

By the Committee on Higher Education Appropriations; and Senator Lynn

605-03985-09

20091696c1

1 A bill to be entitled
2 An act relating to higher education funding; amending
3 s. 216.136, F.S.; requiring the Education Estimating
4 Conference to develop information relating to the
5 national average of tuition and fees; amending s.
6 1001.64, F.S.; prohibiting a community college board
7 of trustees from entering into an employment contract
8 that requires the community college to pay the
9 president an amount from state funds in excess of 1
10 year of the president's annual salary for termination,
11 buy-out, or any other type of contract settlement;
12 providing that the payment of leave and benefits
13 accrued by the president before the contract
14 terminates is not prohibited; limiting the
15 remuneration that a community college president
16 receives annually from state funds; providing a
17 definition for the term "remuneration"; limiting the
18 president's compensation that is used to calculate
19 benefits under ch. 121, F.S.; amending s. 1001.706,
20 F.S.; prohibiting the Board of Governors from entering
21 into an employment contract that requires the board to
22 pay an employee an amount from state funds in excess
23 of 1 year of the employee's annual salary for
24 termination, buy-out, or any other type of contract
25 settlement; providing that the payment of leave and
26 benefits accrued by the employee before the contract
27 terminates is not prohibited; amending s. 1001.74,
28 F.S.; prohibiting a university board of trustees from
29 entering into an employment contract that requires the

605-03985-09

20091696c1

30 university to pay an employee an amount from state
31 funds in excess of 1 year of the employee's annual
32 salary for termination, buy-out, or any other type of
33 contract settlement; providing that the payment of
34 leave and benefits accrued by the employee before the
35 contract terminates is not prohibited; amending s.
36 1007.33, F.S.; suspending the authorization for a
37 community college or the State Board of Education to
38 develop new community college baccalaureate degree
39 programs during the 2009-2010 fiscal year; amending s.
40 1009.01, F.S.; revising the definition of the term
41 "tuition differential"; amending s. 1009.21, F.S.;
42 revising definitions; defining the terms "initial
43 enrollment" and "nonresident for tuition purposes";
44 revising provisions relating to the qualifications as
45 a resident for tuition purposes; requiring certain
46 documentation to demonstrate state residency; creating
47 s. 1009.286, F.S.; requiring an additional payment for
48 credit hours exceeding the requirements for completing
49 a baccalaureate degree program; providing exceptions;
50 requiring notice upon a student's initial enrollment
51 in a state university or community college; amending
52 s. 1009.53, F.S.; requiring that an institution refund
53 within a specified period after the end of a semester
54 funds from the Florida Bright Futures Scholarship for
55 courses dropped by students after the end of the drop
56 and add period; providing exceptions; amending s.
57 1009.532, F.S.; revising the requirements for student
58 eligibility to renew a scholarship under the Florida

605-03985-09

20091696c1

59 Bright Futures Scholarship Program; amending s.
60 1009.534, F.S.; revising provisions relating to the
61 Florida Academic Scholars Award; amending s. 1009.536,
62 F.S.; deleting a provision that allows a Florida Gold
63 Seal Scholar to apply for a Florida Medallion Scholars
64 award; amending ss. 1009.57, 1009.58, 1009.59,
65 1009.60, and 1009.605, F.S.; revising provisions
66 relating to the Florida Teacher Scholarship and
67 Forgivable Loan Program, the Critical Teacher Shortage
68 Student Loan Forgiveness Program, the minority teacher
69 education scholars program, and the Florida Fund for
70 Minority Teachers, Inc.; requiring that the amount of
71 scholarships awarded under such programs be prorated
72 based on available appropriations and not exceed
73 specified amounts; amending s. 1009.701, F.S.;

74 requiring that an applicant under the First Generation
75 Matching Grant Program meet the same eligibility
76 requirements required under the Florida Public Student
77 Assistance Grant Program; repealing s. 1009.765, F.S.,
78 relating to Ethics in Business scholarships for
79 community colleges and independent postsecondary
80 educational institutions; amending s. 1009.98, F.S.;

81 revising provisions relating to the prepaid community
82 college and university plans; authorizing the Florida
83 Prepaid College Board to offer an advance payment
84 contract covering certain fees for such plans;
85 providing definitions regarding payments on behalf of
86 qualified beneficiaries of an advance payment
87 contract; providing the amounts of fees to be paid by

605-03985-09

20091696c1

88 the board; providing an exemption for certain
89 qualified beneficiaries from paying any tuition
90 differential fee; requiring that the board pay state
91 universities the actual amount assessed for
92 registration fees and tuition differential fees for
93 certain advanced payment contracts; requiring that the
94 board pay state universities the actual amount
95 assessed for local fees and dormitory fees; requiring
96 that the board pay community colleges and career
97 centers the actual amount assessed for registration
98 fees and local fees; amending s. 1011.83, F.S.;

99 revising provisions relating to financial support of
100 community colleges; providing for state funding of
101 baccalaureate degree programs in the General
102 Appropriations Act; requiring that the Board of
103 Governors review a community college's baccalaureate
104 degree programs for possible transfer under the Board
105 of Governors' oversight if the community college
106 offers more than a specified number of baccalaureate
107 degrees; amending ss. 1011.32, 1011.85, and 1011.94,
108 F.S.; requiring that donors be notified of a delay in
109 the availability of state matching funds for the
110 Community College Facility Enhancement Challenge Grant
111 Program, the Dr. Philip Benjamin Matching Grant
112 Program for Community Colleges, and the University
113 Major Gifts Program; amending s. 1012.83, F.S.;

