

Amendment No.

CHAMBER ACTION

Senate

House

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.

1 Representative Weatherford offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5
6 Section 1. Section 1009.21, Florida Statutes, is amended
7 to read:

8 1009.21 Determination of resident status for tuition
9 purposes.--Students shall be classified as residents or
10 nonresidents for the purpose of assessing tuition in community
11 colleges and state universities.

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

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

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17 (b) "Initial enrollment" means the first day of class at
18 an institution of higher education.

19 ~~(c)-(b)~~ ~~The term~~ "Institution of higher education" means
20 any ~~public~~ community college as defined in s. 1000.21(3) or
21 state university as defined in s. 1000.21(6).

22 ~~(d)-(e)~~ A "Legal resident" or "resident" means ~~is~~ a person
23 who has maintained his or her residence in this state for the
24 preceding year, has purchased a home which is occupied by him or
25 her as his or her residence, or has established a domicile in
26 this state pursuant to s. 222.17.

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

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

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

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

36 1. A person or, if that person is a dependent child, his
37 or her parent or parents must have established legal residence
38 in this state and must have maintained legal residence in this
39 state for at least 12 consecutive months immediately prior to
40 his or her initial enrollment in an institution of higher
41 education qualification. Legal residence must be established by
42 written or electronic verification that includes two or more of
43 the following Florida documents that demonstrate clear and
44 convincing evidence of continuous residence in the state for at

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45 least 12 consecutive months prior to the student's initial
46 enrollment in an institution of higher education: a voter
47 information card pursuant to s. 97.071; a driver's license; an
48 identification card issued by the state; a vehicle registration;
49 a declaration of domicile; proof of purchase of a permanent
50 home; proof of a homestead exemption in the state; a transcript
51 from a Florida high school; a Florida high school equivalency
52 diploma and transcript; proof of permanent full-time employment;
53 proof of 12 consecutive months of payment of utility bills; a
54 domicile lease and proof of 12 consecutive months of payments;
55 or other official state or court documents evidencing legal ties
56 to the state. No single piece of evidence shall be conclusive.

57 2. Every applicant for admission to an institution of
58 higher education shall be required to make a statement as to his
59 or her length of residence in the state and, further, shall
60 establish that his or her presence or, if the applicant is a
61 dependent child, the presence of his or her parent or parents in
62 the state currently is, and during the requisite 12-month
63 qualifying period was, for the purpose of maintaining a bona
64 fide domicile, rather than for the purpose of maintaining a mere
65 temporary residence or abode incident to enrollment in an
66 institution of higher education.

67 (b) However, with respect to a dependent child living with
68 an adult relative other than the child's parent, such child may
69 qualify as a resident for tuition purposes if the adult relative
70 is a legal resident who has maintained legal residence in this
71 state for at least 12 consecutive months immediately prior to
72 the child's initial enrollment in an institution of higher

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73 education qualification, provided the child has resided
74 continuously with such relative for the 5 years immediately
75 prior to the child's initial enrollment in an institution of
76 higher education qualification, during which time the adult
77 relative has exercised day-to-day care, supervision, and control
78 of the child.

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

85 (d) A person who is classified as a nonresident for
86 tuition purposes may become eligible for reclassification as a
87 resident for tuition purposes if that person or, if that person
88 is a dependent child, his or her parent presents clear and
89 convincing evidence that supports permanent residency in this
90 state rather than temporary residency for the purpose of
91 pursuing an education, such as documentation of full-time
92 permanent employment for the prior 12 months or the purchase of
93 a home in this state and residence therein for the prior 12
94 months while not enrolled in an institution of higher education.
95 If a person who is a dependent child and his or her parent move
96 to this state while such child is a high school student and the
97 child graduates from a high school in this state, the child may
98 become eligible for reclassification as a resident for tuition
99 purposes when the parent qualifies for permanent residency.

100 (3) (a) An individual shall not be classified as a resident
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101 for tuition purposes and, thus, shall not be eligible to receive
102 the in-state tuition rate until he or she has provided such
103 evidence related to legal residence and its duration or, if that
104 individual is a dependent child, documentation of his or her
105 parent's legal residence and its duration, as well as
106 documentation confirming his or her status as a dependent child,
107 as may be required by law and by officials of the institution of
108 higher education from which he or she seeks the in-state tuition
109 rate. The documentation shall provide clear and convincing
110 evidence that residency in this state was for a minimum of 12
111 consecutive months prior to the student's initial enrollment in
112 an institution of higher education. No single piece of evidence
113 shall be conclusive.

114 (b) Each institution of higher learning shall:

115 1. Determine whether an applicant who has been granted
116 admission to that institution is a dependent child.

117 2. Affirmatively determine that an applicant who has been
118 granted admission to that institution as a Florida resident
119 meets the residency requirements of this section at the time of
120 initial enrollment.

