to the  
 575 State Bond Act shall be validated in the manner established in  
 576 chapter 75. The complaint for such validation shall be filed in  
 577 the circuit court of the county where the seat of state  
 578 government is situated, the notice required to be published by

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579 s. 75.06 shall be published only in the county where the  
 580 complaint is filed, and the complaint and order of the circuit  
 581 court shall be served only on the state attorney of the circuit  
 582 in which the action is pending.

583 Section 6. Subsections (3), (6), and (7) of section  
 584 1009.24, Florida Statutes, are amended, and subsections (15)  
 585 through (18) are added to said section, to read:

586 1009.24 State university student fees.--

587 (3) Within proviso in the General Appropriations Act and  
 588 law, each board of trustees shall set university tuition and  
 589 fees.

590 (a) Except as otherwise provided by law, the sum of  
 591 nonresident student tuition and out-of-state fees must be  
 592 sufficient to defray the full cost of each program.

593 (b) The sum of the activity and service, health, and  
 594 athletic fees a student is required to pay to register for a  
 595 course shall not exceed 40 percent of the tuition established in  
 596 law or in the General Appropriations Act. No university shall be  
 597 required to lower any fee in effect on the effective date of  
 598 this act in order to comply with this subsection. ~~Within the 40~~  
 599 ~~percent cap, universities may not increase the aggregate sum of~~  
 600 ~~activity and service, health, and athletic fees more than 5~~  
 601 ~~percent per year unless specifically authorized in law or in the~~  
 602 ~~General Appropriations Act.~~ This subsection does not prohibit a  
 603 university from increasing or assessing optional fees related to  
 604 specific activities if payment of such fees is not required as a  
 605 part of registration for courses.

606 (6) A university board of trustees is authorized to  
 607 collect for financial aid purposes an amount not to exceed 5

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608 percent of the tuition and out-of-state fee. The revenues from  
609 fees are to remain at each campus and replace existing financial  
610 aid fees. Such funds shall be disbursed to students as quickly  
611 as possible. A minimum of 75 percent of funds from the student  
612 financial aid fee for new financial aid awards shall be used to  
613 provide financial aid based on absolute need. A student who has  
614 received an award prior to July 1, 1984, shall have his or her  
615 eligibility assessed on the same criteria that were used at the  
616 time of his or her original award. The State Board of Education  
617 shall develop criteria for making financial aid awards. Each  
618 university shall report annually to the Department of Education  
619 on the revenue collected pursuant to this subsection, the amount  
620 carried forward, the criteria used to make awards, the amount  
621 and number of awards for each criterion, and a delineation of  
622 the distribution of such awards. The report shall include an  
623 assessment by category of the financial need of every student  
624 who receives an award, regardless of the purpose for which the  
625 award is received. Awards which are based on financial need  
626 shall be distributed in accordance with a nationally recognized  
627 system of need analysis approved by the State Board of  
628 Education. An award for academic merit shall require a minimum  
629 overall grade point average of 3.0 on a 4.0 scale or the  
630 equivalent for both initial receipt of the award and renewal of  
631 the award. Beginning with awards for the 2005-2006 academic  
632 year, a student must have submitted a completed Free Application  
633 for Federal Student Aid to the United State Department of  
634 Education to be eligible to receive an award pursuant to the  
635 provisions of this subsection.

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636 (7) The Capital Improvement Trust Fund fee is established  
637 as \$2.94 ~~\$2.44~~ per credit hour per semester. The building fee is  
638 established as \$2.82 ~~\$2.32~~ per credit hour per semester. Each  
639 university board of trustees is further authorized to increase  
640 each of the Capital Improvement Trust Fund and building fees by  
641 no more than \$0.50 above the amount established in this section.

