

By the Committee on Education; and Senator Carlton

304-2464-04

1 A bill to be entitled
2 An act relating to state universities; amending
3 s. 1009.531, F.S.; revising eligibility
4 criteria for the Florida Bright Futures
5 Scholarship Program; creating s. 1011.901,
6 F.S.; awarding incentive funds to state
7 universities; requiring the Board of Governors
8 to allocate incentive awards to university
9 boards of trustees; requiring targeting of
10 critical occupations and discipline areas;
11 requiring an annual report to the Governor and
12 the Legislature; amending s. 1009.24, F.S.;
13 requiring university boards of trustees to
14 provide students with a billing statement that
15 reflects the true cost of the student's
16 education; requiring university boards of
17 trustees to develop proposals for block tuition
18 and fee policies and to charge certain students
19 the full cost of education per credit hour;
20 providing certain exceptions; amending s.
21 1011.94, F.S., amending the Trust Fund for
22 University Major Gifts; giving authority to the
23 Board of Governors; revising provisions
24 regarding matches for donations; deleting
25 references to New College; designating the
26 Student Union Building at the University of
27 North Florida as the "James E. "Jim" and Linda
28 King, Jr., Student Union Building"; designating
29 the proposed entrance pavilion at the John and
30 Mabel Ringling Museum of Art at the Florida
31 State University Ringling Center for Cultural

1 Arts as the "John M. McKay Visitors' Pavilion";
2 authorizing the erection of suitable markers;
3 providing an effective date.
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5 Be It Enacted by the Legislature of the State of Florida:
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7 Section 1. Paragraph (b) of subsection (1) of section
8 1009.531, Florida Statutes, is amended to read:

9 1009.531 Florida Bright Futures Scholarship Program;
10 student eligibility requirements for initial awards.--

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

14 (b) Earn a standard Florida high school diploma or its
15 equivalent as described in s. 1003.429, s. 1003.43, or s.
16 1003.435 unless:

17 1. The student ~~is enrolled full time in the early~~
18 ~~admission program of an eligible postsecondary education~~
19 ~~institution or~~ completes a home education program according to
20 s. 1002.41; or

21 2. The student earns a high school diploma from a
22 non-Florida school while living with a parent or guardian who
23 is on military or public service assignment away from Florida.

24 Section 2. Section 1011.901, Florida Statutes, is
25 created to read:

26 1011.901 Incentive funding for targeted degree
27 production at state universities.--

28 (1) INCENTIVE FUNDING FOR INCREASED DEGREE PRODUCTION
29 IN CRITICAL AREAS.--Subject to legislative appropriation, the
30 Board of Governors shall annually allocate an amount specified
31 in the General Appropriations Act as incentive awards to

1 individual university boards of trustees for establishing
2 programs, policies, and procedures that lead to increased
3 degree production in academic discipline areas deemed critical
4 to future job growth needs of this state.

5 (2) TARGETED CRITICAL AREAS DURING THE 2004-2005
6 FISCAL YEAR.--The targeted academic discipline areas deemed
7 critical to future job growth needs of this state for the
8 2004-2005 fiscal year shall be:

- 9 (a) Teaching;
10 (b) Nursing;
11 (c) Engineering; and
12 (d) Information Technology.

13 (3) ALLOCATION OF INCENTIVE AWARDS FOR THE 2004-2005
14 FISCAL YEAR.--

15 (a) By July 15, 2004, the Board of Governors, in
16 conjunction with the individual university boards of trustees,
17 shall identify the specific academic disciplines and the
18 appropriate upper-level and graduate-level academic courses
19 that articulate to the targeted career areas identified in
20 subsection (2).

21 (b) Prior to allocating any appropriated incentive
22 awards, the Board of Governors shall establish a base from the
23 2003-2004 full-time equivalent student enrollments in the
24 upper-level and graduate-level academic courses identified
25 pursuant to this subsection and taken by students who are
26 officially seeking an undergraduate or graduate degree in the
27 targeted academic disciplines identified pursuant to this
28 subsection.

29 (c) By August 15, 2004, the Board of Governors shall
30 develop a methodology for allocating any appropriated
31 incentive awards for the 2004-2005 fiscal year based on a

1 prorated share of the actual number of full-time equivalent
2 student enrollment growth above the base year. Any
3 appropriated funds for incentives which are not awarded by the
4 end of the fiscal year shall revert to the General Revenue
5 Fund unallocated.