121 (4) With respect to a dependent child, the legal residence
122 of the dependent child's ~~such individual's~~ parent or parents is
123 prima facie evidence of the dependent child's ~~individual's~~ legal
124 residence, which evidence may be reinforced or rebutted,
125 relative to the age and general circumstances of the dependent
126 child ~~individual~~, by the other evidence of legal residence
127 required of or presented by the dependent child ~~individual~~.
128 However, the legal residence of a dependent child's ~~an~~

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129 ~~individual whose~~ parent or parents who are domiciled outside
130 this state is not prima facie evidence of the dependent child's
131 ~~individual's~~ legal residence if that dependent child individual
132 has lived in this state for 5 consecutive years prior to
133 enrolling or reregistering at the institution of higher
134 education at which resident status for tuition purposes is
135 sought.

136 (5) In making a domiciliary determination related to the
137 classification of a person as a resident or nonresident for
138 tuition purposes, the domicile of a married person, irrespective
139 of sex, shall be determined, as in the case of an unmarried
140 person, by reference to all relevant evidence of domiciliary
141 intent. For the purposes of this section:

142 (a) A person shall not be precluded from establishing or
143 maintaining legal residence in this state and subsequently
144 qualifying or continuing to qualify as a resident for tuition
145 purposes solely by reason of marriage to a person domiciled
146 outside this state, even when that person's spouse continues to
147 be domiciled outside of this state, provided such person
148 maintains his or her legal residence in this state.

149 (b) A person shall not be deemed to have established or
150 maintained a legal residence in this state and subsequently to
151 have qualified or continued to qualify as a resident for tuition
152 purposes solely by reason of marriage to a person domiciled in
153 this state.

154 (c) In determining the domicile of a married person,
155 irrespective of sex, the fact of the marriage and the place of
156 domicile of such person's spouse shall be deemed relevant

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157 evidence to be considered in ascertaining domiciliary intent.

158 (6) Any nonresident person, irrespective of sex, who
159 marries a legal resident of this state or marries a person who
160 later becomes a legal resident may, upon becoming a legal
161 resident of this state, accede to the benefit of the spouse's
162 immediately precedent duration as a legal resident for purposes
163 of satisfying the 12-month durational requirement of this
164 section.

165 (7) A person shall not lose his or her resident status for
166 tuition purposes solely by reason of serving, or, if such person
167 is a dependent child, by reason of his or her parent's or
168 parents' serving, in the Armed Forces outside this state.

169 (8) A person who has been properly classified as a
170 resident for tuition purposes but who, while enrolled in an
171 institution of higher education in this state, loses his or her
172 resident tuition status because the person or, if he or she is a
173 dependent child, the person's parent or parents establish
174 domicile or legal residence elsewhere shall continue to enjoy
175 the in-state tuition rate for a statutory grace period, which
176 period shall be measured from the date on which the
177 circumstances arose that culminated in the loss of resident
178 tuition status and shall continue for 12 months. However, if the
179 12-month grace period ends during a semester or academic term
180 for which such former resident is enrolled, such grace period
181 shall be extended to the end of that semester or academic term.

182 (9) Any person who ceases to be enrolled at or who
183 graduates from an institution of higher education while
184 classified as a resident for tuition purposes and who

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185 subsequently abandons his or her domicile in this state shall be
186 permitted to reenroll at an institution of higher education in
187 this state as a resident for tuition purposes without the
188 necessity of meeting the 12-month durational requirement of this
189 section if that person has reestablished his or her domicile in
190 this state within 12 months of such abandonment and continuously
191 maintains the reestablished domicile during the period of
192 enrollment. The benefit of this subsection shall not be accorded
193 more than once to any one person.

194 (10) The following persons shall be classified as
195 residents for tuition purposes:

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

201 (b) Active duty members of the Armed Services of the
202 United States and their spouses and dependents attending a
203 public community college or state university within 50 miles of
204 the military establishment where they are stationed, if such
205 military establishment is within a county contiguous to Florida.

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

210 (d) Full-time instructional and administrative personnel
211 employed by state public schools, ~~community colleges,~~ and
212 institutions of higher education, ~~as defined in s. 1000.04,~~ and
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213 their spouses and dependent children.

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

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

220 (g) Full-time employees of state agencies or political
221 subdivisions of the state when the student fees are paid by the
222 state agency or political subdivision for the purpose of job-
223 related law enforcement or corrections training.

224 (h) McKnight Doctoral Fellows and Finalists who are United
225 States citizens.

226 (i) United States citizens living outside the United
227 States who are teaching at a Department of Defense Dependent
228 School or in an American International School and who enroll in
229 a graduate level education program which leads to a Florida
230 teaching certificate.

231 (j) Active duty members of the Canadian military residing
232 or stationed in this state under the North American Air Defense
233 (NORAD) agreement, and their spouses and dependent children,
234 attending a community college or state university within 50
235 miles of the military establishment where they are stationed.

236 (k) Active duty members of a foreign nation's military who
237 are serving as liaison officers and are residing or stationed in
238 this state, and their spouses and dependent children, attending
239 a community college or state university within 50 miles of the
240 military establishment where the foreign liaison officer is

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241 stationed.

242 (11) The State Board of Education and the Board of
243 Governors shall adopt rules to implement this section.

