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LEGISLATIVE ACTION

Senate

House

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The Conference Committee on CS for CS for SB 1696 recommended the following:

Senate Conference Committee Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (7) of section 413.30, Florida Statutes, is renumbered as subsection (8), and a new subsection (7) is added to that section, to read:

413.30 Eligibility for vocational rehabilitation services.—

(7) If the division provides an eligible person with vocational rehabilitation services in the form of vehicle



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12 modifications, the division shall consider all options
13 available, including the purchase of a new, original equipment
14 manufacturer vehicle that complies with the Americans with
15 Disabilities Act for transportation vehicles. The division shall
16 make the decision on vocational rehabilitation services based on
17 the best interest of the client and cost-effectiveness.

18 Section 2. Subsection (47) is added to section 1001.64,
19 Florida Statutes, to read:

20 1001.64 Community college boards of trustees; powers and
21 duties.-

22 (47) A board of trustees may not enter into an employment
23 contract that requires the community college to pay a community
24 college president an amount from state funds in excess of 1 year
25 of the president's annual salary for termination, buy-out, or
26 any other type of contract settlement. This subsection does not
27 prohibit the payment of leave and benefits accrued by the
28 president in accordance with the community college's leave and
29 benefits policies before the contract terminates.

30 Section 3. Paragraph (d) is added to subsection (5) of
31 section 1001.706, Florida Statutes, to read:

32 1001.706 Powers and duties of the Board of Governors.-

33 (5) POWERS AND DUTIES RELATING TO PERSONNEL.-

34 (d) The Board of Governors may not enter into an employment
35 contract that requires the board to pay an employee an amount
36 from state funds in excess of 1 year of the employee's annual
37 salary for termination, buy-out, or any other type of contract
38 settlement. This paragraph does not prohibit the payment of
39 leave and benefits accrued by the employee in accordance with
40 the board's leave and benefits policies before the contract



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41 terminates.

42 Section 4. Paragraph (d) is added to subsection (5) of
43 section 1001.74, Florida Statutes, to read:

44 1001.74 Powers and duties of university boards of
45 trustees.—

46 (5) POWERS AND DUTIES RELATING TO PERSONNEL.—

47 (d) A board of trustees may not enter into an employment
48 contract that requires the university to pay an employee an
49 amount from state funds in excess of 1 year of the employee's
50 annual salary for termination, buy-out, or any other type of
51 contract settlement. This paragraph does not prohibit the
52 payment of leave and benefits accrued by the employee in
53 accordance with the university's leave and benefits policies
54 before the contract terminates.

55 Section 5. Section 1004.445, Florida Statutes, is amended
56 to read:

57 (Substantial rewording of section. See
58 s. 1004.445, F.S., for present text.)

59 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and
60 Research Institute.—

61 (1) CREATION AND MISSION.—The Johnnie B. Byrd, Sr.,
62 Alzheimer's Center and Research Institute is established within
63 the University of South Florida. The institute has a statewide
64 mission to advance research, education, treatment, prevention,
65 and the early detection of Alzheimer's disease and is
66 responsible for distributing peer-reviewed competitive grant
67 funds for Alzheimer's disease research.

68 (2) BOARD OF DIRECTORS.—The board of directors for the
69 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute



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70 is created to oversee the management and operation of the
71 institute. The board of directors shall consist of seven members
72 who shall serve at the pleasure of the entity that appoints
73 them. A board member's term shall expire after 4 years, but the
74 member may be reappointed to a subsequent 4-year term. The
75 Governor, the President of the Senate, and the Speaker of the
76 House of Representatives shall each appoint one person to serve
77 on the board of directors. The Board of Trustees of the
78 University of South Florida shall appoint four persons to serve
79 on the board of directors. Trustees are eligible for appointment
80 to the board of directors. The chair of the board of directors
81 shall be elected by a majority vote from among the membership of
82 the board. Members of the board of directors may not receive a
83 salary. The board of directors may organize and appoint an
84 advisory council of concerned citizens to assist the institute
85 in carrying out its duties.

86 (3) CHIEF EXECUTIVE OFFICER.—The institute shall be
87 administered by a chief executive officer who shall be appointed
88 by and serve at the pleasure of the president of the University
89 of South Florida or the president's designee. The chief
90 executive officer shall prepare an annual report for the
91 institute which describes the expenditure of all of the
92 institute's funds and provides information regarding research
93 that has been conducted or funded by the institute, including
94 the expected and actual results of the research.

95 (4) BUDGET.—The institute's budget shall include the moneys
96 appropriated in the General Appropriations Act, donated, or
97 otherwise provided to the institute from private, local, state,
98 and federal sources, as well as technical and professional



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99 income generated or derived from practice activities at the
100 institute. Any appropriation to the institute shall be expended
101 for the purposes specified in this section, including conducting
102 and supporting research and related clinical services, awarding
103 institutional grants and investigator-initiated research grants
104 to other persons within the state through a peer-reviewed
105 competitive process, developing and operating integrated data
106 projects, providing assistance to the memory disorder clinics
107 established in s. 430.502, and providing for the operation of
108 the institute.

109 Section 6. On or before July 1, 2009, the board of
110 directors of the not-for-profit corporation created as an
111 instrumentality of the state pursuant to s. 1004.445, Florida
112 Statutes, shall transfer all unexpended balances, records,
113 functions, facilities, and assets of the Johnnie B. Byrd, Sr.,
114 Alzheimer's Center and Research Institute to the University of
115 South Florida under the oversight of the board of directors of
116 the Johnnie B. Byrd, Sr., Alzheimer's Center and Research
117 Institute, as created in this act.

118 Section 7. Subsection (11) is redesignated as subsection
119 (12), subsections (1), (2), (3), (4), and (6) and paragraph (d)
120 of subsection (10) of section 1009.21, Florida Statutes, are
121 amended, and a new subsection (11) is added to that section, to
122 read:

123 1009.21 Determination of resident status for tuition
124 purposes.—Students shall be classified as residents or
125 nonresidents for the purpose of assessing tuition in community
126 colleges and state universities.

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



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

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

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

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

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

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

146 (g) ~~(e)~~ ~~A~~ "Resident for tuition purposes" means ~~is~~ a person
147 who qualifies as provided in this section ~~subsection (2)~~ for the
148 in-state tuition rate; ~~a "nonresident for tuition purposes" is a~~
149 ~~person who does not qualify for the in-state tuition rate.~~

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

151 1. A person or, if that person is a dependent child, his or
152 her parent or parents must have established legal residence in
153 this state and must have maintained legal residence in this
154 state for at least 12 consecutive months immediately prior to
155 his or her initial enrollment in an institution of higher
156 education ~~qualification.~~



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157 2. Every applicant for admission to an institution of
158 higher education shall be required to make a statement as to his
159 or her length of residence in the state and, further, shall
160 establish that his or her presence or, if the applicant is a
161 dependent child, the presence of his or her parent or parents in
162 the state currently is, and during the requisite 12-month
163 qualifying period was, for the purpose of maintaining a bona
164 fide domicile, rather than for the purpose of maintaining a mere
165 temporary residence or abode incident to enrollment in an
166 institution of higher education.

167 (b) However, with respect to a dependent child living with
168 an adult relative other than the child's parent, such child may
169 qualify as a resident for tuition purposes if the adult relative
170 is a legal resident who has maintained legal residence in this
171 state for at least 12 consecutive months immediately prior to
172 the child's initial enrollment in an institution of higher
173 education qualification, provided the child has resided
174 continuously with such relative for the 5 years immediately
175 prior to the child's initial enrollment in an institution of
176 higher education qualification, during which time the adult
177 relative has exercised day-to-day care, supervision, and control
178 of the child.