6 (4) TARGETED CRITICAL AREAS DURING THE 2005-2006
7 FISCAL YEAR AND THEREAFTER.--

8 (a) By October 1, 2004, the Board of Governors, in
9 consultation with the Agency for Workforce Innovation,
10 Workforce Florida, Inc., and Enterprise Florida, Inc., shall
11 develop a multiyear forecasting mechanism for identifying
12 occupations in areas that may require an increase in
13 undergraduate and graduate degree production. By October 1 of
14 each year, such forecasting shall identify occupations with
15 the largest unmet growth rates as well as the highest wage
16 potential for subsequent years.

17 (b) By November 1, 2004, the Board of Governors shall
18 develop a methodology for allocating any appropriated
19 incentive awards, beginning with the 2005-2006 fiscal year,
20 based on increasing undergraduate and graduate degree
21 production in academic disciplines linked to occupations
22 identified by the forecast specified in paragraph (a). Any
23 appropriated funds for incentives which are not awarded by the
24 end of the fiscal year shall revert to the General Revenue
25 Fund unallocated.

26 (5) ANNUAL REPORT.--By December 1 of each year, the
27 Board of Governors shall submit a report to the Governor, the
28 President of the Senate, and the Speaker of the House of
29 Representatives which details the implementation of this
30 section, including any university successes or barriers to
31 such implementation.

1 Section 3. Subsections (15), (16), (17), and (18) are
2 added to section 1009.24, Florida Statutes, to read:

3 1009.24 State university student fees.--

4 (15) Each university board of trustees shall provide
5 every student who is charged tuition and fees with a billing
6 statement at the beginning of each semester which clearly
7 identifies the amount of funding the state and the respective
8 university are paying on behalf of the student to reflect the
9 true costs of the student's education. State funding to the
10 university and state-supported financial assistance shall be
11 itemized and included in the billing statement. The billing
12 statement required by this subsection may be transmitted to
13 the student by e-mail, web page, or other electronic means. A
14 sample of the billing statement format shall be submitted to
15 the Board of Governors for its review and approval prior to
16 August 15 of each year.

17 (16) Each university board of trustees shall develop a
18 proposal to establish a block tuition and fee policy in order
19 to decrease the time required for students to earn their
20 degrees. The proposals shall not increase costs to students
21 or the state for students participating in the Florida Bright
22 Futures Scholarship Program or the Florida Prepaid College
23 Program. The proposals shall be submitted to the Board of
24 Governors, the Governor, the President of the Senate, and the
25 Speaker of the House of Representatives no later than December
26 15, 2004.

27 (17)(a) Each university board of trustees shall
28 establish a tuition and fee policy, beginning with the
29 2004-2005 academic year, for students not seeking a degree.
30 For purposes of this subsection, a student not seeking a
31 degree is a student who has not been formally admitted to the

1 university as an undergraduate, graduate, or professional
2 student.

3 (b) Such policy shall require students who are not
4 seeking a degree to pay the full cost of instruction per
5 credit hour, but shall provide an exemption for the following
6 students:

7 1. Students who provide documentation that the courses
8 they seek to enroll in are required for professional
9 licensure, certification, or recertification.

10 2. Active duty military personnel.

11 3. Retired military personnel within 2 years after
12 retirement.

13 4. Full-time employees of state agencies or political
14 subdivisions of the state when the employee's tuition and fees
15 are paid by the state agency or political subdivision for the
16 purpose of taking job-related courses.

17 (c) Student credit hours generated by students who are
18 not seeking a degree, excluding those students who have been
19 provided an exemption pursuant to paragraph (b), shall be
20 identified separately when reporting full-time equivalent
21 student enrollments.

22 (d) The policy shall be submitted to the Board of
23 Governors for its review and submission to the Governor, the
24 President of the Senate, and the Speaker of the House of
25 Representatives.

26 (18)(a) Each university board of trustees shall
27 establish a tuition and fee policy, beginning with the
28 2004-2005 academic year, for students who are in excess of the
29 number of credit hours needed to graduate by more than 15
30 percent.

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1 (b) Such policy shall require students who are in
2 excess of the number of credit hours needed to graduate by
3 more than 15 percent to pay the full cost of instruction per
4 credit hour, but shall provide an exemption for the following
5 credit hours earned by students:

6 1. Credit hours earned through an acceleration
7 mechanism identified in s. 1007.27.

8 2. Credit hours earned in remedial courses.

9 3. Credit hours earned in military science courses.

10 4. Credit hours required to achieve a dual major.

11 5. Credit hours required to achieve teacher
12 certification that are not credited toward the student's first
13 baccalaureate degree.

14 6. Credit hours taken by active duty military
15 personnel.

16 7. Credit hours in courses from which a student must
17 withdraw due to medical or personal hardship reasons.