114 conforming provisions relating to contracts with
115 community college administrative and instructional
116 staff to changes made by the act; amending s. 1013.79,

605-03985-09

20091696c1

117 F.S.; providing that a university is not precluded
118 from expending funds from private sources to develop a
119 prospectus; requiring that donors be notified of a
120 delay in the availability of state matching funds for
121 the University Facility Enhancement Challenge Grant
122 Program; providing an effective date.
123

124 Be It Enacted by the Legislature of the State of Florida:
125

126 Section 1. Paragraph (a) of subsection (4) of section
127 216.136, Florida Statutes, is amended to read:

128 216.136 Consensus estimating conferences; duties and
129 principals.—

130 (4) EDUCATION ESTIMATING CONFERENCE.—

131 (a) The Education Estimating Conference shall develop such
132 official information relating to the state public and private
133 educational system, including forecasts of student enrollments,
134 the national average of tuition and fees at public postsecondary
135 educational institutions, the number of students qualified for
136 state financial aid programs and for the William L. Boyd, IV,
137 Florida Resident Access Grant Program and the appropriation
138 required to fund the full award amounts for each program, fixed
139 capital outlay needs, and Florida Education Finance Program
140 formula needs, as the conference determines is needed for the
141 state planning and budgeting system. The conference's initial
142 projections of enrollments in public schools shall be forwarded
143 by the conference to each school district no later than 2 months
144 prior to the start of the regular session of the Legislature.
145 Each school district may, in writing, request adjustments to the

605-03985-09

20091696c1

146 initial projections. Any adjustment request shall be submitted
147 to the conference no later than 1 month prior to the start of
148 the regular session of the Legislature and shall be considered
149 by the principals of the conference. A school district may amend
150 its adjustment request, in writing, during the first 3 weeks of
151 the legislative session, and such amended adjustment request
152 shall be considered by the principals of the conference. For any
153 adjustment so requested, the district shall indicate and
154 explain, using definitions adopted by the conference, the
155 components of anticipated enrollment changes that correspond to
156 continuation of current programs with workload changes; program
157 improvement; program reduction or elimination; initiation of new
158 programs; and any other information that may be needed by the
159 Legislature. For public schools, the conference shall submit its
160 full-time equivalent student consensus estimate to the
161 Legislature no later than 1 month after the start of the regular
162 session of the Legislature. No conference estimate may be
163 changed without the agreement of the full conference.

164 Section 2. Subsections (47) and (48) are added to section
165 1001.64, Florida Statutes, to read:

166 1001.64 Community college boards of trustees; powers and
167 duties.—

168 (47) A board of trustees may not enter into an employment
169 contract that requires the community college to pay a community
170 college president an amount from state funds in excess of 1 year
171 of the president's annual salary for termination, buy-out, or
172 any other type of contract settlement. This subsection does not
173 prohibit the payment of leave and benefits accrued by the
174 president in accordance with the community college's leave and

605-03985-09

20091696c1

175 benefits policies before the contract terminates.

176 (48) Notwithstanding any other law, resolution, or rule to
177 the contrary, a community college president may not receive more
178 than \$225,000 in remuneration annually from state funds. As used
179 in this subsection, the term "remuneration" means salary,
180 bonuses, and cash-equivalent compensation paid to a community
181 college president by his or her employer for work performed,
182 excluding health insurance benefits and retirement benefits.
183 Only compensation, as defined in s. 121.021(22), which is
184 provided to a community college president may be used in
185 calculating benefits under chapter 121.

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

188 1001.706 Powers and duties of the Board of Governors.—

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

190 (d) The Board of Governors may not enter into an employment
191 contract that requires the board to pay an employee an amount
192 from state funds in excess of 1 year of the employee's annual
193 salary for termination, buy-out, or any other type of contract
194 settlement. This subsection does not prohibit the payment of
195 leave and benefits accrued by the employee in accordance with
196 the board's leave and benefits policies before the contract
197 terminates.

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

200 1001.74 Powers and duties of university boards of
201 trustees.—

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

203 (d) A board of trustees may not enter into an employment

605-03985-09

20091696c1

204 contract that requires the university to pay an employee an
205 amount from state funds in excess of 1 year of the employee's
206 annual salary for termination, buy-out, or any other type of
207 contract settlement. This subsection does not prohibit the
208 payment of leave and benefits accrued by the employee in
209 accordance with the university's leave and benefits policies
210 before the contract terminates.

211 Section 5. Subsection (5) is added to section 1007.33,
212 Florida Statutes, to read:

213 1007.33 Site-determined baccalaureate degree access.—

214 (5) The authorization provided in this section, and any
215 other state law, for a community college or the State Board of
216 Education to develop new community college baccalaureate degree
217 programs, is suspended during the 2009-2010 fiscal year.

218 Section 6. Subsection (3) of section 1009.01, Florida
219 Statutes, is amended to read:

220 1009.01 Definitions.—The term:

221 (3) "Tuition differential" means the supplemental fee
222 charged to a student ~~for instruction provided~~ by a public
223 university in this state pursuant to s. 1009.24(16).

224 Section 7. Subsections (1), (2), (3), and (4) and paragraph
225 (d) of subsection (10) of section 1009.21, Florida Statutes, are
226 amended to read:

227 1009.21 Determination of resident status for tuition
228 purposes.—Students shall be classified as residents or
229 nonresidents for the purpose of assessing tuition in community
230 colleges and state universities.

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

232 (a) ~~The term~~ "Dependent child" means any person, whether or

605-03985-09

20091696c1

233 not living with his or her parent, who is eligible to be claimed
234 by his or her parent as a dependent under the federal income tax
235 code.