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

185 (3) (a) An individual shall not be classified as a resident



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186 for tuition purposes and, thus, shall not be eligible to receive
187 the in-state tuition rate until he or she has provided such
188 evidence related to legal residence and its duration or, if that
189 individual is a dependent child, evidence of his or her parent's
190 legal residence and its duration, as may be required by law and
191 by officials of the institution of higher education from which
192 he or she seeks the in-state tuition rate.

193 (b) Except as otherwise provided in this section, evidence
194 of legal residence and its duration shall include clear and
195 convincing documentation that residency in this state was for a
196 minimum of 12 consecutive months prior to a student's initial
197 enrollment in an institution of higher education.

198 (c) Each institution of higher education shall
199 affirmatively determine that an applicant who has been granted
200 admission to that institution as a Florida resident meets the
201 residency requirements of this section at the time of initial
202 enrollment. The residency determination must be documented by
203 the submission of written or electronic verification that
204 includes two or more of the documents identified in this
205 paragraph. No single piece of evidence shall be conclusive.

206 1. The documents must include at least one of the
207 following:

208 a. A Florida voter's registration card.

209 b. A Florida driver's license.

210 c. A State of Florida identification card.

211 d. A Florida vehicle registration.

212 e. Proof of a permanent home in Florida which is occupied
213 as a primary residence by the individual or by the individual's
214 parent if the individual is a dependent child.



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- 215 f. Proof of a homestead exemption in Florida.
- 216 g. Transcripts from a Florida high school for multiple
217 years if the Florida high school diploma or GED was earned
218 within the last 12 months.
- 219 h. Proof of permanent full-time employment in Florida for
220 at least 30 hours per week for a 12-month period.
- 221 2. The documents may include one or more of the following:
- 222 a. A declaration of domicile in Florida.
- 223 b. A Florida professional or occupational license.
- 224 c. Florida incorporation.
- 225 d. A document evidencing family ties in Florida.
- 226 e. Proof of membership in a Florida-based charitable or
227 professional organization.
- 228 f. Any other documentation that supports the student's
229 request for resident status, including, but not limited to,
230 utility bills and proof of 12 consecutive months of payments; a
231 lease agreement and proof of 12 consecutive months of payments;
232 or an official state, federal, or court document evidencing
233 legal ties to Florida.
- 234 (4) With respect to a dependent child, the legal residence
235 of the dependent child's ~~such individual's~~ parent or parents is
236 prima facie evidence of the dependent child's ~~individual's~~ legal
237 residence, which evidence may be reinforced or rebutted,
238 relative to the age and general circumstances of the dependent
239 child ~~individual~~, by the other evidence of legal residence
240 required of or presented by the dependent child ~~individual~~.
241 However, the legal residence of a dependent child's ~~an~~
242 ~~individual whose~~ parent or parents who are domiciled outside
243 this state is not prima facie evidence of the dependent child's



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244 ~~individual's~~ legal residence if that dependent child individual
245 has lived in this state for 5 consecutive years prior to
246 enrolling or reregistering at the institution of higher
247 education at which resident status for tuition purposes is
248 sought.

249 (6) (a) Except as otherwise provided in this section, a
250 person who is classified as a nonresident for tuition purposes
251 may become eligible for reclassification as a resident for
252 tuition purposes if that person or, if that person is a
253 dependent child, his or her parent presents clear and convincing
254 documentation that supports permanent legal residency in this
255 state for at least 12 consecutive months rather than temporary
256 residency for the purpose of pursuing an education, such as
257 documentation of full-time permanent employment for the prior 12
258 months or the purchase of a home in this state and residence
259 therein for the prior 12 months while not enrolled in an
260 institution of higher education.

261 (b) If a person who is a dependent child and his or her
262 parent move to this state while such child is a high school
263 student and the child graduates from a high school in this
264 state, the child may become eligible for reclassification as a
265 resident for tuition purposes when the parent submits evidence
266 that the parent qualifies for permanent residency.

267 (c) If a person who is a dependent child and his or her
268 parent move to this state after such child graduates from high
269 school, the child may become eligible for reclassification as a
270 resident for tuition purposes after the parent submits evidence
271 that he or she has established legal residence in the state and
272 has maintained legal residence in the state for at least 12



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273 consecutive months.

274 (d) A person who is classified as a nonresident for tuition
275 purposes and who marries a legal resident of the state or
276 marries a person who becomes a legal resident of the state may,
277 upon becoming a legal resident of the state, become eligible for
278 reclassification as a resident for tuition purposes upon
279 submitting evidence of his or her own legal residency in the
280 state, evidence of his or her marriage to a person who is a
281 legal resident of the state, and evidence of the spouse's legal
282 residence in the state for at least 12 consecutive months
283 immediately preceding the application for reclassification. Any
284 ~~nonresident person, irrespective of sex, who marries a legal~~
285 ~~resident of this state or marries a person who later becomes a~~
286 ~~legal resident may, upon becoming a legal resident of this~~
287 ~~state, accede to the benefit of the spouse's immediately~~
288 ~~precedent duration as a legal resident for purposes of~~
289 ~~satisfying the 12-month durational requirement of this section.~~

290 (10) The following persons shall be classified as residents
291 for tuition purposes:

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

296 (11) Each institution of higher education shall establish a
297 residency appeal committee comprised of at least three members
298 to consider student appeals of residency determinations, in
299 accordance with the institution's official appeal process. The
300 residency appeal committee must render to the student the final
301 residency determination in writing. The institution must advise



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302 the student of the reasons for the determination.

303 Section 8. Subsection (4) and paragraph (b) of subsection
304 (16) of section 1009.23, Florida Statutes, are amended to read:

305 1009.23 Community college student fees.—

306 (4) Each community college board of trustees shall
307 establish tuition and out-of-state fees, which may vary no more
308 than 10 percent below and 15 percent above the combined total of
309 the standard tuition and fees established in subsection (3) ~~and~~
310 ~~provided that any amount from 10 to 15 percent above the~~
311 ~~standard tuition and fees established in subsection (3) shall be~~
312 ~~used only to support safety and security purposes. In order to~~
313 ~~assess an additional amount for safety and security purposes, a~~
314 ~~community college board of trustees must provide written~~
315 ~~justification to the State Board of Education based on criteria~~
316 ~~approved by the board of trustees, including, but not limited~~
317 ~~to, criteria such as local crime data and information, and~~
318 ~~strategies for the implementation of local safety plans. Should~~
319 ~~a college decide to increase the tuition and fees, the funds~~
320 ~~raised by increasing the tuition and fees must be expended~~
321 ~~solely for additional safety and security purposes and shall not~~
322 ~~supplant funding expended in the 1998-1999 budget for safety and~~
323 ~~security purposes.~~

324 (16)

325 (b) The amount of the distance learning course user fee may
326 not exceed the additional costs of the services provided which
327 are attributable to the development and delivery of the distance
328 learning course. If a community college assesses the distance
329 learning course user fee, the institution may not assess any
330 other fees to cover the additional costs. By September 1 of each



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331 year, each board of trustees shall report to the Division of
332 Community Colleges the total amount of revenue generated by the
333 distance learning course user fee for the prior fiscal academic
334 year and how the revenue was expended.

