

By the Policy and Steering Committee on Ways and Means; the Committee on Higher Education Appropriations; and Senator Lynn

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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 appropriated state funds;
17 providing a definition for the term "remuneration";
18 limiting the president's compensation that is used to
19 calculate benefits under ch. 121, F.S.; amending s.
20 1001.706, F.S.; prohibiting the Board of Governors
21 from entering into an employment contract that
22 requires the board to pay an employee an amount from
23 state funds in excess of 1 year of the employee's
24 annual salary for termination, buy-out, or any other
25 type of contract settlement; providing that the
26 payment of leave and benefits accrued by the employee
27 before the contract terminates is not prohibited;
28 amending s. 1001.74, F.S.; prohibiting a university
29 board of trustees from entering into an employment

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30 contract that requires the university to pay an
31 employee an amount from state funds in excess of 1
32 year of the employee's annual salary for termination,
33 buy-out, or any other type of contract settlement;
34 providing that the payment of leave and benefits
35 accrued by the employee before the contract terminates
36 is not prohibited; amending s. 1007.33, F.S.;

37 suspending the authorization for a community college
38 or the State Board of Education to develop new
39 community college baccalaureate degree programs during
40 the 2009-2010 fiscal year; amending s. 1009.01, F.S.;

41 revising the definition of the term "tuition
42 differential"; amending s. 1009.21, F.S.; revising
43 definitions; defining the terms "initial enrollment"
44 and "nonresident for tuition purposes"; revising
45 provisions relating to the qualifications as a
46 resident for tuition purposes; requiring certain
47 documentation to demonstrate state residency; creating
48 s. 1009.286, F.S.; requiring an additional payment for
49 credit hours exceeding the requirements for completing
50 a baccalaureate degree program; providing exceptions;
51 requiring notice upon a student's initial enrollment
52 in a state university or community college; amending
53 s. 1009.53, F.S.; requiring that an institution refund
54 within a specified period after the end of a semester
55 funds from the Florida Bright Futures Scholarship for
56 courses dropped by a student or courses from which a
57 student has withdrawn after the end of the drop and
58 add period; providing exceptions; prohibiting the use

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59 of funds for any scholarship within the program for
60 courses dropped after the end of the drop and add
61 period; providing an exception for verifiable illness
62 or other emergency, unless the institution has a
63 refund policy; requiring a written appeal for such
64 exception; providing requirements for such appeal;
65 requiring that the Department of Education notify
66 eligible recipients of such policies; requiring that
67 each institution notify award recipients of such
68 policies during the registration process; amending s.
69 1009.532, F.S.; revising the requirements for student
70 eligibility to renew a scholarship under the Florida
71 Bright Futures Scholarship Program; providing that a
72 student loses his or her eligibility for renewal of
73 the scholarship for 1 academic year if such student
74 fails to earn the minimum number of hours required to
75 renew; providing eligibility criteria for such student
76 to restore the award; requiring that the department
77 notify eligible recipients of such policies; requiring
78 that each institution notify award recipients of such
79 policies during the registration process; amending s.
80 1009.534, F.S.; revising provisions relating to the
81 Florida Academic Scholars Award; amending s. 1009.536,
82 F.S.; deleting a provision that allows a Florida Gold
83 Seal Scholar to apply for a Florida Medallion Scholars
84 award; amending ss. 1009.57, 1009.58, 1009.59,
85 1009.60, and 1009.605, F.S.; revising provisions
86 relating to the Florida Teacher Scholarship and
87 Forgivable Loan Program, the Critical Teacher Shortage

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88 Student Loan Forgiveness Program, the minority teacher
89 education scholars program, and the Florida Fund for
90 Minority Teachers, Inc.; requiring that the amount of
91 scholarships awarded under such programs be prorated
92 based on available appropriations and not exceed
93 specified amounts; amending s. 1009.701, F.S.;
94 requiring that an applicant under the First Generation
95 Matching Grant Program meet the same eligibility
96 requirements required under the Florida Public Student
97 Assistance Grant Program; repealing s. 1009.765, F.S.,
98 relating to Ethics in Business scholarships for
99 community colleges and independent postsecondary
100 educational institutions; amending s. 1009.98, F.S.;
101 revising provisions relating to the prepaid community
102 college and university plans; authorizing the Florida
103 Prepaid College Board to offer an advance payment
104 contract covering certain fees for such plans;
105 providing definitions regarding payments on behalf of
106 qualified beneficiaries of an advance payment
107 contract; providing the amounts of fees to be paid by
108 the board; providing an exemption for certain
109 qualified beneficiaries from paying any tuition
110 differential fee; requiring that the board pay state
111 universities the actual amount assessed for
112 registration fees and tuition differential fees for
113 certain advanced payment contracts; requiring that the
114 board pay state universities the actual amount
115 assessed for local fees and dormitory fees; requiring
116 that the board pay community colleges and career