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

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

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

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

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

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

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

255 1. A person or, if that person is a dependent child, his or
256 her parent or parents must have established legal residence in
257 this state and must have maintained legal residence in this
258 state for at least 12 consecutive months immediately prior to
259 his or her initial enrollment in an institution of higher
260 education qualification. Legal residence must be established by
261 written or electronic verification including two or more of the

605-03985-09

20091696c1

262 following documents that demonstrate clear and convincing
263 evidence of continuous residence in the state for at least 12
264 consecutive months prior to the student's initial enrollment in
265 an institution of higher education:

266 a. A voter information card pursuant to s. 97.071;

267 b. A driver's license;

268 c. An identification card issued by the State of Florida;

269 d. A vehicle registration;

270 e. A declaration of domicile;

271 f. Proof of purchase of a permanent home;

272 g. Proof of a homestead exemption in Florida;

273 h. A transcript from a Florida high school;

274 i. A Florida high school equivalency diploma and
275 transcript;

276 j. Proof of permanent full-time employment;

277 k. Proof of 12 consecutive months of payment of utility
278 bills;

279 l. A domicile lease and proof of 12 consecutive months of
280 payments; or

281 m. Other official state or court documents evidencing legal
282 ties to Florida.

283
284 No single piece of evidence shall be conclusive.

285 2. Every applicant for admission to an institution of
286 higher education shall be required to make a statement as to his
287 or her length of residence in the state and, further, shall
288 establish that his or her presence or, if the applicant is a
289 dependent child, the presence of his or her parent or parents in
290 the state currently is, and during the requisite 12-month

605-03985-09

20091696c1

291 qualifying period was, for the purpose of maintaining a bona
292 fide domicile, rather than for the purpose of maintaining a mere
293 temporary residence or abode incident to enrollment in an
294 institution of higher education.

295 (b) However, with respect to a dependent child living with
296 an adult relative other than the child's parent, such child may
297 qualify as a resident for tuition purposes if the adult relative
298 is a legal resident who has maintained legal residence in this
299 state for at least 12 consecutive months immediately prior to
300 the child's initial enrollment in an institution of higher
301 education ~~qualification~~, provided the child has resided
302 continuously with such relative for the 5 years immediately
303 prior to the child's initial enrollment in an institution of
304 higher education ~~qualification~~, during which time the adult
305 relative has exercised day-to-day care, supervision, and control
306 of the child.

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

313 (d) A person who is classified as a nonresident for tuition
314 purposes may become eligible for reclassification as a resident
315 for tuition purposes if that person or, if that person is a
316 dependent child, his or her parent presents clear and convincing
317 evidence that supports permanent residency in this state rather
318 than temporary residency for the purpose of pursuing an
319 education, such as documentation of full-time permanent

605-03985-09

20091696c1

320 employment for the prior 12 months or the purchase of a home in
321 this state and residence therein for the prior 12 months. If a
322 person who is a dependent child and his or her parent move to
323 this state while such child is a high school student and the
324 child graduates from a high school in this state, the child may
325 become eligible for reclassification as a resident for tuition
326 purposes when the parent qualifies for permanent residency.

327 (3) (a) An individual shall not be classified as a resident
328 for tuition purposes and, thus, shall not be eligible to receive
329 the in-state tuition rate until he or she has provided such
330 evidence related to legal residence and its duration or, if the
331 individual is a dependent child, documentation of his or her
332 parent's legal residence and its duration, as well as
333 documentation confirming his or her status as a dependent child,
334 as may be required by law and by officials of the institution of
335 higher education from which he or she seeks the in-state tuition
336 rate. The documentation must provide clear and convincing
337 evidence that the individual has been a resident in this state
338 for a minimum of 12 consecutive months prior to the student's
339 initial enrollment in an institution of higher education. No
340 single piece of evidence shall be conclusive.

341 (b) Each institution of higher learning shall:

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

344 2. Affirmatively determine that an applicant who has been
345 granted admission to that institution as a Florida resident
346 meets the residency requirements of this section at the time of
347 his or her initial enrollment.

348 (4) With respect to a dependent child, the legal residence

605-03985-09

20091696c1

349 of the dependent child's ~~such individual's~~ parent or parents is
350 prima facie evidence of the dependent child's ~~individual's~~ legal
351 residence, which evidence may be reinforced or rebutted,
352 relative to the age and general circumstances of the dependent
353 child individual, by the other evidence of legal residence
354 required of or presented by the dependent child individual.
355 However, the legal residence of a dependent child's ~~an~~
356 ~~individual whose~~ parent or parents who are domiciled outside
357 this state is not prima facie evidence of the dependent child's
358 ~~individual's~~ legal residence if that dependent child individual
359 has lived in this state for 5 consecutive years prior to
360 enrolling or reregistering at the institution of higher
361 education at which resident status for tuition purposes is
362 sought.

363 (10) The following persons shall be classified as residents
364 for tuition purposes:

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

369 Section 8. Section 1009.286, Florida Statutes, is created
370 to read:

371 1009.286 Additional student payment required for hours
372 exceeding graduation requirements.-

373 (1) It is the intent of the Legislature to encourage each
374 undergraduate student who enrolls in a state university to
375 complete the student's respective baccalaureate degree program
376 in the most efficient way possible while providing for access to
377 additional college coursework. Therefore, the Legislature

605-03985-09

20091696c1

378 intends to enact a policy that provides incentives for efficient
379 baccalaureate degree completion.