244 Section 2. Subsection (4) of section 1009.23, Florida
245 Statutes, is amended to read:

246 1009.23 Community college student fees.--

247 (4) Each community college board of trustees shall
248 establish tuition and out-of-state fees, which may vary no more
249 than 10 percent below and 15 percent above the combined total of
250 the standard tuition and fees established in subsection (3),
251 ~~provided that any amount from 10 to 15 percent above the~~
252 ~~standard tuition and fees established in subsection (3) shall be~~
253 ~~used only to support safety and security purposes. In order to~~
254 ~~assess an additional amount for safety and security purposes, a~~
255 ~~community college board of trustees must provide written~~
256 ~~justification to the State Board of Education based on criteria~~
257 ~~approved by the board of trustees, including, but not limited~~
258 ~~to, criteria such as local crime data and information, and~~
259 ~~strategies for the implementation of local safety plans. Should~~
260 ~~a college decide to increase the tuition and fees, the funds~~
261 ~~raised by increasing the tuition and fees must be expended~~
262 ~~solely for additional safety and security purposes and shall not~~
263 ~~supplant funding expended in the 1998-1999 budget for safety and~~
264 ~~security purposes.~~

265 Section 3. Paragraph (c) of subsection (4) of section
266 1009.24, Florida Statutes, is amended to read:

267 1009.24 State university student fees.--

268 (4)

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269 (c) The Board of Governors, or the board's designee, may
270 establish tuition for graduate and professional programs, and
271 out-of-state fees for all programs. The sum of tuition and out-
272 of-state fees assessed to nonresident students must be
273 sufficient to offset the full instructional cost of serving such
274 students. However, adjustments to out-of-state fees or tuition
275 for graduate programs and ~~pursuant to this section may not~~
276 ~~exceed 10 percent in any year, and adjustments to out-of-state~~
277 ~~fees or tuition for professional programs may not exceed 15~~
278 percent in any year.

279 Section 4. Paragraph (a) of subsection (5) of section
280 1009.53, Florida Statutes, is amended, and subsection (11) is
281 added to that section, to read:

282 1009.53 Florida Bright Futures Scholarship Program.--

283 (5) The department shall issue awards from the scholarship
284 program annually. Annual awards may be for up to 45 semester
285 credit hours or the equivalent. Before the registration period
286 each semester, the department shall transmit payment for each
287 award to the president or director of the postsecondary
288 education institution, or his or her representative, except that
289 the department may withhold payment if the receiving institution
290 fails to report or to make refunds to the department as required
291 in this section.

292 (a) Within 30 days after the end of regular registration
293 each semester, the educational institution shall certify to the
294 department the eligibility status of each student who receives
295 an award. After the end of the drop and add period, an
296 institution is not required to reevaluate or revise a student's

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297 eligibility status; however, an institution ~~but~~ must make a
298 refund to the department within 30 days after the end of the
299 semester of any funds received for courses dropped by students
300 after the end of the drop and add period or courses from which
301 students withdraw after the end of the drop and add period
302 unless a student has dropped or withdrawn from the course due to
303 a verifiable illness or other documented emergency ~~if a student~~
304 ~~who receives an award disbursement terminates enrollment for any~~
305 ~~reason during an academic term and a refund is permitted by the~~
306 ~~institution's refund policy.~~

307 (11) Funds for any scholarship within the Florida Bright
308 Futures Scholarship Program may not be used to pay for courses
309 dropped after the end of the drop and add period or courses from
310 which students withdraw after the end of the drop and add period
311 except as otherwise provided in this section. The department
312 shall notify eligible recipients of the provisions of this
313 subsection. Each institution shall notify award recipients of
314 the provisions of this subsection during the registration
315 process.

316 Section 5. Paragraph (a) of subsection (1) of section
317 1009.532, Florida Statutes, is amended to read:

318 1009.532 Florida Bright Futures Scholarship Program;
319 student eligibility requirements for renewal awards.--

320 (1) To be eligible to renew a scholarship from any of the
321 three types of scholarships under the Florida Bright Futures
322 Scholarship Program, a student must:

323 (a) Effective with students funded in the 2009-2010
324 academic year and thereafter, earn ~~complete~~ at least 24 ~~12~~

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325 semester credit hours or the equivalent in the last academic
326 year in which the student earned a scholarship if the student
327 was enrolled full time or earn a prorated number of credit hours
328 as determined by the Department of Education if the student was
329 enrolled less than full time for any part of the academic year.
330 If a student fails to earn the minimum number of hours required
331 to renew the scholarship, the student shall lose his or her
332 eligibility for renewal for a period equivalent to one academic
333 year. The student is eligible to restore the award the following
334 academic year if the student earns the hours for which the
335 student was enrolled at the level defined by the department and
336 meets the grade point average for renewal. A student is eligible
337 for such a restoration one time. The department shall notify
338 eligible recipients of the requirements of this paragraph. Each
339 institution shall notify award recipients of the requirements of
340 this paragraph during the registration process.