335 Section 9. Paragraph (c) of subsection (4) and subsection
336 (5) of section 1009.24, Florida Statutes, are amended to read:
337 1009.24 State university student fees.-

338 (4)

339 (c) The Board of Governors, or the board's designee, may
340 establish tuition for graduate and professional programs, and
341 out-of-state fees for all programs. Except as otherwise provided
342 in this section, the sum of tuition and out-of-state fees
343 assessed to nonresident students must be sufficient to offset
344 the full instructional cost of serving such students. However,
345 adjustments to out-of-state fees or tuition for graduate
346 programs and pursuant to this section may not exceed 10 percent
347 in any year, and adjustments to out-of-state fees or tuition for
348 professional programs may not exceed 15 percent in any year.

349 (5) A university ~~that has a service area that borders~~
350 ~~another state~~ may implement a plan for a differential out-of-
351 state fee for the following:-

352 (a) A student from another state that borders the service
353 area of the university.

354 (b) A graduate student who has been determined to be a
355 nonresident for tuition purposes pursuant to s. 1009.21 and has
356 a .25 full-time equivalent appointment or greater as a graduate
357 assistant, graduate research assistant, graduate teaching
358 assistant, graduate research associate, or graduate teaching
359 associate.



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360 (c) A graduate student who has been determined to be a
361 nonresident for tuition purposes pursuant to s. 1009.21 and is
362 receiving a full fellowship.

363 Section 10. Subsection (2) of section 1009.27, Florida
364 Statutes, is amended to read:

365 1009.27 Deferral of fees.—

366 (2) Any veteran or other eligible student who receives
367 benefits under chapter 30, chapter 31, chapter 32, chapter 33,
368 chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106 of
369 Title 10, U.S.C., is entitled to one deferment each academic
370 year and an additional deferment each time there is a delay in
371 the receipt of benefits.

372 Section 11. Section 1009.286, Florida Statutes, is created
373 to read:

374 1009.286 Additional student payment for hours exceeding
375 baccalaureate degree program completion requirements at state
376 universities.—

377 (1) It is the intent of the Legislature to encourage each
378 undergraduate student who enrolls in a state university to
379 complete the student's respective baccalaureate degree program
380 in the most efficient way possible while providing for access to
381 additional college coursework. Therefore, the Legislature
382 intends to enact a policy that provides incentives for efficient
383 baccalaureate degree completion.

384 (2) State universities shall require a student to pay an
385 excess hour surcharge equal to 50 percent of the tuition rate
386 for each credit hour in excess of 120 percent of the number of
387 credit hours required to complete the baccalaureate degree
388 program in which the student is enrolled.



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389 (3) Except as otherwise provided by law and for purposes of
390 this section, the following credit hours shall be included when
391 calculating the number of hours taken by a student:

392 (a) All credit hours for courses taken at the state
393 university from which the student is seeking a baccalaureate
394 degree, including:

395 1. Failed courses.

396 2. Courses that are dropped after the university's
397 advertised last day of the drop and add period.

398 3. Courses from which a student withdraws, except as
399 provided in subsection (4).

400 4. Repeated courses, except repeated courses for which the
401 student has paid the full cost of instruction as provided in s.
402 1009.285.

403 (b) All credit hours earned at another institution and
404 accepted for transfer by the state university and applied toward
405 the student's baccalaureate degree program.

406 (4) For purposes of this section, credit hours earned under
407 the following circumstances are not calculated as hours required
408 to earn a baccalaureate degree:

409 (a) College credits earned through an articulated
410 accelerated mechanism identified in s. 1007.27.

411 (b) Credit hours earned through internship programs.

412 (c) Credit hours required for certification,
413 recertification, or certificate programs.

414 (d) Credit hours in courses from which a student must
415 withdraw due to reasons of medical or personal hardship.

416 (e) Credit hours taken by active-duty military personnel.

417 (f) Credit hours required to achieve a dual major taken



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418 while pursuing a baccalaureate degree.

419 (g) Remedial and English as a Second Language credit hours.

420 (h) Credit hours earned in military science courses that
421 are part of the Reserve Officers' Training Corps (ROTC) program.

422 (5) Each state university and community college shall
423 implement a process for notifying students regarding the
424 provisions of this section. Notice must be provided by a state
425 university or a community college upon a student's initial
426 enrollment in the institution. Such notice must be provided a
427 second time by a state university when a student has earned the
428 credit hours required to complete the baccalaureate degree
429 program in which the student is enrolled. The notice must
430 include a recommendation that each student who intends to earn
431 credit hours at the institution in excess of the credit hours
432 required for the baccalaureate degree program in which the
433 student is enrolled meet with his or her academic advisor.

434 (6) For purposes of this section, the term "state
435 university" includes the institutions identified in s.
436 1000.21(6) and the term "community college" includes the
437 institutions identified in s. 1000.21(3).

438 (7) The provisions of this section become effective for
439 students who enter a community college or a state university for
440 the first time in the 2009-2010 academic year and thereafter.

441 Section 12. Paragraph (a) of subsection (1) of section
442 1009.40, Florida Statutes, is amended to read:

443 1009.40 General requirements for student eligibility for
444 state financial aid awards and tuition assistance grants.—

445 (1) (a) The general requirements for eligibility of students
446 for state financial aid awards and tuition assistance grants



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447 consist of the following:

448 1. Achievement of the academic requirements of and
449 acceptance at a state university or community college; a nursing
450 diploma school approved by the Florida Board of Nursing; a
451 Florida college, university, or community college which is
452 accredited by an accrediting agency recognized by the State
453 Board of Education; any Florida institution the credits of which
454 are acceptable for transfer to state universities; any career
455 center; or any private career institution accredited by an
456 accrediting agency recognized by the State Board of Education.

457 2. Residency in this state for no less than 1 year
458 preceding the award of aid or a tuition assistance grant for a
459 program established pursuant to s. 1009.50, s. 1009.505, s.
460 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s.
461 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s.
462 1009.72, s. 1009.73, ~~s. 1009.76~~, s. 1009.77, s. 1009.89, or s.
463 1009.891. Residency in this state must be for purposes other
464 than to obtain an education. Resident status for purposes of
465 receiving state financial aid awards shall be determined in the
466 same manner as resident status for tuition purposes pursuant to
467 s. 1009.21.

468 3. Submission of certification attesting to the accuracy,
469 completeness, and correctness of information provided to
470 demonstrate a student's eligibility to receive state financial
471 aid awards or tuition assistance grants. Falsification of such
472 information shall result in the denial of any pending
473 application and revocation of any award or grant currently held
474 to the extent that no further payments shall be made.
475 Additionally, students who knowingly make false statements in



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476 order to receive state financial aid awards or tuition
477 assistance grants commit a misdemeanor of the second degree
478 subject to the provisions of s. 837.06 and shall be required to
479 return all state financial aid awards or tuition assistance
480 grants wrongfully obtained.

481 Section 13. Paragraph (a) of subsection (5) of section
482 1009.53, Florida Statutes, is amended, and subsection (11) is
483 added to that section, to read:

484 1009.53 Florida Bright Futures Scholarship Program.—

485 (5) The department shall issue awards from the scholarship
486 program annually. Annual awards may be for up to 45 semester
487 credit hours or the equivalent. Before the registration period
488 each semester, the department shall transmit payment for each
489 award to the president or director of the postsecondary
490 education institution, or his or her representative, except that
491 the department may withhold payment if the receiving institution
492 fails to report or to make refunds to the department as required
493 in this section.