380 (2) State universities shall require a student to pay an
381 excess hour surcharge equal to 50 percent of the tuition rate
382 for each credit hour in excess of 120 percent of the number of
383 credit hours required to complete the baccalaureate degree
384 program in which the student is enrolled, in accordance with the
385 provisions of this section.

386 (3) The provisions of this section shall become effective
387 for students who enter a community college or a state university
388 for the first time in the 2009-2010 academic year and
389 thereafter.

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

393 (a) All credit hours for courses taken at the state
394 university from which the student is seeking a baccalaureate
395 degree, including failed courses, courses that are dropped after
396 the university's advertised last day of the drop and add period,
397 and repeated courses, except for which the student has paid the
398 full cost of instruction as provided in s. 1009.285.

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

402 (5) For purposes of this section, credit hours earned under
403 the following circumstances are not calculated as hours required
404 to earn a baccalaureate degree:

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

605-03985-09

20091696c1

- 407 (b) Credit hours earned through internship programs.
- 408 (c) Credit hours required for certification,
409 recertification, or certificate programs.
- 410 (d) Credit hours in courses from which a student must
411 withdraw due to reasons of medical or personal hardship.
- 412 (e) Credit hours taken by active-duty military personnel.
- 413 (f) Credit hours required to achieve a dual major taken
414 while pursuing a baccalaureate degree.
- 415 (g) Remedial and English as a Second Language credit hours.
- 416 (h) Credit hours earned in military science courses
417 (R.O.T.C.).
- 418 (6) Each state university and community college shall
419 implement a process for notifying students regarding the
420 provisions of this section. The notice must be provided to a
421 student upon his or her initial enrollment in the institution
422 and again upon the student's having earned the credit hours
423 required to complete the baccalaureate degree program in which
424 the student is enrolled. The notice must include a
425 recommendation that each student who intends to earn credit
426 hours at the institution in excess of the credit hours required
427 for the baccalaureate degree program in which the student is
428 enrolled meet with his or her academic advisor.
- 429 (7) For purposes of this section, the term "state
430 university" includes the institutions identified in s.
431 1000.21(6) and the term "community college" includes the
432 institutions identified in s. 1000.21(3).
- 433 Section 9. Paragraph (a) of subsection (5) of section
434 1009.53, Florida Statutes, is amended, and subsection (11) is
435 added to that section, to read:

605-03985-09

20091696c1

436 1009.53 Florida Bright Futures Scholarship Program.—

437 (5) The department shall issue awards from the scholarship
438 program annually. Annual awards may be for up to 45 semester
439 credit hours or the equivalent. Before the registration period
440 each semester, the department shall transmit payment for each
441 award to the president or director of the postsecondary
442 education institution, or his or her representative, except that
443 the department may withhold payment if the receiving institution
444 fails to report or to make refunds to the department as required
445 in this section.

446 (a) Within 30 days after the end of regular registration
447 each semester, the educational institution shall certify to the
448 department the eligibility status of each student who receives
449 an award. After the end of the drop and add period, an
450 institution is not required to reevaluate or revise a student's
451 eligibility status; however, an institution ~~but~~ must make a
452 refund to the department within 30 days after the end of the
453 semester of any funds received for courses dropped by students
454 after the end of the drop and add period unless a student has
455 been granted an exception by the department pursuant to
456 subsection (11) if a student who receives an award disbursement
457 terminates enrollment for any reason during an academic term and
458 a refund is permitted by the institution's refund policy.

459 (11) Funds for any scholarship within the Florida Bright
460 Futures Scholarship Program may not be used to pay for courses
461 dropped after the end of the drop and add period. However, a
462 student who receives an award under this program and
463 subsequently drops one or more courses, or withdraws from all
464 courses, after the end of the drop and add period due to a

605-03985-09

20091696c1

465 verifiable illness or other emergency may be granted an
466 exception, unless the institution's policy is to refund the cost
467 of the courses. The student must make a written appeal for such
468 an exception to the institution. The appeal must include a
469 description and verification of the circumstances. Verification
470 of illness or other emergency may include, but not be limited
471 to, a physician's statement or the written statement of a parent
472 or institution official. The institution shall recommend the
473 exceptions and necessary documentation to the department. The
474 department may accept or reject the institution's
475 recommendations.

476 Section 10. Paragraph (a) of subsection (1) of section
477 1009.532, Florida Statutes, is amended to read:

478 1009.532 Florida Bright Futures Scholarship Program;
479 student eligibility requirements for renewal awards.-

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

483 (a) Complete at least 24 ~~12~~ semester credit hours or the
484 equivalent in the last academic year in which the student earned
485 a scholarship if the student was enrolled full time, or a
486 prorated number of credit hours as determined by the Department
487 of Education if the student was enrolled less than full time for
488 any part of the academic year. This paragraph also applies to
489 students who were enrolled and funded in the 2008-2009 academic
490 year.

491 Section 11. Subsection (2) of section 1009.534, Florida
492 Statutes, is amended to read:

493 1009.534 Florida Academic Scholars award.-

605-03985-09

20091696c1

494 (2) Effective January 1, 2008, a Florida Academic Scholar
495 who is enrolled in a public postsecondary education institution
496 is eligible for an award equal to the amount required to pay
497 tuition and, fees, ~~and an additional amount for college-related~~
498 ~~expenses annually as specified in law or the General~~
499 ~~Appropriations Act.~~ A student who is enrolled in a nonpublic
500 postsecondary education institution is eligible for an award
501 equal to the amount that would be required to pay for the
502 average tuition and fees of a public postsecondary education
503 institution at the comparable level, ~~plus the annual amount~~
504 ~~specified in law or the General Appropriations Act for college-~~
505 ~~related expenses.~~

506 Section 12. Subsection (4) of section 1009.536, Florida
507 Statutes, is amended to read:

508 1009.536 Florida Gold Seal Vocational Scholars award.—The
509 Florida Gold Seal Vocational Scholars award is created within
510 the Florida Bright Futures Scholarship Program to recognize and
511 reward academic achievement and career preparation by high
512 school students who wish to continue their education.