642 (15) Each university board of trustees is authorized to  
643 establish a technology fee to be expended to enhance, expand,  
644 and improve technology access and support according to  
645 technology improvement plans approved by the university's board  
646 of trustees with prior consultation with the university's  
647 student government association. The fee may be modified annually  
648 according to the technology improvement plan and according to  
649 funding needs. The technology fee shall not exceed 5 percent of  
650 tuition for resident students or 5 percent of the sum of tuition  
651 and out-of-state fees for nonresident students. The  
652 establishment of, and any subsequent modification to, the  
653 technology fee must be recommended by a technology fee committee  
654 at least one-half of whose members are students appointed by the  
655 student body president. The remainder of the committee shall be  
656 appointed by the university president. A chair, appointed  
657 jointly by the university president and the student body  
658 president, shall vote only in the case of a tie. The  
659 recommendations of the committee shall take effect only after  
660 approval by the university president, with prior consultation  
661 with the student body president, and final approval by the  
662 university board of trustees. An increase in the technology fee  
663 may occur only once each fiscal year and must be implemented  
664 beginning with the fall term. Revenues generated from the

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665 technology fee shall be retained by each university and paid  
 666 into a separate technology fund. Revenues generated from the  
 667 technology fee may not be bonded. Notwithstanding the provisions  
 668 of ss. 1009.534, 1009.535, and 1009.536, any technology fee  
 669 assessed pursuant to the provisions of this subsection shall not  
 670 be included in calculating the amount a student receives for a  
 671 Florida Academic Scholars award, a Florida Medallion Scholars  
 672 award, or a Florida Gold Seal Vocational Scholars award.

673 (16) Each university board of trustees shall provide each  
 674 student who is charged tuition and fees with a billing statement  
 675 at the beginning of each semester that clearly identifies the  
 676 amount of funding the state and the respective university are  
 677 paying on behalf of the student to reflect the true costs of the  
 678 student's education. State funding to the university and state-  
 679 supported financial assistance shall be itemized and included in  
 680 the billing statement. The billing statement required by this  
 681 subsection may be transmitted to the student by e-mail, web  
 682 page, or other electronic means. A sample of the billing  
 683 statement format shall be submitted to the Board of Governors  
 684 for its review and approval prior to August 15 of each year.

685 (17) Each university board of trustees shall develop a  
 686 proposal to establish a block tuition and fee policy and other  
 687 incentive policies such as differential fees by program area,  
 688 location of course offering, or time of offering to decrease the  
 689 time required for students to complete their degrees and to  
 690 encourage more efficient use of facilities and other resources.  
 691 The proposals must describe the impact of such policies on costs  
 692 to students and to the state with respect to the Florida Bright  
 693 Futures Scholarship Program and the Florida Prepaid College



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694 Program and the impact of such policies on students who do not  
 695 have a Florida Bright Futures Scholarship or a Florida Prepaid  
 696 College contract. The proposals must be submitted to the Board  
 697 of Governors, the Governor, the President of the Senate, and the  
 698 Speaker of the House of Representatives no later than December  
 699 15, 2004.

700 (18)(a) Beginning with the 2004-2005 academic year, each  
 701 university board of trustees shall establish a fee policy for  
 702 nondegree-seeking students. For purposes of this subsection, the  
 703 term "nondegree-seeking student" means a student who has not  
 704 been formally admitted to the university as an undergraduate,  
 705 graduate, or professional student.

706 (b) Such policy shall require nondegree-seeking students  
 707 to pay tuition at 100 percent of the full cost of instruction  
 708 per credit hour, but shall provide an exemption for the  
 709 following students:

710 1. Students who provide documentation that the course or  
 711 courses in which they seek to enroll are required for  
 712 professional licensure, certification, or recertification.

713 2. Active duty military personnel.

714 3. Retired military personnel within 2 years after  
 715 retirement.

716 4. Full-time employees of state agencies or political  
 717 subdivisions of the state when the student's tuition and fees  
 718 are paid by the state agency or political subdivision for the  
 719 purpose of taking job-related courses.

720 (c) The policy must be submitted to the Board of Governors  
 721 for its review and approval prior to implementation.

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722       (d) Student credit hours generated by nondegree-seeking  
 723       students, excluding those who have been provided an exemption  
 724       pursuant to the provisions of this subsection, must be  
 725       identified separately when reporting full-time equivalent  
 726       enrollments.

727           Section 7. Paragraph (b) of subsection (2) of section  
 728       1009.25, Florida Statutes, is amended to read:

729           1009.25 Fee exemptions.--

730           (2) The following students are exempt from the payment of  
 731       tuition and fees, including lab fees, at a school district that  
 732       provides postsecondary career and technical programs, community  
 733       college, or state university:

734           (b) A student enrolled in an approved apprenticeship  
 735       program, as defined in s. 446.021, but only with respect to such  
 736       apprenticeship program.