341 Section 6. Subsection (1) and paragraph (c) of subsection
342 (2) of section 1009.55, Florida Statutes, are amended to read:

343 1009.55 Rosewood Family Scholarship Program.--

344 (1) There is created a Rosewood Family Scholarship Program
345 for ~~minority persons with preference given to~~ the direct
346 descendants of the Rosewood families, not to exceed 25
347 scholarships per year. ~~Funds appropriated by the Legislature for~~
348 ~~the program shall be deposited in the State Student Financial~~
349 ~~Assistance Trust Fund.~~

350 (2) The Rosewood Family Scholarship Program shall be
351 administered by the Department of Education. The State Board of

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352 Education shall adopt rules for administering this program which
353 shall at a minimum provide for the following:

354 (c) The department shall rank eligible initial applicants
355 for the purposes of awarding scholarships ~~with preference being~~
356 ~~given to the direct descendants of the Rosewood families. The~~
357 ~~remaining applicants shall be ranked~~ based on need as determined
358 by the Department of Education.

359 Section 7. Paragraph (b) of subsection (2) and paragraphs
360 (b) and (c) of subsection (3) of section 1009.57, Florida
361 Statutes, is amended to read:

362 1009.57 Florida Teacher Scholarship and Forgivable Loan
363 Program.--

364 (2) Within the Florida Teacher Scholarship and Forgivable
365 Loan Program shall be established the "Chappie" James Most
366 Promising Teacher Scholarship which shall be offered to a top
367 graduating senior from each public secondary school in the
368 state. An additional number of "Chappie" James Most Promising
369 Teacher Scholarship awards shall be offered annually to
370 graduating seniors from private secondary schools in the state
371 which are listed with the Department of Education and accredited
372 by the Southern Association of Colleges and Schools or any other
373 private statewide accrediting agency which makes public its
374 standards, procedures, and member schools. The private secondary
375 schools shall be in compliance with regulations of the Office
376 for Civil Rights. The number of awards to private secondary
377 school students shall be proportional to the number of awards
378 available to public secondary school students and shall be
379 calculated as the ratio of the number of private to public

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380 secondary school seniors in the state multiplied by the number
381 of public secondary schools in the state.

382 (b) The amount of the scholarship shall be prorated based
383 on available appropriations and may not exceed ~~is~~ \$1,500 per
384 year. The scholarship ~~and~~ may be renewed for 1 year if the
385 student earns a 2.5 cumulative grade point average and 12 credit
386 hours per term and meets the eligibility requirements for
387 renewal of the award.

388 (3)

389 (b) An undergraduate forgivable loan may be awarded for 2
390 undergraduate years, ~~not to exceed \$4,000 per year,~~ or for a
391 maximum of 3 years for programs requiring a fifth year of
392 instruction to obtain initial teaching certification. The amount
393 of the undergraduate forgivable loan shall be prorated based on
394 available appropriations and may not exceed \$4,000 per year.

395 (c) A graduate forgivable loan may be awarded for 2
396 graduate years. The amount of the graduate forgivable loan shall
397 be prorated based on available appropriations and may, ~~not to~~
398 exceed \$8,000 per year. In addition to meeting criteria
399 specified in paragraph (a), a loan recipient at the graduate
400 level shall:

401 1. Hold a bachelor's degree from any college or university
402 accredited by a regional accrediting association as defined by
403 State Board of Education rule.

404 2. Not already hold a teaching certificate resulting from
405 an undergraduate degree in education in an area of critical
406 teacher shortage as designated by the State Board of Education.

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407 3. Not have received an undergraduate forgivable loan as
408 provided for in paragraph (b).

409 Section 8. Subsection (3) of section 1009.58, Florida
410 Statutes, is amended to read:

411 1009.58 Critical teacher shortage tuition reimbursement
412 program.--

413 (3) Participants may receive tuition reimbursement
414 payments for up to 9 semester hours, or the equivalent in
415 quarter hours, per year. The amount of the reimbursement per
416 semester hour shall be prorated based on available
417 appropriations and may not, at a rate not to exceed \$78 per
418 semester hour, up to a total of 36 semester hours. All tuition
419 reimbursements shall be contingent on passing an approved course
420 with a minimum grade of 3.0 or its equivalent.

421 Section 9. Subsection (2) of section 1009.59, Florida
422 Statutes, is amended to read:

423 1009.59 Critical Teacher Shortage Student Loan Forgiveness
424 Program.--

425 (2) ~~From the funds available,~~ The Department of Education
426 may make loan principal repayments, which shall be prorated
427 based on available appropriations as follows:

428 (a) Up to \$2,500 a year for up to 4 years on behalf of
429 selected graduates of state-approved undergraduate postsecondary
430 teacher preparation programs, persons certified to teach
431 pursuant to any applicable teacher certification requirements,
432 or selected teacher preparation graduates from any state
433 participating in the Interstate Agreement on the Qualification
434 of Educational Personnel.

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435 (b) Up to \$5,000 a year for up to 2 years on behalf of
436 selected graduates of state-approved graduate postsecondary
437 teacher preparation programs, persons with graduate degrees
438 certified to teach pursuant to any applicable teacher
439 certification requirements, or selected teacher preparation
440 graduates from any state participating in the Interstate
441 Agreement on the Qualification of Educational Personnel.