513 (4) A student may earn a Florida Gold Seal Vocational
514 Scholarship for 110 percent of the number of credit hours
515 required to complete the program, up to 90 credit hours or the
516 equivalent. ~~A Florida Gold Seal Scholar who has a cumulative~~
517 ~~grade point average of 2.75 in all postsecondary education work~~
518 ~~attempted may apply for a Florida Medallion Scholars award at~~
519 ~~any renewal period. All other provisions of that program apply,~~
520 ~~and the credit-hour limitation must be calculated by subtracting~~
521 ~~from the student's total eligibility the number of credit hours~~
522 ~~the student attempted while earning the Gold Seal Vocational~~

605-03985-09

20091696c1

523 ~~Scholarship.~~

524 Section 13. Paragraph (b) of subsection (2) and paragraphs
525 (b) and (c) of subsection (3) of section 1009.57, Florida
526 Statutes, are amended to read:

527 1009.57 Florida Teacher Scholarship and Forgivable Loan
528 Program.—

529 (2) Within the Florida Teacher Scholarship and Forgivable
530 Loan Program shall be established the "Chappie" James Most
531 Promising Teacher Scholarship which shall be offered to a top
532 graduating senior from each public secondary school in the
533 state. An additional number of "Chappie" James Most Promising
534 Teacher Scholarship awards shall be offered annually to
535 graduating seniors from private secondary schools in the state
536 which are listed with the Department of Education and accredited
537 by the Southern Association of Colleges and Schools or any other
538 private statewide accrediting agency which makes public its
539 standards, procedures, and member schools. The private secondary
540 schools shall be in compliance with regulations of the Office
541 for Civil Rights. The number of awards to private secondary
542 school students shall be proportional to the number of awards
543 available to public secondary school students and shall be
544 calculated as the ratio of the number of private to public
545 secondary school seniors in the state multiplied by the number
546 of public secondary schools in the state.

547 (b) The amount of the scholarship shall be prorated based
548 on available appropriations and may not exceed \$1,500 per
549 year. The scholarship ~~and~~ may be renewed for 1 year if the
550 student earns a 2.5 cumulative grade point average and 12 credit
551 hours per term and meets the eligibility requirements for

605-03985-09

20091696c1

552 renewal of the award.

553 (3)

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

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

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

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

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

573 Section 14. Subsection (3) of section 1009.58, Florida
574 Statutes, is amended to read:

575 1009.58 Critical teacher shortage tuition reimbursement
576 program.—

577 (3) Participants may receive tuition reimbursement payments
578 for up to 9 semester hours, or the equivalent in quarter hours,
579 per year, the amount of the reimbursement per semester hour
580 shall be prorated based on available appropriations and may not

605-03985-09

20091696c1

581 ~~exceed at a rate not to exceed~~ \$78 per semester hour, up to a
582 total of 36 semester hours. All tuition reimbursements shall be
583 contingent on passing an approved course with a minimum grade of
584 3.0 or its equivalent.

585 Section 15. Subsection (2) of section 1009.59, Florida
586 Statutes, is amended to read:

587 1009.59 Critical Teacher Shortage Student Loan Forgiveness
588 Program.—

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

592 (a) Up to \$2,500 a year for up to 4 years on behalf of
593 selected graduates of state-approved undergraduate postsecondary
594 teacher preparation programs, persons certified to teach
595 pursuant to any applicable teacher certification requirements,
596 or selected teacher preparation graduates from any state
597 participating in the Interstate Agreement on the Qualification
598 of Educational Personnel.

599 (b) Up to \$5,000 a year for up to 2 years on behalf of
600 selected graduates of state-approved graduate postsecondary
601 teacher preparation programs, persons with graduate degrees
602 certified to teach pursuant to any applicable teacher
603 certification requirements, or selected teacher preparation
604 graduates from any state participating in the Interstate
605 Agreement on the Qualification of Educational Personnel.

606 (c) All repayments shall be contingent on continued proof
607 of employment in the designated subject areas in this state and
608 shall be made directly to the holder of the loan. The state
609 shall not bear responsibility for the collection of any interest

605-03985-09

20091696c1

610 charges or other remaining balance. In the event that designated
611 critical teacher shortage subject areas are changed by the State
612 Board of Education, a teacher shall continue to be eligible for
613 loan forgiveness as long as he or she continues to teach in the
614 subject area for which the original loan repayment was made and
615 otherwise meets all conditions of eligibility.

616 Section 16. Subsections (1) and (3) of section 1009.60,
617 Florida Statutes, are amended to read:

618 1009.60 Minority teacher education scholars program.—There
619 is created the minority teacher education scholars program,
620 which is a collaborative performance-based scholarship program
621 for African-American, Hispanic-American, Asian-American, and
622 Native American students. The participants in the program
623 include Florida's community colleges and its public and private
624 universities that have teacher education programs.

625 (1) The minority teacher education scholars program shall
626 provide an annual scholarship in an amount that shall be
627 prorated based on available appropriations and may not exceed ~~of~~
628 \$4,000 for each approved minority teacher education scholar who
629 is enrolled in one of Florida's public or private universities
630 in the junior year and is admitted into a teacher education
631 program.