737           Section 8. Paragraph (a) of subsection (1) of section  
 738       1009.40, Florida Statutes, is amended to read:

739           1009.40 General requirements for student eligibility for  
 740       state financial aid.--

741           (1)(a) The general requirements for eligibility of  
 742       students for state financial aid awards consist of the  
 743       following:

744           1. Achievement of the academic requirements of and  
 745       acceptance at a state university or community college; a nursing  
 746       diploma school approved by the Florida Board of Nursing; a  
 747       Florida college, university, or community college which is  
 748       accredited by an accrediting agency recognized by the State  
 749       Board of Education; any Florida institution the credits of which  
 750       are acceptable for transfer to state universities; any technical

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751 center; or any private technical institution accredited by an  
 752 accrediting agency recognized by the State Board of Education.

753 2. Residency in this state for no less than 1 year  
 754 preceding the award of aid for a program established pursuant to  
 755 s. 1009.50, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s.  
 756 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s.  
 757 1009.68, s. 1009.72, s. 1009.73, s. 1009.76, s. 1009.77, or s.  
 758 1009.89. Residency in this state must be for purposes other than  
 759 to obtain an education. Resident status for purposes of  
 760 receiving state financial aid awards shall be determined in the  
 761 same manner as resident status for tuition purposes pursuant to  
 762 s. 1009.21 and rules of the State Board of Education.

763 3. Submission of certification attesting to the accuracy,  
 764 completeness, and correctness of information provided to  
 765 demonstrate a student's eligibility to receive state financial  
 766 aid awards. Falsification of such information shall result in  
 767 the denial of any pending application and revocation of any  
 768 award currently held to the extent that no further payments  
 769 shall be made. Additionally, students who knowingly make false  
 770 statements in order to receive state financial aid awards shall  
 771 be guilty of a misdemeanor of the second degree subject to the  
 772 provisions of s. 837.06 and shall be required to return all  
 773 state financial aid awards wrongfully obtained.

774 4. Beginning with awards for the 2005-2006 academic year,  
 775 submission to the United States Department of Education of a  
 776 completed Free Application for Federal Student Aid for the award  
 777 of aid for a program established pursuant to s. 1009.50, s.  
 778 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s.  
 779 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s.

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780 1009.72, s. 1009.73, s. 1009.76, s. 1009.77, or s. 1009.89 or  
 781 for the award of aid from funds directly appropriated to an  
 782 institution by the Legislature for student financial assistance.

783 Section 9. Section 1011.901, Florida Statutes, is created  
 784 to read:

785 1011.901 Incentive funding for targeted degree production  
 786 at state universities.--

787 (1) INCENTIVE FUNDING FOR INCREASED DEGREE PRODUCTION IN  
 788 CRITICAL AREAS.--Subject to legislative appropriation, the Board  
 789 of Governors shall annually allocate an amount specified in the  
 790 General Appropriations Act as incentive awards to individual  
 791 university boards of trustees for establishing programs,  
 792 policies, and procedures that lead to increased degree  
 793 production in academic discipline areas deemed critical to  
 794 future job growth needs of this state.

795 (2) TARGETED CRITICAL AREAS DURING FISCAL YEAR 2004-  
 796 2005.--The targeted academic discipline areas deemed critical to  
 797 future job growth needs of this state for fiscal year 2004-2005  
 798 shall be:

799 (a) Teacher education programs in areas that have been  
 800 identified by the State Board of Education pursuant to s.  
 801 1012.07 as critical teacher shortage areas.

802 (b) Nursing.

803 (c) Engineering.

804 (d) Science and technology.

805 (3) ALLOCATION OF INCENTIVE AWARDS FOR FISCAL YEAR 2004-  
 806 2005.--

807 (a) By July 15, 2004, the Board of Governors, in  
 808 conjunction with the individual university boards of trustees,

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809 shall identify the specific academic disciplines and the  
 810 appropriate upper-level and graduate-level academic courses that  
 811 articulate to the targeted career areas identified in subsection  
 812 (2).