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117 centers the actual amount assessed for registration
118 fees and local fees; amending s. 1011.83, F.S.;

119 revising provisions relating to financial support of
120 community colleges; providing for state funding of
121 baccalaureate degree programs in the General
122 Appropriations Act; amending ss. 1011.32, 1011.85, and
123 1011.94, F.S.; requiring that donors be notified of a
124 delay in the availability of state matching funds for
125 the Community College Facility Enhancement Challenge
126 Grant Program, the Dr. Philip Benjamin Matching Grant
127 Program for Community Colleges, and the University
128 Major Gifts Program; amending s. 1012.83, F.S.;

129 conforming provisions relating to contracts with
130 community college administrative and instructional
131 staff to changes made by the act; amending s. 1013.79,
132 F.S.; providing that a university is not precluded
133 from expending funds from private sources to develop a
134 prospectus; requiring that donors be notified of a
135 delay in the availability of state matching funds for
136 the University Facility Enhancement Challenge Grant
137 Program; providing effective dates.

138

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

140

141 Section 1. Paragraph (a) of subsection (4) of section
142 216.136, Florida Statutes, is amended to read:

143 216.136 Consensus estimating conferences; duties and
144 principals.—

145 (4) EDUCATION ESTIMATING CONFERENCE.—

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146 (a) The Education Estimating Conference shall develop such
147 official information relating to the state public and private
148 educational system, including forecasts of student enrollments,
149 the national average of tuition and fees at public postsecondary
150 educational institutions, the number of students qualified for
151 state financial aid programs and for the William L. Boyd, IV,
152 Florida Resident Access Grant Program and the appropriation
153 required to fund the full award amounts for each program, fixed
154 capital outlay needs, and Florida Education Finance Program
155 formula needs, as the conference determines is needed for the
156 state planning and budgeting system. The conference's initial
157 projections of enrollments in public schools shall be forwarded
158 by the conference to each school district no later than 2 months
159 prior to the start of the regular session of the Legislature.
160 Each school district may, in writing, request adjustments to the
161 initial projections. Any adjustment request shall be submitted
162 to the conference no later than 1 month prior to the start of
163 the regular session of the Legislature and shall be considered
164 by the principals of the conference. A school district may amend
165 its adjustment request, in writing, during the first 3 weeks of
166 the legislative session, and such amended adjustment request
167 shall be considered by the principals of the conference. For any
168 adjustment so requested, the district shall indicate and
169 explain, using definitions adopted by the conference, the
170 components of anticipated enrollment changes that correspond to
171 continuation of current programs with workload changes; program
172 improvement; program reduction or elimination; initiation of new
173 programs; and any other information that may be needed by the
174 Legislature. For public schools, the conference shall submit its

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175 full-time equivalent student consensus estimate to the
176 Legislature no later than 1 month after the start of the regular
177 session of the Legislature. No conference estimate may be
178 changed without the agreement of the full conference.

179 Section 2. Subsections (47) and (48) are added to section
180 1001.64, Florida Statutes, to read:

181 1001.64 Community college boards of trustees; powers and
182 duties.—

183 (47) A board of trustees may not enter into an employment
184 contract that requires the community college to pay a community
185 college president an amount from state funds in excess of 1 year
186 of the president's annual salary for termination, buy-out, or
187 any other type of contract settlement. This subsection does not
188 prohibit the payment of leave and benefits accrued by the
189 president in accordance with the community college's leave and
190 benefits policies before the contract terminates.

191 (48) Notwithstanding any other law, resolution, or rule to
192 the contrary, a community college president may not receive more
193 than \$225,000 in remuneration annually from appropriated state
194 funds. As used in this subsection, the term "remuneration" means
195 salary, bonuses, and cash-equivalent compensation paid to a
196 community college president by his or her employer for work
197 performed, excluding health insurance benefits and retirement
198 benefits. Only compensation, as defined in s. 121.021(22), which
199 is provided to a community college president may be used in
200 calculating benefits under chapter 121.

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

203 1001.706 Powers and duties of the Board of Governors.—

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

205 (d) The Board of Governors may not enter into an employment
206 contract that requires the board to pay an employee an amount
207 from state funds in excess of 1 year of the employee's annual
208 salary for termination, buy-out, or any other type of contract
209 settlement. This subsection does not prohibit the payment of
210 leave and benefits accrued by the employee in accordance with
211 the board's leave and benefits policies before the contract
212 terminates.