442 (c) All repayments shall be contingent on continued proof
443 of employment in the designated subject areas in this state and
444 shall be made directly to the holder of the loan. The state
445 shall not bear responsibility for the collection of any interest
446 charges or other remaining balance. In the event that designated
447 critical teacher shortage subject areas are changed by the State
448 Board of Education, a teacher shall continue to be eligible for
449 loan forgiveness as long as he or she continues to teach in the
450 subject area for which the original loan repayment was made and
451 otherwise meets all conditions of eligibility.

452 Section 10. Subsections (1) and (3) of section 1009.60,
453 Florida Statutes, are amended to read:

454 1009.60 Minority teacher education scholars
455 program.--There is created the minority teacher education
456 scholars program, which is a collaborative performance-based
457 scholarship program for African-American, Hispanic-American,
458 Asian-American, and Native American students. The participants
459 in the program include Florida's community colleges and its
460 public and private universities that have teacher education
461 programs.

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462 (1) The minority teacher education scholars program shall
463 provide an annual scholarship in an amount that shall be
464 prorated based on available appropriations and may not exceed of
465 \$4,000 for each approved minority teacher education scholar who
466 is enrolled in one of Florida's public or private universities
467 in the junior year and is admitted into a teacher education
468 program.

469 (3) The total amount appropriated annually for new
470 scholarships in the program must be divided by \$4,000 and by the
471 number of participating colleges and universities. Each
472 participating institution has access to the same number of
473 scholarships and may award all of them to eligible minority
474 students. If a college or university does not award all of its
475 scholarships by the date set by the program administration at
476 the Florida Fund for Minority Teachers, Inc., the remaining
477 scholarships must be transferred to another institution that has
478 eligible students. If the total amount appropriated for new
479 scholarships is insufficient to award \$4,000 to each eligible
480 student, the amount of the scholarship shall be prorated based
481 on available appropriations.

482 Section 11. Subsection (2) of section 1009.605, Florida
483 Statutes, is amended to read:

484 1009.605 Florida Fund for Minority Teachers, Inc.--

485 (2) (a) The corporation shall submit an annual budget
486 projection to the Department of Education to be included in the
487 annual legislative budget request. The projection must be based
488 on a 7-year plan that would be capable of awarding the following
489 schedule of scholarships:

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490 ~~1.(a)~~ In the initial year, 700 scholarships of \$4,000 each
491 to scholars in the junior year of college.

492 ~~2.(b)~~ In the second year, 350 scholarships to new scholars
493 in their junior year and 700 renewal scholarships to the rising
494 seniors.

495 ~~3.(e)~~ In each succeeding year, 350 scholarships to new
496 scholars in the junior year and renewal scholarships to the 350
497 rising seniors.

498 (b) The corporation shall report to the Department of
499 Education, by the date established by the department, the
500 eligible students to whom scholarship moneys are disbursed each
501 academic term and any other information requested by the
502 department in accordance with s. 1009.94. Within 60 days after
503 the end of each fiscal year, the corporation shall remit to the
504 department any appropriated funds that were not distributed for
505 scholarships, less the 5 percent for administration, including
506 administration of the required training program, authorized
507 pursuant to subsection (3).

508 Section 12. Paragraph (e) of subsection (5) of section
509 1009.701, Florida Statutes, is amended to read:

510 1009.701 First Generation Matching Grant Program.--

511 (5) In order to be eligible to receive a grant pursuant to
512 this section, an applicant must:

513 (e) Have met the eligibility requirements in s. 1009.50
514 for demonstrated financial need for the Florida Public Student
515 Assistance Grant Program by completing the Free Application for
516 Federal Student Aid.

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517 Section 13. Subsections (2) and (3) of section 1009.94,
518 Florida Statutes, are amended to read:

519 1009.94 Student financial assistance database.--

520 (2) For purposes of this section, financial assistance
521 includes:

522 (a) For all students, any scholarship, grant, loan, fee
523 waiver, tuition assistance payment, or other form of
524 compensation provided from state or federal funds.

525 (b) For students attending public institutions, any
526 scholarship, grant, loan, fee waiver, tuition assistance
527 payment, or other form of compensation supported by
528 institutional funds.

529 (c) Any financial assistance provided under s. 1009.50, s.
530 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s.
531 1009.55, s. 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s.
532 1009.63, s. 1009.68, s. 1009.70, s. 1009.701, s. 1009.72, s.
533 1009.73, s. 1009.74, s. 1009.77, s. 1009.89, or s. 1009.891.

534 (3) The database must include records on any student
535 receiving any form of financial assistance as described in
536 subsection (2). Each institution ~~Institutions~~ participating in
537 any state financial assistance program under paragraph (2) (c)
538 shall annually report ~~submit such information~~ to the Department
539 of Education, by the date and in a format prescribed by the
540 department and consistent with the provisions of s. 1002.22, the
541 eligible students to whom financial assistance is disbursed each
542 academic term, the eligibility requirements for recipients, and
543 the aggregate demographics of recipients.