813 (b) Prior to allocating any appropriated incentive awards,  
 814 the Board of Governors shall establish a base from the 2003-2004  
 815 full-time equivalent student enrollments in the upper-level and  
 816 graduate-level academic courses identified pursuant to this  
 817 subsection and taken by students who are officially seeking an  
 818 undergraduate or graduate degree in targeted academic  
 819 disciplines identified pursuant to this subsection.

820 (c) By August 15, 2004, the Board of Governors shall  
 821 develop a methodology for allocating incentive awards for the  
 822 2004-2005 fiscal year based on a prorated share of the actual  
 823 number of full-time equivalent student enrollment growth above  
 824 the base year. Any appropriated funds for incentives that are  
 825 not awarded by the end of the fiscal year shall revert to the  
 826 General Revenue Fund unallocated.

827 (4) TARGETED CRITICAL AREAS DURING FISCAL YEAR 2005-2006  
 828 AND THEREAFTER.--

829 (a) By October 1, 2004, the Board of Governors, in  
 830 consultation with the Agency for Workforce Innovation, Workforce  
 831 Florida, Inc., and Enterprise Florida, Inc., shall develop a  
 832 multiyear forecasting mechanism for identifying occupations in  
 833 areas that may require an increase in undergraduate and graduate  
 834 degree production. By October 1 of each year, such forecasting  
 835 shall identify occupations with the largest unmet growth rates  
 836 as well as the highest wage potential for subsequent years.

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837        (b) By November 1, 2004, the Board of Governors shall  
 838 develop a methodology for allocating incentive awards beginning  
 839 with the 2005-2006 fiscal year based on increasing undergraduate  
 840 and graduate degree production in academic disciplines linked to  
 841 occupations identified by the forecasting specified in paragraph  
 842 (a). Any funds appropriated for incentives that are not awarded  
 843 by the end of the fiscal year shall revert to the General  
 844 Revenue Fund unallocated.

845        (5) ANNUAL REPORT.--By December 1 of each year, the Board  
 846 of Governors shall submit a report to the Governor, the  
 847 President of the Senate, and the Speaker of the House of  
 848 Representatives that details the implementation of this section,  
 849 including any university successes or barriers to such  
 850 implementation.

851        Section 10. Section 1011.94, Florida Statutes, is amended  
 852 to read:

853        1011.94 Trust Fund for University Major Gifts.--

854        (1) There is established a Trust Fund for University Major  
 855 Gifts. The purpose of the trust fund is to enable each  
 856 university ~~and New College~~ to provide donors with an incentive  
 857 in the form of matching grants for donations for the  
 858 establishment of permanent endowments and sales tax exemption  
 859 matching funds received pursuant to s. 212.08(5)(j), which must  
 860 be invested, with the proceeds of the investment used to support  
 861 libraries and instruction and research programs, as defined by  
 862 the Board of Governors ~~State Board of Education~~. All funds  
 863 appropriated for the challenge grants, new donors, major gifts,  
 864 sales tax exemption matching funds pursuant to s. 212.08(5)(j),  
 865 or eminent scholars program must be deposited into the trust

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866 fund and invested pursuant to s. 17.61 until the Board of  
 867 Governors ~~State Board of Education~~ allocates the funds to  
 868 universities to match private donations. Notwithstanding s.  
 869 216.301 and pursuant to s. 216.351, any undisbursed balance  
 870 remaining in the trust fund and interest income accruing to the  
 871 portion of the trust fund which is not matched and distributed  
 872 to universities must remain in the trust fund and be used to  
 873 increase the total funds available for challenge grants. Funds  
 874 deposited in the trust fund for the sales tax exemption matching  
 875 program authorized in s. 212.08(5)(j), and interest earnings  
 876 thereon, shall be maintained in a separate account within the  
 877 Trust Fund for University Major Gifts, and may be used only to  
 878 match qualified sales tax exemptions that a certified business  
 879 designates for use by state universities and community colleges  
 880 to support research and development projects requested by the  
 881 certified business. ~~The State Board of Education may authorize~~  
 882 ~~any university to encumber the state matching portion of a~~  
 883 ~~challenge grant from funds available under s. 1011.45.~~

884 (2) The Board of Governors ~~State Board of Education~~ shall  
 885 specify the process for submission, documentation, and approval  
 886 of requests for matching funds, accountability for endowments  
 887 and proceeds of endowments, allocations to universities,  
 888 restrictions on the use of the proceeds from endowments, and  
 889 criteria used in determining the value of donations.