494 (a) Within 30 days after the end of regular registration
495 each semester, the educational institution shall certify to the
496 department the eligibility status of each student who receives
497 an award. After the end of the drop and add period, an
498 institution is not required to reevaluate or revise a student's
499 eligibility status; however, an institution ~~but~~ must make a
500 refund to the department within 30 days after the end of the
501 semester of any funds received for courses dropped by a student
502 or courses from which a student has withdrawn after the end of
503 the drop and add period, unless the student has been granted an
504 exception by the department pursuant to subsection (11) ~~if a~~



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505 ~~student who receives an award disbursement terminates enrollment~~
506 ~~for any reason during an academic term and a refund is permitted~~
507 ~~by the institution's refund policy.~~

508 (11) Funds for any scholarship within the Florida Bright
509 Futures Scholarship Program may not be used to pay for courses
510 dropped by a student or courses from which a student has
511 withdrawn after the end of the drop and add period. However, a
512 student who receives an award under this program and
513 subsequently drops one or more courses or withdraws from all
514 courses after the end of the drop and add period due to a
515 verifiable illness or other documented emergency may be granted
516 an exception pursuant to s. 1009.40(1)(b)4., unless the
517 institution's policy is to refund the cost of the courses. The
518 department shall notify eligible recipients of the provisions of
519 this subsection. Each institution shall notify award recipients
520 of the provisions of this subsection during the registration
521 process.

522 Section 14. Paragraph (a) of subsection (1) of section
523 1009.532, Florida Statutes, is amended, and paragraph (c) is
524 added to that subsection to read:

525 1009.532 Florida Bright Futures Scholarship Program;
526 student eligibility requirements for renewal awards.-

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

530 (a) Effective for students funded in the 2009-2010 academic
531 year and thereafter, earn ~~Complete~~ at least 24 12 semester
532 credit hours or the equivalent in the last academic year in
533 which the student earned a scholarship if the student was



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534 enrolled full time, or a prorated number of credit hours as
535 determined by the Department of Education if the student was
536 enrolled less than full time for any part of the academic year.
537 If a student fails to earn the minimum number of hours required
538 to renew the scholarship, the student shall lose his or her
539 eligibility for renewal for a period equivalent to 1 academic
540 year. Such student is eligible to restore the award the
541 following academic year if the student earns the hours for which
542 he or she was enrolled at the level defined by the department
543 and meets the grade point average for renewal. A student is
544 eligible for such restoration one time. The department shall
545 notify eligible recipients of the provisions of this paragraph.
546 Each institution shall notify award recipients of the provisions
547 of this paragraph during the registration process.

548 (c) Reimburse or make satisfactory arrangements to
549 reimburse the institution for the award amount received for
550 courses dropped after the end of the drop and add period or
551 courses from which the student withdraws after the end of the
552 drop and add period unless the student has received an exception
553 pursuant to s. 1009.53(11).

554 Section 15. Subsection (2) of section 1009.534, Florida
555 Statutes, is amended, and subsection (5) is added to that
556 section, to read:

557 1009.534 Florida Academic Scholars award.-

558 (2) Effective January 1, 2008, a Florida Academic Scholar
559 who is enrolled in a public postsecondary education institution
560 is eligible for an award equal to the amount required to pay
561 tuition ~~and, fees, and an additional amount for college-related~~
562 ~~expenses annually as specified in law or the General~~



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563 ~~Appropriations Act. A student who is enrolled in a nonpublic~~
564 ~~postsecondary education institution is eligible for an award~~
565 ~~equal to the amount that would be required to pay for the~~
566 ~~average tuition and fees of a public postsecondary education~~
567 ~~institution at the comparable level, plus the annual amount~~
568 ~~specified in law or the General Appropriations Act for college-~~
569 ~~related expenses.~~

570 (5) Notwithstanding subsections (2) and (4), a Florida
571 Academic Scholar is eligible for an award equal to the amount
572 specified in the General Appropriations Act for the 2009-2010
573 academic year. This subsection expires July 1, 2010.

574 Section 16. Subsection (4) is added to section 1009.535,
575 Florida Statutes, to read:

576 1009.535 Florida Medallion Scholars award.-

577 (4) Notwithstanding subsection (2), a Florida Medallion
578 Scholar is eligible for an award equal to the amount specified
579 in the General Appropriations Act for the 2009-2010 academic
580 year. This subsection expires July 1, 2010.

581 Section 17. Subsection (4) of section 1009.536, Florida
582 Statutes, is amended, and subsection (5) is added to that
583 section, to read:

584 1009.536 Florida Gold Seal Vocational Scholars award.-The
585 Florida Gold Seal Vocational Scholars award is created within
586 the Florida Bright Futures Scholarship Program to recognize and
587 reward academic achievement and career preparation by high
588 school students who wish to continue their education.

589 (4) A student may earn a Florida Gold Seal Vocational
590 Scholarship for 110 percent of the number of credit hours
591 required to complete the program, up to 90 credit hours or the



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592 ~~equivalent. A Florida Gold Seal Scholar who has a cumulative~~
593 ~~grade point average of 2.75 in all postsecondary education work~~
594 ~~attempted may apply for a Florida Medallion Scholars award at~~
595 ~~any renewal period. All other provisions of that program apply,~~
596 ~~and the credit-hour limitation must be calculated by subtracting~~
597 ~~from the student's total eligibility the number of credit hours~~
598 ~~the student attempted while earning the Gold Seal Vocational~~
599 ~~Scholarship.~~

600 (5) Notwithstanding subsection (2), a Florida Gold Seal
601 Vocational Scholar is eligible for an award equal to the amount
602 specified in the General Appropriations Act for the 2009-2010
603 academic year. This subsection expires July 1, 2010.

604 Section 18. Section 1009.54, Florida Statutes, is amended
605 to read:

606 1009.54 Critical Teacher Shortage Program.—There is created
607 the Critical Teacher Shortage Program. ~~Funds appropriated by the~~
608 ~~Legislature for the program shall be deposited in the State~~
609 ~~Student Financial Assistance Trust Fund. The Chief Financial~~
610 ~~Officer shall authorize expenditures from the trust fund upon~~
611 ~~receipt of vouchers approved by the Department of Education for~~
612 ~~the critical teacher shortage programs established in s.~~
613 ~~1009.57, s. 1009.58, or s. 1009.59. The Chief Financial Officer~~
614 ~~shall also authorize expenditures from the trust fund for the~~
615 ~~"Chappie" James Most Promising Teacher Scholarship Loan Program~~
616 ~~and the Critical Teacher Shortage Scholarship Loan Program~~
617 ~~recipients who participated in these programs prior to July 1,~~
618 ~~1993, provided that such students continue to meet the renewal~~
619 ~~eligibility requirements that were in effect at the time that~~
620 ~~their original awards were made. Students who participated in~~



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621 ~~the "Chappie" James Most Promising Teacher Scholarship Loan~~
622 ~~Program prior to July 1, 1993, shall not have their awards~~
623 ~~reduced as a result of the addition of new students to the~~
624 ~~program.~~ All scholarship loan repayments pursuant to s. 1009.57,
625 the "Chappie" James Most Promising Teacher Scholarship Loan
626 Program, and the Critical Teacher Shortage Scholarship Loan
627 Program shall be deposited into the State Student Financial
628 Assistance Trust Fund. Any remaining balance at the end of any
629 fiscal year that has been allocated to the program shall remain
630 in the trust fund and be available for the individual programs
631 in future years.

632 Section 19. Subsection (1) and paragraph (c) of subsection
633 (2) of section 1009.55, Florida Statutes, are amended to read:
634 1009.55 Rosewood Family Scholarship Program.—

635 (1) There is created a Rosewood Family Scholarship Program
636 for ~~minority persons with preference given to~~ the direct
637 descendants of the Rosewood families, not to exceed 25
638 scholarships per year. ~~Funds appropriated by the Legislature for~~
639 ~~the program shall be deposited in the State Student Financial~~
640 ~~Assistance Trust Fund.~~

641 (2) The Rosewood Family Scholarship Program shall be
642 administered by the Department of Education. The State Board of
643 Education shall adopt rules for administering this program which
644 shall at a minimum provide for the following:

645 (c) The department shall rank eligible initial applicants
646 for the purposes of awarding scholarships ~~with preference being~~
647 ~~given to the direct descendants of the Rosewood families. The~~
648 ~~remaining applicants shall be ranked based on need as determined~~
649 by the Department of Education.