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544 Section 14. Paragraphs (a), (b), and (c) of subsection (2)
545 of section 1009.98, Florida Statutes, are amended, and
546 subsection (10) is added to that section, to read:

547 1009.98 Stanley G. Tate Florida Prepaid College Program.--

548 (2) PREPAID COLLEGE PLANS.--At a minimum, the board shall
549 make advance payment contracts available for two independent
550 plans to be known as the community college plan and the
551 university plan. The board may also make advance payment
552 contracts available for a dormitory residence plan. The board
553 may restrict the number of participants in the community college
554 plan, university plan, and dormitory residence plan,
555 respectively. However, any person denied participation solely on
556 the basis of such restriction shall be granted priority for
557 participation during the succeeding year.

558 (a)1. Through the community college plan, the advance
559 payment contract may ~~shall~~ provide prepaid registration fees for
560 a specified number of undergraduate semester credit hours not to
561 exceed the average number of hours required for the conference
562 of an associate degree. Qualified beneficiaries shall bear the
563 cost of any laboratory fees associated with enrollment in
564 specific courses. Each qualified beneficiary shall be classified
565 as a resident for tuition purposes, pursuant to s. 1009.21,
566 regardless of his or her actual legal residence.

567 2. Effective July 1, 1998, the board may provide advance
568 payment contracts for additional fees delineated in s. 1009.23,
569 not to exceed the average number of hours required for the
570 conference of an associate degree, in conjunction with advance
571 payment contracts for registration fees. Community college plan

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572 contracts purchased prior to July 1, 1998, shall be limited to
573 the payment of registration fees as defined in s. 1009.97.

574 3. Effective July 1, 2009, the board may provide an
575 advance payment contract for the community college plan covering
576 prepaid registration fees and the additional fees delineated in
577 s. 1009.23. Such a contract may be offered in specific
578 increments usable toward an associate degree. The total number
579 of hours purchased for a qualified beneficiary may not exceed
580 the average number of hours required for the conference of an
581 associate degree.

582 (b)1. Through the university plan, the advance payment
583 contract may ~~shall~~ provide prepaid registration fees for a
584 specified number of undergraduate semester credit hours not to
585 exceed the average number of hours required for the conference
586 of a baccalaureate degree. Qualified beneficiaries shall bear
587 the cost of any laboratory fees associated with enrollment in
588 specific courses. Each qualified beneficiary shall be classified
589 as a resident for tuition purposes pursuant to s. 1009.21,
590 regardless of his or her actual legal residence.

591 2. Effective July 1, 1998, the board may provide advance
592 payment contracts for additional fees delineated in s.
593 1009.24(9)-(12), for a specified number of undergraduate
594 semester credit hours not to exceed the average number of hours
595 required for the conference of a baccalaureate degree, in
596 conjunction with advance payment contracts for registration
597 fees. Such contracts shall provide prepaid coverage for the sum
598 of such fees, to a maximum of 45 percent of the cost of
599 registration fees. University plan contracts purchased prior to
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600 July 1, 1998, shall be limited to the payment of registration
601 fees as defined in s. 1009.97.

602 3. Effective July 1, 2007, the board may provide advance
603 payment contracts for the tuition differential authorized in s.
604 1009.24(16) for a specified number of undergraduate semester
605 credit hours, which may not exceed the average number of hours
606 required for the conference of a baccalaureate degree, in
607 conjunction with advance payment contracts for registration
608 fees.

609 4. Effective July 1, 2009, the board may provide an
610 advance payment contract for the university plan covering
611 prepaid registration fees, the additional fees delineated in s.
612 1009.24(9)-(12), and the tuition differential authorized in s.
613 1009.24(16). Such a contract may be offered in specific
614 increments usable toward a baccalaureate degree. The total
615 number of hours purchased for a qualified beneficiary may not
616 exceed the average number of hours required for the conference
617 of a baccalaureate degree.

618 (c) The cost of participation in contracts authorized
619 under paragraph (a) or paragraph (b) shall be based primarily on
620 the current and projected ~~registration~~ fees within the Florida
621 ~~Community~~ College System or the State University System,
622 respectively, that are included in the plan, the number of
623 credit hours or semesters included in the plan, and the number
624 of years expected to elapse between the purchase of the plan on
625 behalf of a qualified beneficiary and the exercise of the
626 benefits provided in the plan by such beneficiary.

627 (10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.--

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628 (a) For the purposes of this subsection:

629 1. "Actuarial reserve" means the amount by which the
630 expected value of the assets of the trust fund exceed the
631 expected value of the liabilities of the trust fund.

632 2. "Fiscal year" means the state fiscal year pursuant to
633 s. 215.01.

634 3. "Local fees" means the fees covered by an advance
635 payment contract provided pursuant to subparagraph (2)(b)2.

636 4. "Tuition differential" means the fee covered by an
637 advance payment contract provided pursuant to subparagraph
638 (2)(b)3. The base rate for the tuition differential for fiscal
639 year 2012-2013 is established at \$37.03 per credit hour. The
640 base rate for the tuition differential in subsequent years is
641 the amount paid by the board for the tuition differential for
642 the preceding year adjusted pursuant to subparagraph (b)2.