890 (3)(a) The Board of Governors ~~State Board of Education~~  
 891 shall allocate the amount appropriated to the trust fund to each  
 892 university ~~and New College~~ based on the amount of the donation  
 893 and the restrictions applied to the donation.

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894 (b) Donations from a private source must be for a specific  
 895 purpose to support university priorities as established by the  
 896 university's board of trustees and must be matched in the  
 897 following manner:

898 1. Each university that raises at least \$100,000 but no  
 899 more than \$999,999 ~~\$599,999~~ from a private source must receive a  
 900 matching grant equal to 50 percent of the private contribution.

901 ~~2. Each university that raises a contribution of at least~~  
 902 ~~\$600,000 but no more than \$1 million from a private source must~~  
 903 ~~receive a matching grant equal to 70 percent of the private~~  
 904 ~~contribution.~~

905 2.3. Each university that raises a contribution ~~in excess~~  
 906 of at least \$1 million but less ~~no more than~~ \$3 ~~\$1.5~~ million  
 907 from a private source must receive a matching grant equal to 60  
 908 ~~75~~ percent of the private contribution.

909 ~~4. Each university that raises a contribution in excess of~~  
 910 ~~\$1.5 million but no more than \$2 million from a private source~~  
 911 ~~must receive a matching grant equal to 80 percent of the private~~  
 912 ~~contribution.~~

913 ~~3.5.~~ Each university that raises a contribution ~~in excess~~  
 914 of \$3 ~~\$2~~ million or more from a private source must receive a  
 915 matching grant equal to 85 ~~100~~ percent of the private  
 916 contribution.

917 4. The maximum amount of matching funds that may be used  
 918 to match a single gift in any given year is \$3 million. The  
 919 maximum total amount of matching funds that may be used to match  
 920 any single gift is \$15 million, to be distributed in equal  
 921 amounts of \$3 million per year over a period of 5 years, subject  
 922 to availability of funds.



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923 ~~(c) The State Board of Education shall encumber state~~  
 924 ~~matching funds for any pledged contributions, pro rata, based on~~  
 925 ~~the requirements for state matching funds as specified for the~~  
 926 ~~particular challenge grant and the amount of the private~~  
 927 ~~donations actually received by the university for the respective~~  
 928 ~~challenge grant.~~

929 (4) Matching funds may be provided for contributions  
 930 encumbered or pledged under the Eminent Scholars Act prior to  
 931 July 1, 1994, and for donations or pledges of any amount equal  
 932 to or in excess of the prescribed minimums which are pledged for  
 933 the purpose of this section.

934 (5)(a) Each university foundation ~~and New College~~  
 935 ~~Foundation~~ shall establish a challenge grant account for each  
 936 challenge grant as a depository for private contributions and  
 937 state matching funds to be administered on behalf of the Board  
 938 of Governors or State Board of Education, the university, ~~or New~~  
 939 ~~College~~. State matching funds must be transferred to a  
 940 university foundation ~~or New College Foundation~~ upon  
 941 notification that the university ~~or New College~~ has received and  
 942 deposited the amount specified in this section in a foundation  
 943 challenge grant account.

944 (b) The foundation serving a university ~~and New College~~  
 945 ~~Foundation~~ each has the responsibility for the maintenance and  
 946 investment of its challenge grant account and for the  
 947 administration of the program on behalf of the university ~~or New~~  
 948 ~~College~~, pursuant to procedures specified by the Board of  
 949 Governors State Board of Education. Each foundation shall  
 950 include in its annual report to the Board of Governors State  
 951 ~~Board of Education~~ information concerning collection and

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952 investment of matching gifts and donations and investment of the  
 953 account.

954 (c) A donation of at least \$600,000 and associated state  
 955 matching funds may be used to designate an Eminent Scholar  
 956 Endowed Chair pursuant to procedures specified by the State  
 957 Board of Education.

958 (6) The donations, state matching funds, or proceeds from  
 959 endowments established under this section may not be expended  
 960 for the construction, renovation, or maintenance of facilities  
 961 or for the support of intercollegiate athletics.

962 (7) Implementation of this section is contingent upon  
 963 legislative appropriation and as provided by law.

964 Section 11. This act shall take effect July 1, 2004.