632 (3) The total amount appropriated annually for new
633 scholarships in the program must be divided by \$4,000 and by the
634 number of participating colleges and universities. Each
635 participating institution has access to the same number of
636 scholarships and may award all of them to eligible minority
637 students. If a college or university does not award all of its
638 scholarships by the date set by the program administration at

605-03985-09

20091696c1

639 the Florida Fund for Minority Teachers, Inc., the remaining
640 scholarships must be transferred to another institution that has
641 eligible students. If the total amount appropriated for new
642 scholarships is insufficient to award \$4,000 to each eligible
643 student, the amount of the scholarship shall be prorated based
644 on available appropriations.

645 Section 17. Paragraph (a) of subsection (2) of section
646 1009.605, Florida Statutes, is amended, and subsection (4) is
647 added to that section, to read:

648 1009.605 Florida Fund for Minority Teachers, Inc.—

649 (2) The corporation shall submit an annual budget
650 projection to the Department of Education to be included in the
651 annual legislative budget request. The projection must be based
652 on a 7-year plan that would be capable of awarding the following
653 schedule of scholarships:

654 (a) In the initial year, 700 scholarships in an amount that
655 shall be prorated based on available appropriations and may not
656 exceed of \$4,000 per scholar each to scholars in his or her the
657 junior year of college.

658 (4) Within 60 days after the end of each fiscal year, the
659 corporation shall return all unexpended funds for the minority
660 teacher education scholars program to the Department of
661 Education to be deposited in the State Student Financial
662 Assistance Trust Fund.

663 Section 18. Paragraph (e) of subsection (5) of section
664 1009.701, Florida Statutes, is amended to read:

665 1009.701 First Generation Matching Grant Program.—

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

605-03985-09

20091696c1

668 (e) Have met the eligibility requirements in s. 1009.50 for
669 demonstrated financial need for the Florida Public Student
670 Assistance Grant Program ~~by completing the Free Application for~~
671 ~~Federal Student Aid.~~

672 Section 19. Section 1009.765, Florida Statutes, is
673 repealed.

674 Section 20. Subsection (2) of section 1009.98, Florida
675 Statutes, is amended, and subsection (10) is added to that
676 section, to read:

677 1009.98 Stanley G. Tate Florida Prepaid College Program.—

678 (2) PREPAID COLLEGE PLANS.—At a minimum, the board shall
679 make advance payment contracts available for two independent
680 plans to be known as the community college plan and the
681 university plan. The board may also make advance payment
682 contracts available for a dormitory residence plan. The board
683 may restrict the number of participants in the community college
684 plan, university plan, and dormitory residence plan,
685 respectively. However, any person denied participation solely on
686 the basis of such restriction shall be granted priority for
687 participation during the succeeding year.

688 (a)1. Through the community college plan, the advance
689 payment contract may ~~shall~~ provide prepaid registration fees for
690 a specified number of undergraduate semester credit hours not to
691 exceed the average number of hours required for the conference
692 of an associate degree. Qualified beneficiaries shall bear the
693 cost of any laboratory fees associated with enrollment in
694 specific courses. Each qualified beneficiary shall be classified
695 as a resident for tuition purposes, pursuant to s. 1009.21,
696 regardless of his or her actual legal residence.

605-03985-09

20091696c1

697 2. Effective July 1, 1998, the board may provide advance
698 payment contracts for additional fees delineated in s. 1009.23,
699 not to exceed the average number of hours required for the
700 conference of an associate degree, in conjunction with advance
701 payment contracts for registration fees. Community college plan
702 contracts purchased prior to July 1, 1998, shall be limited to
703 the payment of registration fees as defined in s. 1009.97.

704 3. Effective July 1, 2009, the board may offer an advance
705 payment contract for the community college plan covering prepaid
706 registration fees and the fees authorized in s. 1009.23. Such a
707 contract may be offered in specific increments for use toward an
708 associate degree. The total number of hours purchased for a
709 qualified beneficiary may not exceed the average number of hours
710 required for the conference of an associate degree.

711 (b)1. Through the university plan, the advance payment
712 contract may ~~shall~~ provide prepaid registration fees for a
713 specified number of undergraduate semester credit hours not to
714 exceed the average number of hours required for the conference
715 of a baccalaureate degree. Qualified beneficiaries shall bear
716 the cost of any laboratory fees associated with enrollment in
717 specific courses. Each qualified beneficiary shall be classified
718 as a resident for tuition purposes pursuant to s. 1009.21,
719 regardless of his or her actual legal residence.

720 2. Effective July 1, 1998, the board may provide advance
721 payment contracts for additional fees delineated in s.
722 1009.24(9)-(12), for a specified number of undergraduate
723 semester credit hours not to exceed the average number of hours
724 required for the conference of a baccalaureate degree, in
725 conjunction with advance payment contracts for registration

605-03985-09

20091696c1

726 fees. Such contracts shall provide prepaid coverage for the sum
727 of such fees, to a maximum of 45 percent of the cost of
728 registration fees. University plan contracts purchased prior to
729 July 1, 1998, shall be limited to the payment of registration
730 fees as defined in s. 1009.97.

731 3. Effective July 1, 2007, the board may provide advance
732 payment contracts for the tuition differential authorized in s.
733 1009.24(16) for a specified number of undergraduate semester
734 credit hours, which may not exceed the average number of hours
735 required for the conference of a baccalaureate degree, in
736 conjunction with advance payment contracts for registration
737 fees.