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650 Section 20. Subsection (2) of section 1009.57, Florida
651 Statutes, is repealed, subsection (3) is renumbered as
652 subsection (2), and paragraphs (b) and (c) of the renumbered
653 subsection (2) of that section are amended, to read:

654 1009.57 Florida Teacher Scholarship and Forgivable Loan
655 Program.—

656 (2) ~~(3)~~

657 (b) An undergraduate forgivable loan may be awarded for 2
658 undergraduate years, ~~not to exceed \$4,000 per year,~~ or for a
659 maximum of 3 years for programs requiring a fifth year of
660 instruction to obtain initial teaching certification. The amount
661 of the scholarship shall be prorated based on available
662 appropriations and may not exceed \$4,000 per year.

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

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

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

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

676 Section 21. Subsection (3) of section 1009.58, Florida
677 Statutes, is amended to read:

678 1009.58 Critical teacher shortage tuition reimbursement



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679 program.—

680 (3) Participants may receive tuition reimbursement payments
681 for up to 9 semester hours, or the equivalent in quarter hours,
682 per year. The amount of the reimbursement per semester hour
683 shall be prorated based on available appropriations and may not
684 at a rate not to exceed \$78 per semester hour, up to a total of
685 36 semester hours. All tuition reimbursements shall be
686 contingent on passing an approved course with a minimum grade of
687 3.0 or its equivalent.

688 Section 22. Subsection (2) of section 1009.59, Florida
689 Statutes, is amended to read:

690 1009.59 Critical Teacher Shortage Student Loan Forgiveness
691 Program.—

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

695 (a) Up to \$2,500 a year for up to 4 years on behalf of
696 selected graduates of state-approved undergraduate postsecondary
697 teacher preparation programs, persons certified to teach
698 pursuant to any applicable teacher certification requirements,
699 or selected teacher preparation graduates from any state
700 participating in the Interstate Agreement on the Qualification
701 of Educational Personnel.

702 (b) Up to \$5,000 a year for up to 2 years on behalf of
703 selected graduates of state-approved graduate postsecondary
704 teacher preparation programs, persons with graduate degrees
705 certified to teach pursuant to any applicable teacher
706 certification requirements, or selected teacher preparation
707 graduates from any state participating in the Interstate



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708 Agreement on the Qualification of Educational Personnel.

709 (c) All repayments shall be contingent on continued proof
710 of employment in the designated subject areas in this state and
711 shall be made directly to the holder of the loan. The state
712 shall not bear responsibility for the collection of any interest
713 charges or other remaining balance. In the event that designated
714 critical teacher shortage subject areas are changed by the State
715 Board of Education, a teacher shall continue to be eligible for
716 loan forgiveness as long as he or she continues to teach in the
717 subject area for which the original loan repayment was made and
718 otherwise meets all conditions of eligibility.

719 Section 23. Subsections (1) and (3) of section 1009.60,
720 Florida Statutes, are amended to read:

721 1009.60 Minority teacher education scholars program.—There
722 is created the minority teacher education scholars program,
723 which is a collaborative performance-based scholarship program
724 for African-American, Hispanic-American, Asian-American, and
725 Native American students. The participants in the program
726 include Florida's community colleges and its public and private
727 universities that have teacher education programs.

728 (1) The minority teacher education scholars program shall
729 provide an annual scholarship in an amount that shall be
730 prorated based on available appropriations and may not exceed ~~of~~
731 \$4,000 for each approved minority teacher education scholar who
732 is enrolled in one of Florida's public or private universities
733 in the junior year and is admitted into a teacher education
734 program.

735 (3) The total amount appropriated annually for new
736 scholarships in the program must be divided by \$4,000 and by the



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737 number of participating colleges and universities. Each
738 participating institution has access to the same number of
739 scholarships and may award all of them to eligible minority
740 students. If a college or university does not award all of its
741 scholarships by the date set by the program administration at
742 the Florida Fund for Minority Teachers, Inc., the remaining
743 scholarships must be transferred to another institution that has
744 eligible students. If the total amount appropriated for new
745 scholarships is insufficient to award \$4,000 to each eligible
746 student, the amount of the scholarship shall be prorated based
747 on available appropriations.

748 Section 24. Subsection (2) of section 1009.605, Florida
749 Statutes, is amended to read:

750 1009.605 Florida Fund for Minority Teachers, Inc.—

751 (2) (a) The corporation shall submit an annual budget
752 projection to the Department of Education to be included in the
753 annual legislative budget request. The projection must be based
754 on the cost to award up to a 7-year plan that would be capable
755 of awarding the following schedule of scholarships:

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

758 ~~(b) In the second year, 350 scholarships to new scholars in~~
759 ~~their junior year and 700 renewal scholarships to the rising~~
760 ~~seniors.~~

761 ~~(c) In each succeeding year, 350 scholarships to new~~
762 ~~scholars in the junior year and up to 350 renewal scholarships~~
763 ~~to the 350 rising seniors.~~

764 (b) The corporation shall report to the Department of
765 Education, by the date established by the department, the



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766 eligible students to whom scholarship moneys are disbursed each
767 academic term and any other information requested by the
768 department in accordance with s. 1009.94. By June 30 of each
769 fiscal year, the corporation shall remit to the department any
770 appropriated funds that were not distributed for scholarships,
771 less the 5 percent for administration, including administration
772 of the required training program, authorized pursuant to
773 subsection (3).

774 Section 25. Paragraph (e) of subsection (5) of section
775 1009.701, Florida Statutes, is amended to read:

776 1009.701 First Generation Matching Grant Program.—

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

779 (e) Have met the eligibility requirements in s. 1009.50 for
780 demonstrated financial need for the Florida Public Student
781 Assistance Grant Program ~~by completing the Free Application for~~
782 ~~Federal Student Aid.~~

783 Section 26. Sections 1009.76 and 1009.765, Florida
784 Statutes, are repealed.

785 Section 27. Subsections (2) and (3) of section 1009.94,
786 Florida Statutes, are amended to read:

787 1009.94 Student financial assistance database.—

788 (2) For purposes of this section, financial assistance
789 includes:

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

793 (b) For students attending public institutions, any
794 scholarship, grant, loan, fee waiver, tuition assistance



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795 payment, or other form of compensation supported by
796 institutional funds.

797 (c) Any financial assistance provided under s. 1009.50, s.
798 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s.
799 1009.55, s. 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s.
800 1009.63, s. 1009.68, s. 1009.70, s. 1009.701, s. 1009.72, s.
801 1009.73, s. 1009.74, s. 1009.77, s. 1009.89, or s. 1009.891.

802 (3) The database must include records on any student
803 receiving any form of financial assistance as described in
804 subsection (2). Each institution ~~Institutions~~ participating in
805 any state financial assistance program shall annually report
806 ~~submit~~ such information to the Department of Education, by the
807 date and in a format prescribed by the department and consistent
808 with the provisions of s. 1002.22, the eligible students to whom
809 financial assistance is disbursed each academic term, the
810 eligibility requirements for recipients, and the aggregate
811 demographics of recipients.