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

215 1001.74 Powers and duties of university boards of
216 trustees.—

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

218 (d) A board of trustees may not enter into an employment
219 contract that requires the university to pay an employee an
220 amount from state funds in excess of 1 year of the employee's
221 annual salary for termination, buy-out, or any other type of
222 contract settlement. This subsection does not prohibit the
223 payment of leave and benefits accrued by the employee in
224 accordance with the university's leave and benefits policies
225 before the contract terminates.

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

228 1007.33 Site-determined baccalaureate degree access.—

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

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

235 1009.01 Definitions.—The term:

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

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

242 1009.21 Determination of resident status for tuition
243 purposes.—Students shall be classified as residents or
244 nonresidents for the purpose of assessing tuition in community
245 colleges and state universities.

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

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

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

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

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

261 (e) "Nonresident for tuition purposes" means a person who

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262 does not qualify for the in-state tuition rate.

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

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

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

270 1. A person or, if that person is a dependent child, his or
271 her parent or parents must have established legal residence in
272 this state and must have maintained legal residence in this
273 state for at least 12 consecutive months immediately prior to
274 his or her initial enrollment in an institution of higher
275 education ~~qualification~~. Legal residence must be established by
276 written or electronic verification including two or more of the
277 following documents that demonstrate clear and convincing
278 evidence of continuous residence in the state for at least 12
279 consecutive months prior to the student's initial enrollment in
280 an institution of higher education:

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

282 b. A driver's license;

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

284 d. A vehicle registration;

285 e. A declaration of domicile;

286 f. Proof of purchase of a permanent home;

287 g. Proof of a homestead exemption in Florida;

288 h. A transcript from a Florida high school;

289 i. A Florida high school equivalency diploma and
290 transcript;

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- 291 j. Proof of permanent full-time employment;
292 k. Proof of 12 consecutive months of payment of utility
293 bills;
294 l. A domicile lease and proof of 12 consecutive months of
295 payments; or
296 m. Other official state or court documents evidencing legal
297 ties to Florida.

298

299 No single piece of evidence shall be conclusive.

300 2. Every applicant for admission to an institution of
301 higher education shall be required to make a statement as to his
302 or her length of residence in the state and, further, shall
303 establish that his or her presence or, if the applicant is a
304 dependent child, the presence of his or her parent or parents in
305 the state currently is, and during the requisite 12-month
306 qualifying period was, for the purpose of maintaining a bona
307 fide domicile, rather than for the purpose of maintaining a mere
308 temporary residence or abode incident to enrollment in an
309 institution of higher education.

310 (b) However, with respect to a dependent child living with
311 an adult relative other than the child's parent, such child may
312 qualify as a resident for tuition purposes if the adult relative
313 is a legal resident who has maintained legal residence in this
314 state for at least 12 consecutive months immediately prior to
315 the child's initial enrollment in an institution of higher
316 education ~~qualification~~, provided the child has resided
317 continuously with such relative for the 5 years immediately
318 prior to the child's initial enrollment in an institution of
319 higher education ~~qualification~~, during which time the adult

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320 relative has exercised day-to-day care, supervision, and control
321 of the child.

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

328 (d) A person who is classified as a nonresident for tuition
329 purposes may become eligible for reclassification as a resident
330 for tuition purposes if that person or, if that person is a
331 dependent child, his or her parent presents clear and convincing
332 evidence that supports permanent residency in this state rather
333 than temporary residency for the purpose of pursuing an
334 education, such as documentation of full-time permanent
335 employment for the prior 12 months or the purchase of a home in
336 this state and residence therein for the prior 12 months. If a
337 person who is a dependent child and his or her parent move to
338 this state while such child is a high school student and the
339 child graduates from a high school in this state, the child may
340 become eligible for reclassification as a resident for tuition
341 purposes when the parent qualifies for permanent residency.

342 (3) (a) An individual shall not be classified as a resident
343 for tuition purposes and, thus, shall not be eligible to receive
344 the in-state tuition rate until he or she has provided such
345 evidence related to legal residence and its duration or, if the
346 individual is a dependent child, documentation of his or her
347 parent's legal residence and its duration, as well as
348 documentation confirming his or her status as a dependent child,

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349 as may be required by law and by officials of the institution of
350 higher education from which he or she seeks the in-state tuition
351 rate. The documentation must provide clear and convincing
352 evidence that the individual has been a resident in this state
353 for a minimum of 12 consecutive months prior to the student's
354 initial enrollment in an institution of higher education. No
355 single piece of evidence shall be conclusive.