738 4. Effective July 1, 2009, the board may offer an advance
739 payment contract for the university plan covering prepaid
740 registration fees, the fees authorized in s. 1009.24(9)-(12),
741 and the tuition differential authorized in s. 1009.24(16). Such
742 a contract may be offered in specific increments for use toward
743 a baccalaureate degree. The total number of hours purchased for
744 a qualified beneficiary may not exceed the average number of
745 hours required for the conference of a baccalaureate degree.

746 (c) The cost of participation in contracts authorized under
747 paragraph (a) or paragraph (b) shall be based primarily on the
748 current and projected ~~registration~~ fees included in the plan
749 within the Florida Community College System or the State
750 University System, respectively, the number of credit hours or
751 semesters included in the plan, and the number of years expected
752 to elapse between the purchase of the plan on behalf of a
753 qualified beneficiary and the exercise of the benefits provided
754 in the plan by such beneficiary.

605-03985-09

20091696c1

755 (d) Through the dormitory residence plan, the advance
756 payment contract may provide prepaid housing fees for a maximum
757 of 10 semesters of full-time undergraduate enrollment in a state
758 university. Dormitory residence plans shall be purchased in
759 increments of 2 semesters. The cost of participation in the
760 dormitory residence plan shall be based primarily on the average
761 current and projected housing fees within the State University
762 System and the number of years expected to elapse between the
763 purchase of the plan on behalf of a qualified beneficiary and
764 the exercise of the benefits provided in the plan by such
765 beneficiary. Qualified beneficiaries shall have the highest
766 priority in the assignment of housing within university
767 residence halls. Qualified beneficiaries shall bear the cost of
768 any additional elective charges such as laundry service or long-
769 distance telephone service. Each state university may specify
770 the residence halls or other university-held residences eligible
771 for inclusion in the plan. In addition, any state university may
772 request immediate termination of a dormitory residence contract
773 based on a violation or multiple violations of rules of the
774 residence hall or other university-held residences. In the event
775 that sufficient housing is not available for all qualified
776 beneficiaries, the board shall refund the purchaser or qualified
777 beneficiary an amount equal to the fees charged for dormitory
778 residence during that semester. If a qualified beneficiary fails
779 to be admitted to a state university or chooses to attend a
780 community college that operates one or more dormitories or
781 residency opportunities, or has one or more dormitories or
782 residency opportunities operated by the community college
783 direct-support organization, the qualified beneficiary may

605-03985-09

20091696c1

784 transfer or cause to have transferred to the community college,
785 or community college direct-support organization, the fees
786 associated with dormitory residence. Dormitory fees transferred
787 to the community college or community college direct-support
788 organization may not exceed the maximum fees charged for state
789 university dormitory residence for the purposes of this section,
790 or the fees charged for community college or community college
791 direct-support organization dormitories or residency
792 opportunities, whichever is less.

793 (10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.—

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

795 1. "Tuition differential fee" means the fee covered by
796 advance payment contracts sold pursuant to subparagraph (2)(b)3.
797 The base rate for the tuition differential fee for the 2012-2013
798 fiscal year is established at \$37.03 per credit hour. The base
799 rate for the tuition differential in subsequent years is the
800 amount paid by the board for the tuition differential for the
801 preceding year adjusted pursuant to sub-subparagraph 2.b.

802 2. "Actuarial reserve" means the expected value of the
803 assets of the trust fund which exceed the expected value of the
804 liabilities of the trust fund. The board shall annually evaluate
805 or cause to be evaluated the actuarial soundness of the trust
806 fund.

807 3. "Fiscal year" means the fiscal year of the state
808 pursuant to s. 215.01.

809 (b) Effective with the 2009-2010 academic year and
810 thereafter, and notwithstanding the provisions of s. 1009.24,
811 the amount paid by the board to any state university on behalf
812 of a qualified beneficiary of an advance payment contract whose

605-03985-09

20091696c1

813 contract was purchased before July 1, 2009, shall be:

814 1. As to registration fees, if the actuarial reserve is
815 less than 5 percent of the expected liabilities of the trust
816 fund, the board shall pay the state universities 5.5 percent
817 above the amount assessed for registration fees in the preceding
818 fiscal year. If the actuarial reserve is between 5 percent and 6
819 percent of the expected liabilities of the trust fund, the board
820 shall pay the state universities 6 percent above the amount
821 assessed for registration fees in the preceding fiscal year. If
822 the actuarial reserve is between 6 percent and 7.5 percent of
823 the expected liabilities of the trust fund, the board shall pay
824 the state universities 6.5 percent above the amount assessed for
825 registration fees in the preceding fiscal year. If the actuarial
826 reserve is equal to or greater than 7.5 percent of the expected
827 liabilities of the trust fund, the board shall pay the state
828 universities 7 percent above the amount assessed for
829 registration fees in the preceding fiscal year, whichever is
830 greater.

831 2. As to the tuition differential fee, if the actuarial
832 reserve is less than 5 percent of the expected liabilities of
833 the trust fund, the board shall pay the state universities 5.5
834 percent above the base rate for the tuition differential fee in
835 the preceding fiscal year. If the actuarial reserve is between 5
836 percent and 6 percent of the expected liabilities of the trust
837 fund, the board shall pay the state universities 6 percent above
838 the base rate for the tuition differential fee in the preceding
839 fiscal year. If the actuarial reserve is between 6 percent and
840 7.5 percent of the expected liabilities of the trust fund, the
841 board shall pay the state universities 6.5 percent above the

605-03985-09

20091696c1

842 base rate for the tuition differential fee in the preceding
843 fiscal year. If the actuarial reserve is equal to or greater
844 than 7.5 percent of the expected liabilities of the trust fund,
845 the board shall pay the state universities 7 percent above the
846 base rate for the tuition differential fee in the preceding
847 fiscal year.