812 Section 28. Paragraphs (a), (b), and (c) of subsection (2)
813 of section 1009.98, Florida Statutes, are amended, and
814 subsection (10) is added to that section, to read:

815 1009.98 Stanley G. Tate Florida Prepaid College Program.—

816 (2) PREPAID COLLEGE PLANS.—At a minimum, the board shall
817 make advance payment contracts available for two independent
818 plans to be known as the community college plan and the
819 university plan. The board may also make advance payment
820 contracts available for a dormitory residence plan. The board
821 may restrict the number of participants in the community college
822 plan, university plan, and dormitory residence plan,
823 respectively. However, any person denied participation solely on



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824 the basis of such restriction shall be granted priority for
825 participation during the succeeding year.

826 (a)1. Through the community college plan, the advance
827 payment contract may ~~shall~~ provide prepaid registration fees for
828 a specified number of undergraduate semester credit hours not to
829 exceed the average number of hours required for the conference
830 of an associate degree. Qualified beneficiaries shall bear the
831 cost of any laboratory fees associated with enrollment in
832 specific courses. Each qualified beneficiary shall be classified
833 as a resident for tuition purposes, pursuant to s. 1009.21,
834 regardless of his or her actual legal residence.

835 2. Effective July 1, 1998, the board may provide advance
836 payment contracts for additional fees delineated in s. 1009.23,
837 not to exceed the average number of hours required for the
838 conference of an associate degree, in conjunction with advance
839 payment contracts for registration fees. Community college plan
840 contracts purchased prior to July 1, 1998, shall be limited to
841 the payment of registration fees as defined in s. 1009.97.

842 3. Effective July 1, 2009, the board may offer an advance
843 payment contract for the community college plan covering prepaid
844 registration fees and the fees authorized in s. 1009.23. Such a
845 contract may be offered in specific increments for use toward an
846 associate degree. The total number of hours purchased for a
847 qualified beneficiary may not exceed the average number of hours
848 required for the conference of an associate degree.

849 (b)1. Through the university plan, the advance payment
850 contract may ~~shall~~ provide prepaid registration fees for a
851 specified number of undergraduate semester credit hours not to
852 exceed the average number of hours required for the conference



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853 of a baccalaureate degree. Qualified beneficiaries shall bear
854 the cost of any laboratory fees associated with enrollment in
855 specific courses. Each qualified beneficiary shall be classified
856 as a resident for tuition purposes pursuant to s. 1009.21,
857 regardless of his or her actual legal residence.

858 2. Effective July 1, 1998, the board may provide advance
859 payment contracts for additional fees delineated in s.
860 1009.24(9)-(12), for a specified number of undergraduate
861 semester credit hours not to exceed the average number of hours
862 required for the conference of a baccalaureate degree, in
863 conjunction with advance payment contracts for registration
864 fees. Such contracts shall provide prepaid coverage for the sum
865 of such fees, to a maximum of 45 percent of the cost of
866 registration fees. University plan contracts purchased prior to
867 July 1, 1998, shall be limited to the payment of registration
868 fees as defined in s. 1009.97.

869 3. Effective July 1, 2007, the board may provide advance
870 payment contracts for the tuition differential authorized in s.
871 1009.24(16) for a specified number of undergraduate semester
872 credit hours, which may not exceed the average number of hours
873 required for the conference of a baccalaureate degree, in
874 conjunction with advance payment contracts for registration
875 fees.

876 4. Effective July 1, 2009, the board may offer an advance
877 payment contract for the university plan covering prepaid
878 registration fees, the fees authorized in s. 1009.24(9)-(12),
879 and the tuition differential authorized in s. 1009.24(16). Such
880 a contract may be offered in specific increments for use toward
881 a baccalaureate degree. The total number of hours purchased for



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882 a qualified beneficiary may not exceed the average number of
883 hours required for the conference of a baccalaureate degree.

884 (c) The cost of participation in contracts authorized under
885 paragraph (a) or paragraph (b) shall be based primarily on the
886 current and projected ~~registration~~ fees included in the plan
887 within the Florida ~~Community~~ College System or the State
888 University System, respectively, the number of credit hours or
889 semesters included in the plan, and the number of years expected
890 to elapse between the purchase of the plan on behalf of a
891 qualified beneficiary and the exercise of the benefits provided
892 in the plan by such beneficiary.

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

894 (a) As used in this subsection, the term:

895 1. "Actuarial reserve" means the amount by which the
896 expected value of the assets exceed the expected value of the
897 liabilities of the trust fund.

898 2. "Dormitory fees" means the fees included under advance
899 payment contracts pursuant to s. 1009.98(2)(d).

900 3. "Fiscal year" means the fiscal year of the state
901 pursuant to s. 215.01.

902 4. "Local fees" means the fees covered by an advance
903 payment contract provided pursuant to subparagraph (2)(b)2.

904 5. "Tuition differential" means the fee covered by advance
905 payment contracts sold pursuant to subparagraph (2)(b)3. The
906 base rate for the tuition differential fee for the 2012-2013
907 fiscal year is established at \$37.03 per credit hour. The base
908 rate for the tuition differential in subsequent years is the
909 amount paid by the board for the tuition differential for the
910 preceding year adjusted pursuant to subparagraph (b)2.



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911 (b) Effective with the 2009-2010 academic year and
912 thereafter, and notwithstanding the provisions of s. 1009.24,
913 the amount paid by the board to any state university on behalf
914 of a qualified beneficiary of an advance payment contract whose
915 contract was purchased before July 1, 2009, shall be:

916 1. As to registration fees, if the actuarial reserve is
917 less than 5 percent of the expected liabilities of the trust
918 fund, the board shall pay the state universities 5.5 percent
919 above the amount assessed for registration fees in the preceding
920 fiscal year. If the actuarial reserve is between 5 percent and 6
921 percent of the expected liabilities of the trust fund, the board
922 shall pay the state universities 6 percent above the amount
923 assessed for registration fees in the preceding fiscal year. If
924 the actuarial reserve is between 6 percent and 7.5 percent of
925 the expected liabilities of the trust fund, the board shall pay
926 the state universities 6.5 percent above the amount assessed for
927 registration fees in the preceding fiscal year. If the actuarial
928 reserve is equal to or greater than 7.5 percent of the expected
929 liabilities of the trust fund, the board shall pay the state
930 universities 7 percent above the amount assessed for
931 registration fees in the preceding fiscal year, whichever is
932 greater.

933 2. As to the tuition differential, if the actuarial reserve
934 is less than 5 percent of the expected liabilities of the trust
935 fund, the board shall pay the state universities 5.5 percent
936 above the base rate for the tuition differential fee in the
937 preceding fiscal year. If the actuarial reserve is between 5
938 percent and 6 percent of the expected liabilities of the trust
939 fund, the board shall pay the state universities 6 percent above



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940 the base rate for the tuition differential fee in the preceding
941 fiscal year. If the actuarial reserve is between 6 percent and
942 7.5 percent of the expected liabilities of the trust fund, the
943 board shall pay the state universities 6.5 percent above the
944 base rate for the tuition differential fee in the preceding
945 fiscal year. If the actuarial reserve is equal to or greater
946 than 7.5 percent of the expected liabilities of the trust fund,
947 the board shall pay the state universities 7 percent above the
948 base rate for the tuition differential fee in the preceding
949 fiscal year.

950 3. As to local fees, the board shall pay the state
951 universities 5 percent above the amount assessed for local fees
952 in the preceding fiscal year.

953 4. As to dormitory fees, the board shall pay the state
954 universities 6 percent above the amount assessed for dormitory
955 fees in the preceding fiscal year.