18 (c) The policy shall include the following credit
19 hours earned by students for purposes of this subsection:

20 1. All credit hours for courses taken at the state
21 university from which the student is seeking a degree,
22 including repeated courses and failed courses, except as
23 provided in s. 1009.285, and courses that are dropped after
24 the university's advertised last day of drop and add.

25 2. All credit hours earned at another institution and
26 accepted for transfer.

27 (d) Student credit hours generated by students who are
28 in excess of the number of credit hours needed to graduate by
29 more than 15 percent, excluding those credit hours identified
30 in paragraph (b), shall be identified separately when
31 reporting full-time equivalent student enrollments.

1 (e) The policy shall be submitted to the Board of
2 Governors for its review and submission to the Governor, the
3 President of the Senate, and the Speaker of the House of
4 Representatives.

5 Section 4. Section 1011.94, Florida Statutes, is
6 amended to read:

7 1011.94 Trust Fund for University Major Gifts.--

8 (1) There is established a Trust Fund for University
9 Major Gifts. The purpose of the trust fund is to enable each
10 university ~~and New College~~ to provide donors with an incentive
11 in the form of matching grants for donations for the
12 establishment of permanent endowments and sales tax exemption
13 matching funds received pursuant to s. 212.08(5)(j), which
14 must be invested, with the proceeds of the investment used to
15 support libraries and instruction and research programs, as
16 defined by the Board of Governors ~~State Board of Education~~.
17 All funds appropriated for the challenge grants, new donors,
18 major gifts, sales tax exemption matching funds pursuant to s.
19 212.08(5)(j), or eminent scholars program must be deposited
20 into the trust fund and invested pursuant to s. 17.61 until
21 the Board of Governors ~~State Board of Education~~ allocates the
22 funds to universities to match private donations.

23 Notwithstanding s. 216.301 and pursuant to s. 216.351, any
24 undisbursed balance remaining in the trust fund and interest
25 income accruing to the portion of the trust fund which is not
26 matched and distributed to universities must remain in the
27 trust fund and be used to increase the total funds available
28 for challenge grants. Funds deposited in the trust fund for
29 the sales tax exemption matching program authorized in s.
30 212.08(5)(j), and interest earnings thereon, shall be
31 maintained in a separate account within the Trust Fund for

1 University Major Gifts, and may be used only to match
2 qualified sales tax exemptions that a certified business
3 designates for use by state universities and community
4 colleges to support research and development projects
5 requested by the certified business. ~~The State Board of~~
6 ~~Education may authorize any university to encumber the state~~
7 ~~matching portion of a challenge grant from funds available~~
8 ~~under s. 1011.45.~~

9 (2) The Board of Governors ~~State Board of Education~~
10 shall specify the process for submission, documentation, and
11 approval of requests for matching funds, accountability for
12 endowments and proceeds of endowments, allocations to
13 universities, restrictions on the use of the proceeds from
14 endowments, and criteria used in determining the value of
15 donations.

16 (3)(a) The Board of Governors ~~State Board of Education~~
17 shall allocate the amount appropriated to the trust fund to
18 each university ~~and New College~~ based on the amount of the
19 donation and the restrictions applied to the donation.

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

24 1. Each university that raises at least \$100,000 but
25 no more than ~~\$499,999~~\$599,999 from a private source must
26 receive a matching grant equal to 25 ~~50~~ percent of the private
27 contribution.

28 2. Each university that raises a contribution of at
29 least ~~\$500,000~~\$600,000 but no more than ~~\$999,999~~\$1 million
30 from a private source must receive a matching grant equal to
31 50 ~~70~~ percent of the private contribution.

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

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

9 ~~4.5.~~ Each university that raises a contribution ~~in~~
10 ~~excess~~ of \$3~~\$2~~ million or more from a private source must
11 receive a matching grant equal to 100 percent of the private
12 contribution.

13 5. A bundled gift shall be limited to not more than \$1
14 million and a maximum match of 50 percent.

15 6. The maximum amount of matching funds that may be
16 used to match a single gift in any given year is \$3 million.
17 The maximum total amount of matching funds that may be used to
18 match any single gift is \$15 million, to be distributed in
19 equal amounts of \$3 million per year over a period of 5 years,
20 subject to availability of funds.

21 ~~(c) The State Board of Education shall encumber state~~
22 ~~matching funds for any pledged contributions, pro rata, based~~
23 ~~on the requirements for state matching funds as specified for~~
24 ~~the particular challenge grant and the amount of the private~~
25 ~~donations actually received by the university for the~~
26 ~~respective challenge grant.~~

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

1 (5)(a) Each university foundation ~~and New College~~
2 ~~Foundation~~ shall establish a challenge grant account for each
3 challenge grant as a depository for private contributions and
4 state matching funds to be administered on behalf of the Board
5 of Governors ~~or State Board of Education~~, the university, ~~or~~
6 ~~New College~~. State matching funds must be transferred to a
7 university foundation ~~or New College Foundation~~ upon
8 notification that the university ~~or New College~~ has received
9 and deposited the amount specified in this section in a
10 foundation challenge grant account.