848 3. Qualified beneficiaries of advance payment contracts
849 purchased before July 1, 2007, are exempt from paying any
850 tuition differential fee.

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

855 Section 21. Subsection (5) of section 1011.32, Florida
856 Statutes, is amended to read:

857 1011.32 Community College Facility Enhancement Challenge
858 Grant Program.—

859 (5) A project may not be initiated unless all private funds
860 for planning, construction, and equipping the facility have been
861 received and deposited in the direct-support organization's
862 matching account for this purpose and the state's share for the
863 minimum amount of funds needed to begin the project has been
864 appropriated by the Legislature. However, this requirement does
865 not preclude the community college or direct-support
866 organization from expending available funds from private sources
867 to develop a prospectus, including preliminary architectural
868 schematics or models, for use in its efforts to raise private
869 funds for a facility and for site preparation, planning, and
870 construction. Such facilities are not eligible to be submitted

605-03985-09

20091696c1

871 for state support for operations until the state matching funds
872 have been provided. The Legislature may appropriate the state's
873 matching funds in one or more fiscal years for the planning,
874 construction, and equipping of an eligible facility. Each
875 community college shall notify all donors of private funds of a
876 substantial delay in the availability of state matching funds
877 for this program. ~~However, these requirements shall not preclude~~
878 ~~the community college or direct-support organization from~~
879 ~~expending available funds from private sources to develop a~~
880 ~~prospectus, including preliminary architectural schematics~~
881 ~~and/or models, for use in its efforts to raise private funds for~~
882 ~~a facility. Additionally, any private sources of funds expended~~
883 ~~for this purpose are eligible for state matching funds should~~
884 ~~the project materialize as provided for in this section.~~

885 Section 22. Subsection (4) of section 1011.83, Florida
886 Statutes, is amended, and subsection (6) is added to that
887 section, to read:

888 1011.83 Financial support of community colleges.—

889 (4) State ~~policy for funding~~ for baccalaureate degree
890 programs approved pursuant to s. 1007.33 shall be as provided in
891 the General Appropriations Act ~~to limit state support for~~
892 ~~recurring operating purposes to no more than 85 percent of the~~
893 ~~amount of state expenditures for direct instruction per credit~~
894 ~~hour in upper-level state university programs. A community~~
895 ~~college may temporarily exceed this limit due to normal~~
896 ~~enrollment fluctuations or unforeseeable circumstances or while~~
897 ~~phasing in new programs. This subsection does not authorize the~~
898 ~~Department of Education to withhold legislative appropriations~~
899 ~~to any community college.~~

605-03985-09

20091696c1

900 (6) If a community college offers more than 25
901 baccalaureate degree programs, the Board of Governors shall
902 review the programs and determine whether such programs should
903 be transferred to the Board of Governors' oversight.

904 Section 23. Subsection (12) is added to section 1011.85,
905 Florida Statutes, to read:

906 1011.85 Dr. Philip Benjamin Matching Grant Program for
907 Community Colleges.—

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

911 Section 24. Subsection (7) is added to section 1011.94,
912 Florida Statutes, to read:

913 1011.94 University Major Gifts Program.—

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

917 Section 25. Section 1012.83, Florida Statutes, is amended
918 to read:

919 1012.83 Contracts with administrative and instructional
920 staff.—

921 (1) Each person employed in an administrative or
922 instructional capacity in a community college shall be entitled
923 to a contract as provided by rules of the State Board of
924 Education.

925 (2) A community college board of trustees may not enter
926 into an employment contract that requires the community college
927 to pay an employee an amount from state funds in excess of 1
928 year of the employee's annual salary for termination, buy-out,

605-03985-09

20091696c1

929 or any other type of contract settlement. This subsection does
930 not prohibit the payment of leave and benefits accrued by the
931 employee in accordance with the community college's leave and
932 benefits policies before the contract terminates.

933 Section 26. Subsection (5) of section 1013.79, Florida
934 Statutes, is amended to read:

935 1013.79 University Facility Enhancement Challenge Grant
936 Program.—

937 (5) A project may not be initiated unless all private funds
938 for planning, construction, and equipping the facility have been
939 received and deposited in the separate university program
940 account designated for this purpose. However, these requirements
941 do not preclude the university from expending funds derived from
942 private sources to develop a prospectus, including preliminary
943 architectural schematics or models, for use in its efforts to
944 raise private funds for a facility, and for site preparation,
945 planning, and construction. Such facilities are not eligible to
946 be submitted for state support for operations until the state
947 matching funds have been provided and the state's share for the
948 ~~minimum amount of funds needed to begin the project has been~~
949 ~~appropriated by the Legislature.~~ The Board of Governors shall
950 establish a method for validating the receipt and deposit of
951 private matching funds. The Legislature may appropriate the
952 state's matching funds in one or more fiscal years for the
953 planning, construction, and equipping of an eligible facility.
954 Each university shall notify all donors of private funds of a
955 substantial delay in the availability of state matching funds
956 for this program. However, these requirements shall not preclude
957 ~~the university from expending available funds from private~~

605-03985-09

20091696c1

958 ~~sources to develop a prospectus, including preliminary~~
959 ~~architectural schematics or models, for use in its efforts to~~
960 ~~raise private funds for a facility. Additionally, any private~~
961 ~~sources of funds expended for this purpose are eligible for~~
962 ~~state matching funds should the project materialize as provided~~
963 ~~for in this section.~~

964 Section 27. This act shall take effect July 1, 2009.

965