956 5. Qualified beneficiaries of advance payment contracts
957 purchased before July 1, 2007, are exempt from paying any
958 tuition differential fee.

959 (c) The board shall pay state universities the actual
960 amount assessed in accordance with law for registration fees,
961 the tuition differential, local fees, and dormitory fees for
962 advance payment contracts purchased on or after July 1, 2009.

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

965 Section 29. Effective upon this act becoming a law,
966 subsection (5) of section 1011.32, Florida Statutes, is amended
967 to read:

968 1011.32 Community College Facility Enhancement Challenge



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969 Grant Program.-

970 (5) A project may not be initiated unless all private funds
971 for planning, construction, and equipping the facility have been
972 received and deposited in the direct-support organization's
973 matching account for this purpose and the state's share for the
974 minimum amount of funds needed to begin the project has been
975 appropriated by the Legislature. However, this requirement does
976 not preclude the community college or direct-support
977 organization from expending available funds from private sources
978 to develop a prospectus, including preliminary architectural
979 schematics or models, for use in its efforts to raise private
980 funds for a facility and for site preparation, planning, and
981 construction. The Legislature may appropriate the state's
982 matching funds in one or more fiscal years for the planning,
983 construction, and equipping of an eligible facility. Each
984 community college shall notify all donors of private funds of a
985 substantial delay in the availability of state matching funds
986 for this program. However, these requirements shall not preclude
987 the community college or direct-support organization from
988 expending available funds from private sources to develop a
989 prospectus, including preliminary architectural schematics
990 and/or models, for use in its efforts to raise private funds for
991 a facility. Additionally, any private sources of funds expended
992 for this purpose are eligible for state matching funds should
993 the project materialize as provided for in this section.

994 Section 30. Section 1011.521, Florida Statutes, is created
995 to read:

996 1011.521 Appropriation to private colleges and
997 universities.-



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998 (1) Subject to the provisions of this section, the
999 Legislature may provide an annual appropriation to support
1000 Florida private colleges and universities. Such appropriations
1001 may be used to provide access to Florida residents seeking a
1002 postsecondary education, to fulfill the state's need for
1003 graduates in specific disciplines, and to support medical
1004 research.

1005 (2) Each institution receiving an appropriation under this
1006 section shall submit a proposed expenditure plan to the
1007 Department of Education by the date and in the format
1008 established by the department.

1009 (3) By September 1 of each fiscal year, each institution
1010 receiving an appropriation under this section shall submit a
1011 report to the Department of Education detailing expenditures of
1012 the funds received under this section in the preceding fiscal
1013 year. Any funds used to provide financial assistance to students
1014 shall be reported to the department in accordance with s.
1015 1009.94.

1016 (4) An institution may not expend any of the funds received
1017 under this section for the construction of any buildings.

1018 Section 31. Subsection (4) of section 1011.83, Florida
1019 Statutes, is amended to read:

1020 1011.83 Financial support of community colleges.-

1021 (4) State ~~policy for funding for~~ baccalaureate degree
1022 programs approved pursuant to s. 1007.33 shall be as provided in
1023 the General Appropriations Act to limit state support for
1024 recurring operating purposes to no more than 85 percent of the
1025 amount of state expenditures for direct instruction per credit
1026 hour in upper-level state university programs. A community



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1027 ~~college may temporarily exceed this limit due to normal~~
1028 ~~enrollment fluctuations or unforeseeable circumstances or while~~
1029 ~~phasing in new programs. This subsection does not authorize the~~
1030 ~~Department of Education to withhold legislative appropriations~~
1031 ~~to any community college.~~

1032 Section 32. Subsection (12) is added to section 1011.85,
1033 Florida Statutes, to read:

1034 1011.85 Dr. Philip Benjamin Matching Grant Program for
1035 Community Colleges.—

1036 (12) Each community college shall notify all donors of
1037 private funds of a substantial delay in the availability of
1038 state matching funds for this program.

1039 Section 33. Subsection (7) is added to section 1011.94,
1040 Florida Statutes, to read:

1041 1011.94 University Major Gifts Program.—

1042 (7) Each university shall notify all donors of private
1043 funds of a substantial delay in the availability of state
1044 matching funds for this program.

1045 Section 34. Section 1012.83, Florida Statutes, is amended
1046 to read:

1047 1012.83 Contracts with administrative and instructional
1048 staff.—

1049 (1) Each person employed in an administrative or
1050 instructional capacity in a community college shall be entitled
1051 to a contract as provided by rules of the State Board of
1052 Education.

1053 (2) A community college board of trustees may not enter
1054 into an employment contract that requires the community college
1055 to pay an employee an amount from appropriated state funds in



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1056 excess of 1 year of the employee's annual salary for
1057 termination, buy-out, or any other type of contract settlement.
1058 This subsection does not prohibit the payment of leave and
1059 benefits accrued by the employee in accordance with the
1060 community college's leave and benefits policies before the
1061 contract terminates.

1062 Section 35. Effective upon this act becoming a law,
1063 subsection (5) of section 1013.79, Florida Statutes, is amended
1064 to read:

1065 1013.79 University Facility Enhancement Challenge Grant
1066 Program.—

1067 (5) A project may not be initiated unless all private funds
1068 for planning, construction, and equipping the facility have been
1069 received and deposited in the separate university program
1070 account designated for this purpose. However, these requirements
1071 do not preclude the university from expending funds derived from
1072 private sources to develop a prospectus, including preliminary
1073 architectural schematics or models, for use in its efforts to
1074 raise private funds for a facility, and for site preparation,
1075 planning, and construction ~~and the state's share for the minimum~~
1076 ~~amount of funds needed to begin the project has been~~
1077 ~~appropriated by the Legislature.~~ The Board of Governors shall
1078 establish a method for validating the receipt and deposit of
1079 private matching funds. The Legislature may appropriate the
1080 state's matching funds in one or more fiscal years for the
1081 planning, construction, and equipping of an eligible facility.
1082 Each university shall notify all donors of private funds of a
1083 substantial delay in the availability of state matching funds
1084 for this program. ~~However, these requirements shall not preclude~~



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1085 ~~the university from expending available funds from private~~
1086 ~~sources to develop a prospectus, including preliminary~~
1087 ~~architectural schematics or models, for use in its efforts to~~
1088 ~~raise private funds for a facility. Additionally, any private~~
1089 ~~sources of funds expended for this purpose are eligible for~~
1090 ~~state matching funds should the project materialize as provided~~
1091 ~~for in this section.~~

1092 Section 36. Notwithstanding s. 1009.24(4)(d), Florida
1093 Statutes, Florida State University is authorized to exceed the 5
1094 percent cap on annual increases to the aggregate sum of activity
1095 and service, health, and athletic fees for the 2009-2010 fiscal
1096 year for the purpose of increasing the health fee. Revenue
1097 generated by the increase in the health fee shall be used to
1098 construct a health service center. Any increase in the health
1099 fee must be approved by the health committee pursuant to s.
1100 1009.24(11), Florida Statutes.

1101 Section 37. A state university may not enact any policy
1102 that requires students to have health insurance coverage, unless
1103 such policy was in place before May 5, 2009. This section
1104 expires July 1, 2010.

1105 Section 38. Except as otherwise expressly provided in this
1106 act and except for this section, which shall take effect upon
1107 becoming a law, this act shall take effect July 1, 2009.