11 (b) The foundation serving a university ~~and New~~
12 ~~College Foundation~~ each has the responsibility for the
13 maintenance and investment of its challenge grant account and
14 for the administration of the program on behalf of the
15 university ~~or New College~~, pursuant to procedures specified by
16 the Board of Governors ~~State Board of Education~~. Each
17 foundation shall include in its annual report to the Board of
18 Governors ~~State Board of Education~~ information concerning
19 collection and investment of matching gifts and donations and
20 investment of the account.

21 (c) A private donation of at least \$700,000 ~~\$600,000~~
22 and 50 percent of associated state matching funds may be used
23 to designate an Eminent Scholar Endowed Chair pursuant to
24 procedures specified by the State Board of Education.

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

29 (7) Any gift, including a gift pledged and approved
30 for initial match, which is approved by the Board of Governors
31 and on the pending list before July 1, 2004, shall be eligible

1 for state match at the rate when approved. These changes are
2 effective for new gifts and pledges made on or after July 1,
3 2005.

4 (8) Implementation of this section is contingent upon
5 legislative appropriation and as provided by law.

6 Section 5. James E. "Jim" and Linda King, Jr., Student
7 Union Building designated; University of North Florida to
8 erect suitable markers.--

9 (1) The Student Union Building at the University of
10 North Florida is designated as the "James E. "Jim" and Linda
11 King, Jr., Student Union Building."

12 (2) The University of North Florida is authorized to
13 erect suitable markers for the designation of the James E.
14 "Jim" and Linda King, Jr., Student Union Building as described
15 in subsection (1).

16 Section 6. John M. McKay Visitors' Pavilion
17 designated; Florida State University to erect suitable
18 markers.--

19 (1) The proposed entrance pavilion at the John and
20 Mabel Ringling Museum of Art at the Florida State University
21 Center for Cultural Arts in Sarasota is designated as the
22 "John M. McKay Visitors' Pavilion."

23 (2) Florida State University is authorized to erect
24 suitable markers for the designation of the John M. McKay
25 Visitors' Pavilion as described in subsection (1).

26 Section 7. This act shall take effect July 1, 2004.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2884

4 Requires each university board of trustees to develop a
5 proposal for a block tuition and fee policy, with certain
6 restrictions, to be submitted to the Board of Governors, the
Governor, the President of the Senate and the Speaker of the
House of Representatives by December 15, 2004.

7 Requires each university board of trustees to establish a
8 policy, beginning in 2004-2005, that students who have earned
9 more than 115 percent of the number of credit hours needed to
10 graduate or who are not seeking a degree will have to pay the
full cost of their education. Provides a definition of
students not seeking degrees. Changes other requirements and
adds new required exceptions to these policies.

11 Requires that tuition and fee policies adopted by university
12 boards of trustees regarding excess hours and students not
13 seeking degrees be submitted to the Board of Governors for
review and submission to the Governor, President of the
Senate, and Speaker of the House of Representatives.

14 Amends the Florida Bright Futures Scholarship Program to
15 eliminate the eligibility of students who are enrolled full
16 time in the early admission program of an eligible
postsecondary institution.

17 Designates the student union building at the University of
18 North Florida as the "James E. "Jim" and Linda King, Jr.,
Student Union Building."

19 Designates the proposed entrance pavilion at the John and
20 Mabel Ringling Museum of Art at the Florida State University
Center for Cultural Arts in Sarasota as the "John M. McKay
Visitors' Pavilion."

21 Amends statutory provisions regarding the Trust Fund for
22 University Major Gifts:

23 to make conforming changes to reflect the creation of the
24 Board of Governors as the entity responsible for
25 management of the state universities,

26 to revise the purposes for which a donation must be made,

27 to revise the donation levels available for matches as
28 well as corresponding state matching grant amounts,

29 to restrict bundled gifts,

30 to provide a maximum amount of matching funds for any
31 single gift,

 to eliminate pro rata distribution for state matching
funds, and

 to eliminate the authority of the State Board of
Education to authorize any university to encumber the

1 state match from unexpended funds in a university
2 operating budget.

3 Provides that changes to the match provisions of the Trust
4 Fund for University Major Gifts will be applicable to new
5 gifts and pledges made after July 1, 2005.

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