643 (b) Effective with the 2009-2010 academic year and each
644 academic year thereafter and notwithstanding s. 1009.24, the
645 amount paid by the board to any state university on behalf of a
646 qualified beneficiary of an advance payment contract whose
647 contract was purchased prior to July 1, 2009, shall be as
648 follows:

649 1. As to registration fees, if the actuarial reserve is
650 less than 5 percent of the expected value of the liabilities of
651 the trust fund, the board shall pay the state universities 5.5
652 percent above the amount assessed for registration fees in the
653 preceding fiscal year. If the actuarial reserve is between 5
654 percent and 6 percent of the expected value of the liabilities
655 of the trust fund, the board shall pay the state universities 6

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656 percent above the amount assessed for registration fees in the
657 preceding fiscal year. If the actuarial reserve is between 6
658 percent and 7.5 percent of the expected value of the liabilities
659 of the trust fund, the board shall pay the state universities
660 6.5 percent above the amount assessed for registration fees in
661 the preceding fiscal year. If the actuarial reserve is equal to
662 or greater than 7.5 percent of the expected liabilities of the
663 trust fund, the board shall pay the state universities 7 percent
664 above the amount assessed for registration fees in the preceding
665 fiscal year.

666 2. As to the tuition differential, if the actuarial
667 reserve is less than 5 percent of the expected value of the
668 liabilities of the trust fund, the board shall pay the state
669 universities 5.5 percent above the base rate for the tuition
670 differential in the preceding fiscal year. If the actuarial
671 reserve is between 5 percent and 6 percent of the expected value
672 of the liabilities of the trust fund, the board shall pay the
673 state universities 6 percent above the base rate for the tuition
674 differential in the preceding fiscal year. If the actuarial
675 reserve is between 6 percent and 7.5 percent of the expected
676 value of the liabilities of the trust fund, the board shall pay
677 the state universities 6.5 percent above the base rate for the
678 tuition differential in the preceding fiscal year. If the
679 actuarial reserve is equal to or greater than 7.5 percent of the
680 expected value of the liabilities of the trust fund, the board
681 shall pay the state universities 7 percent above the base rate
682 for the tuition differential in the preceding fiscal year.

683 Qualified beneficiaries of advance payment contracts purchased
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684 prior to or on July 1, 2007, shall be exempt from paying the
685 tuition differential.

686 3. As to local fees, the board shall pay the state
687 universities 5 percent above the amount assessed for local fees
688 in the preceding fiscal year.

689 4. As to dormitory fees, the board shall pay the state
690 universities 6 percent above the amount assessed for dormitory
691 fees in the preceding fiscal year.

692 (c) The board shall pay state universities the actual
693 amount assessed in accordance with law for registration fees and
694 the tuition differential for advance payment contracts purchased
695 on or after July 1, 2009.

696 (d) The board shall annually evaluate or cause to be
697 evaluated the actuarial soundness of the trust fund.

698 Section 15. Section 1011.521, Florida Statutes, is created
699 to read:

700 1011.521 Appropriation to private colleges and
701 universities.--

702 (1) Subject to the provisions of this section, the
703 Legislature may provide an annual appropriation to support
704 Florida private colleges and universities. Such appropriations
705 may be used to provide access to Florida residents seeking a
706 postsecondary education, to fulfill the state's need for
707 graduates in specific disciplines, and to support medical
708 research.

709 (2) Each institution receiving an appropriation under this
710 section shall submit a proposed expenditure plan to the

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711 Department of Education by the date and in the format
712 established by the department.

713 (3) By September 1 of each fiscal year, each institution
714 receiving an appropriation under this section shall submit a
715 report to the Department of Education detailing expenditures of
716 the funds received under this section in the preceding fiscal
717 year. Any funds used to provide financial assistance to students
718 shall be reported to the department in accordance with s.
719 1009.94.

720 (4) An institution may not expend any of the funds
721 received under this section for the construction of any
722 buildings.

723 Section 16. Sections 1009.76 and 1009.765, Florida
724 Statutes, are repealed.

725 Section 17. Paragraph (a) of subsection (1) of section
726 1009.40, Florida Statutes, is amended to read:

727 1009.40 General requirements for student eligibility for
728 state financial aid awards and tuition assistance grants.--

729 (1) (a) The general requirements for eligibility of
730 students for state financial aid awards and tuition assistance
731 grants consist of the following:

732 1. Achievement of the academic requirements of and
733 acceptance at a state university or community college; a nursing
734 diploma school approved by the Florida Board of Nursing; a
735 Florida college, university, or community college which is
736 accredited by an accrediting agency recognized by the State
737 Board of Education; any Florida institution the credits of which
738 are acceptable for transfer to state universities; any career
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739 center; or any private career institution accredited by an
740 accrediting agency recognized by the State Board of Education.