1109 ===== T I T L E A M E N D M E N T =====
1110 And the title is amended as follows:

1111 Delete everything before the enacting clause
1112 and insert:

1113 A bill to be entitled



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1114 An act relating to education; amending s. 413.30,
1115 F.S.; providing requirements of the Division of
1116 Vocational Rehabilitation for the provision of vehicle
1117 modifications for eligible persons; amending s.
1118 1001.64, F.S.; prohibiting a community college board
1119 of trustees from entering into an employment contract
1120 that requires the community college to pay the
1121 president an amount from state funds in excess of 1
1122 year of the president's annual salary for termination,
1123 buy-out, or any other type of contract settlement;
1124 providing that the payment of leave and benefits
1125 accrued by the president before the contract
1126 terminates is not prohibited; amending s. 1001.706,
1127 F.S.; prohibiting the Board of Governors from entering
1128 into an employment contract that requires the board to
1129 pay an employee an amount from state funds in excess
1130 of 1 year of the employee's annual salary for
1131 termination, buy-out, or any other type of contract
1132 settlement; providing that the payment of leave and
1133 benefits accrued by the employee before the contract
1134 terminates is not prohibited; amending s. 1001.74,
1135 F.S.; prohibiting a university board of trustees from
1136 entering into an employment contract that requires the
1137 university to pay an employee an amount from state
1138 funds in excess of 1 year of the employee's annual
1139 salary for termination, buy-out, or any other type of
1140 contract settlement; providing that the payment of
1141 leave and benefits accrued by the employee before the
1142 contract terminates is not prohibited; amending s.



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1143 1004.445, F.S.; revising provisions relating to the
1144 Johnnie B. Byrd, Sr., Alzheimer's Center and Research
1145 Institute; establishing the institute within the
1146 University of South Florida; providing a mission for
1147 the institute; creating a board of directors to
1148 oversee the management and operation of the institute;
1149 providing for membership and terms; providing for the
1150 transfer of unexpended balances, records, functions,
1151 facilities, and assets of the institute from the not-
1152 for-profit corporation to the University of South
1153 Florida; amending s. 1009.21, F.S.; revising
1154 definitions; defining the terms "initial enrollment"
1155 and "nonresident for tuition purposes"; revising
1156 provisions relating to the qualifications as a
1157 resident for tuition purposes; requiring certain
1158 documentation to demonstrate state residency;
1159 providing eligibility requirements for
1160 reclassification of status; requiring institutions to
1161 establish residency appeal committees; amending s.
1162 1009.23, F.S.; deleting the requirement that a
1163 community college board of trustees use a specified
1164 portion of tuition and fees for safety and security
1165 purposes; revising terminology; amending s. 1009.24,
1166 F.S.; revising maximum annual adjustments to out-of-
1167 state fees or tuition for graduate programs at state
1168 universities; revising provisions relating to the
1169 differential out-of-state fee; amending s. 1009.27,
1170 F.S.; revising provisions relating to deferment of
1171 fees for certain veterans; creating s. 1009.286, F.S.;



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1172 providing requirements for additional payment by state
1173 university students for certain credit hours exceeding
1174 degree program completion requirements; providing
1175 criteria for calculating credit hours; providing
1176 exceptions; requiring state universities and community
1177 colleges to implement a process for notifying students
1178 of certain information; amending s. 1009.40, F.S.;
1179 deleting a cross-reference to conform; amending s.
1180 1009.53, F.S., relating to the Florida Bright Futures
1181 Scholarship Program; revising provisions relating to a
1182 refund to the Department of Education of funds
1183 received by a postsecondary educational institutions
1184 for certain courses; prohibiting the use of funds for
1185 certain purposes; requiring that the Department of
1186 Education and institutions notify eligible recipients
1187 of such policies; amending s. 1009.532, F.S.; revising
1188 the requirements for student eligibility to renew a
1189 scholarship under the Florida Bright Futures
1190 Scholarship Program; providing criteria for such
1191 student to restore the award; requiring that the
1192 department and institutions notify eligible recipients
1193 of such policies; amending s. 1009.534, F.S.; revising
1194 provisions relating to the Florida Academic Scholars
1195 Award; providing for award amounts to be specified in
1196 the General Appropriations Act; amending s. 1009.535,
1197 F.S., relating to the Florida Medallion Scholars
1198 Award; providing for award amounts to be specified in
1199 the General Appropriations Act; amending s. 1009.536,
1200 F.S.; deleting a provision that allows a Florida Gold



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1201 Seal Scholar to apply for a Florida Medallion Scholars
1202 award; providing for award amounts to be specified in
1203 the General Appropriations Act; amending s. 1009.54,
1204 F.S.; revising provisions relating to the Critical
1205 Teacher Shortage program; amending s. 1009.55, F.S.;
1206 revising eligibility for the Rosewood Family
1207 Scholarship Program to direct descendants; deleting
1208 obsolete language; amending ss. 1009.57, 1009.58,
1209 1009.59, 1009.60, and 1009.605, F.S.; revising
1210 provisions relating to the Florida Teacher Scholarship
1211 and Forgivable Loan Program, the Critical Teacher
1212 Shortage Student Loan Forgiveness Program, the
1213 minority teacher education scholars program, and the
1214 Florida Fund for Minority Teachers, Inc.; requiring
1215 that the amount of scholarships awarded under such
1216 programs be prorated based on available appropriations
1217 and not exceed specified amounts; amending s.
1218 1009.701, F.S.; requiring that an applicant under the
1219 First Generation Matching Grant Program meet the same
1220 eligibility requirements required under the Florida
1221 Public Student Assistance Grant Program; repealing ss.
1222 1009.76 and 1009.765, F.S., relating to Ethics in
1223 Business scholarships; amending s. 1009.94, F.S.;
1224 providing reporting requirements for postsecondary
1225 institutions participating in certain state student
1226 financial assistance programs; amending s. 1009.98,
1227 F.S.; revising provisions relating to the prepaid
1228 community college and university plans; authorizing
1229 the Florida Prepaid College Board to offer an advance



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1230 payment contract covering certain fees for such plans;
1231 providing definitions regarding payments on behalf of
1232 qualified beneficiaries of an advance payment
1233 contract; providing the amounts of fees to be paid by
1234 the board; providing an exemption for certain
1235 qualified beneficiaries from paying any tuition
1236 differential fee; requiring that the board pay state
1237 universities the actual amount assessed for
1238 registration fees, tuition differential fees, local
1239 fees, and dormitory fees for certain advanced payment
1240 contracts; creating s. 1011.521, F.S.; authorizing
1241 appropriations to private colleges and universities
1242 for specified uses; providing reporting requirements
1243 and restrictions on expenditures; amending s. 1011.83,
1244 F.S.; revising provisions relating to financial
1245 support of community colleges; providing for state
1246 funding of baccalaureate degree programs in the
1247 General Appropriations Act; amending ss. 1011.32,
1248 1011.85, and 1011.94, F.S.; requiring that donors be
1249 notified of a delay in the availability of state
1250 matching funds for the Community College Facility
1251 Enhancement Challenge Grant Program, the Dr. Philip
1252 Benjamin Matching Grant Program for Community
1253 Colleges, and the University Major Gifts Program;
1254 amending s. 1012.83, F.S.; conforming provisions
1255 relating to contracts with community college
1256 administrative and instructional staff to changes made
1257 by the act; amending s. 1013.79, F.S.; providing that
1258 a university may expend funds from private sources for



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1259 site preparation, planning, and construction;
1260 requiring that donors be notified of a delay in the
1261 availability of state matching funds for the
1262 University Facility Enhancement Challenge Grant
1263 Program; providing an exemption for a specified
1264 university from requirements relating to student fees;
1265 prohibiting a state university from enacting any
1266 policy that requires students to have health insurance
1267 coverage, unless the policy was enacted before a
1268 specified date; providing for the future expiration of
1269 such prohibition; providing effective dates.