741 2. Residency in this state for no less than 1 year
742 preceding the award of aid or a tuition assistance grant for a
743 program established pursuant to s. 1009.50, s. 1009.505, s.
744 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s.
745 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s.
746 1009.72, s. 1009.73, ~~s. 1009.76~~, s. 1009.77, s. 1009.89, or s.
747 1009.891. Residency in this state must be for purposes other
748 than to obtain an education. Resident status for purposes of
749 receiving state financial aid awards shall be determined in the
750 same manner as resident status for tuition purposes pursuant to
751 s. 1009.21.

752 3. Submission of certification attesting to the accuracy,
753 completeness, and correctness of information provided to
754 demonstrate a student's eligibility to receive state financial
755 aid awards or tuition assistance grants. Falsification of such
756 information shall result in the denial of any pending
757 application and revocation of any award or grant currently held
758 to the extent that no further payments shall be made.
759 Additionally, students who knowingly make false statements in
760 order to receive state financial aid awards or tuition
761 assistance grants commit a misdemeanor of the second degree
762 subject to the provisions of s. 837.06 and shall be required to
763 return all state financial aid awards or tuition assistance
764 grants wrongfully obtained.

765 Section 18. Notwithstanding s. 1010.62, Florida Statutes,
766 revenue bonds may be secured by or made payable from lease
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767 payments from the Miami-Dade County Health Department of the
768 Department of Health to Florida International University for
769 rental of space within Florida International University's public
770 health facility. The Legislature finds that such action is
771 consistent with the mission of the university. The financial
772 structure of any debt used to fund the public health facility
773 must be in conformity with the debt management guidelines of the
774 Board of Governors of the State University System and must be
775 approved by the Board of Governors pursuant to s. 1010.62,
776 Florida Statutes.

777 Section 19. This act shall take effect July 1, 2009.

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781 **T I T L E A M E N D M E N T**

782 Remove the entire title and insert:

783 A bill to be entitled

784 An act relating to postsecondary education funding; amending s.
785 1009.21, F.S., relating to determination of resident status for
786 tuition purposes; revising definitions; revising provisions
787 relating to qualification as a resident for tuition purposes;
788 providing for reclassification of status; providing duties of
789 institutions of higher education; amending s. 1009.23, F.S.;
790 deleting the requirement that a community college board of
791 trustees use a specified portion of tuition and fees to support
792 safety and security purposes; amending s. 1009.24, F.S.;
793 revising maximum annual adjustments to out-of-state fees or
794 tuition for graduate programs at state universities; amending s.
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795 1009.53, F.S., relating to the Florida Bright Futures
796 Scholarship Program; revising provisions relating to a refund to
797 the Department of Education of funds received by a postsecondary
798 educational institution for certain courses; prohibiting the use
799 of funds for certain purposes; requiring the department and
800 institutions to notify students of certain information; amending
801 s. 1009.532, F.S., relating to the Florida Bright Futures
802 Scholarship Program; revising credit-hour requirements for
803 renewal of a scholarship; providing for restoration of
804 eligibility; requiring the department and institutions to notify
805 students of certain information; amending s. 1009.55, F.S.;
806 limiting eligibility for the Rosewood Family Scholarship Program
807 to direct descendants; deleting obsolete language; amending ss.
808 1009.57, 1009.58, 1009.59, and 1009.60, F.S.; revising
809 provisions relating to the Florida Teacher Scholarship and
810 Forgivable Loan Program, the Critical Teacher Shortage Tuition
811 Reimbursement Program, the Critical Teacher Shortage Student
812 Loan Forgiveness Program, and the Minority Teacher Education
813 Scholars Program; requiring that the amount of awards under such
814 programs be prorated based on available appropriations and not
815 exceed specified amounts; amending s. 1009.605, F.S.; requiring
816 the Florida Fund for Minority Teachers, Inc., to submit a report
817 on scholarship recipients and remit undistributed funds to the
818 Department of Education; amending s. 1009.701, F.S.; requiring
819 applicants under the First Generation Matching Grant Program to
820 meet specified eligibility requirements; amending s. 1009.94,
821 F.S.; providing reporting requirements for postsecondary
822 institutions participating in certain state student financial
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823 assistance programs; amending s. 1009.98, F.S.; authorizing the
824 Florida Prepaid College Board to provide advance payment
825 contracts based on specific increments usable toward an
826 associate or baccalaureate degree; providing definitions;
827 providing for payments on behalf of qualified beneficiaries with
828 contracts purchased prior to July 1, 2009; providing for
829 increases in payments; providing an exemption from the payment
830 of certain fees; requiring evaluation of the actuarial soundness
831 of the Florida Prepaid College Trust Fund; creating s. 1011.521,
832 F.S.; authorizing appropriations to private colleges and
833 universities for specified uses; providing reporting
834 requirements and restrictions on expenditures; repealing ss.
835 1009.76 and 1009.765, F.S., relating to Ethics in Business
836 scholarships; amending s. 1009.40, F.S.; deleting a cross-
837 reference to conform; providing an exemption from requirements
838 relating to revenue bonds and debt for the rental of space
839 within a specified public health facility; providing an
840 effective date.
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