356 (b) Each institution of higher learning shall:

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

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

363 (4) With respect to a dependent child, the legal residence
364 of the dependent child's ~~such individual's~~ parent or parents is
365 prima facie evidence of the dependent child's ~~individual's~~ legal
366 residence, which evidence may be reinforced or rebutted,
367 relative to the age and general circumstances of the dependent
368 child ~~individual~~, by the other evidence of legal residence
369 required of or presented by the dependent child ~~individual~~.

370 However, the legal residence of a dependent child's ~~an~~
371 ~~individual whose~~ parent or parents who are domiciled outside
372 this state is not prima facie evidence of the dependent child's
373 ~~individual's~~ legal residence if that dependent child ~~individual~~
374 has lived in this state for 5 consecutive years prior to
375 enrolling or reregistering at the institution of higher
376 education at which resident status for tuition purposes is
377 sought.

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378 (10) The following persons shall be classified as residents
379 for tuition purposes:

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

384 Section 8. Section 1009.286, Florida Statutes, is created
385 to read:

386 1009.286 Additional student payment required for hours
387 exceeding graduation requirements.-

388 (1) It is the intent of the Legislature to encourage each
389 undergraduate student who enrolls in a state university to
390 complete the student's respective baccalaureate degree program
391 in the most efficient way possible while providing for access to
392 additional college coursework. Therefore, the Legislature
393 intends to enact a policy that provides incentives for efficient
394 baccalaureate degree completion.

395 (2) State universities shall require a student to pay an
396 excess hour surcharge equal to 50 percent of the tuition rate
397 for each credit hour in excess of 120 percent of the number of
398 credit hours required to complete the baccalaureate degree
399 program in which the student is enrolled, in accordance with the
400 provisions of this section.

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

405 (4) Except as otherwise provided by law, and for purposes
406 of this section, the following credit hours shall be included

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407 when calculating the number of hours taken by a student:

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

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

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

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

422 (b) Credit hours earned through internship programs.

423 (c) Credit hours required for certification,
424 recertification, or certificate programs.

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

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

428 (f) Credit hours required to achieve a dual major taken
429 while pursuing a baccalaureate degree.

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

431 (h) Credit hours earned in military science courses
432 (R.O.T.C.).

433 (6) Each state university and community college shall
434 implement a process for notifying students regarding the
435 provisions of this section. The notice must be provided to a

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436 student upon his or her initial enrollment in the institution
437 and again upon the student's having earned the credit hours
438 required to complete the baccalaureate degree program in which
439 the student is enrolled. The notice must include a
440 recommendation that each student who intends to earn credit
441 hours at the institution in excess of the credit hours required
442 for the baccalaureate degree program in which the student is
443 enrolled meet with his or her academic advisor.

444 (7) For purposes of this section, the term "state
445 university" includes the institutions identified in s.
446 1000.21(6) and the term "community college" includes the
447 institutions identified in s. 1000.21(3).

448 Section 9. Paragraph (a) of subsection (5) of section
449 1009.53, Florida Statutes, is amended, and subsection (11) is
450 added to that section, to read:

451 1009.53 Florida Bright Futures Scholarship Program.—

452 (5) The department shall issue awards from the scholarship
453 program annually. Annual awards may be for up to 45 semester
454 credit hours or the equivalent. Before the registration period
455 each semester, the department shall transmit payment for each
456 award to the president or director of the postsecondary
457 education institution, or his or her representative, except that
458 the department may withhold payment if the receiving institution
459 fails to report or to make refunds to the department as required
460 in this section.

461 (a) Within 30 days after the end of regular registration
462 each semester, the educational institution shall certify to the
463 department the eligibility status of each student who receives
464 an award. After the end of the drop and add period, an

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465 institution is not required to reevaluate or revise a student's
466 eligibility status; however, an institution ~~but~~ must make a
467 refund to the department within 30 days after the end of the
468 semester of any funds received for courses dropped by a student
469 or courses from which a student has withdrawn after the end of
470 the drop and add period, unless the student has been granted an
471 exception by the department pursuant to subsection (11) if a
472 ~~student who receives an award disbursement terminates enrollment~~
473 ~~for any reason during an academic term and a refund is permitted~~
474 ~~by the institution's refund policy.~~

475 (11) Funds for any scholarship within the Florida Bright
476 Futures Scholarship Program may not be used to pay for courses
477 dropped after the end of the drop and add period. However, a
478 student who receives an award under this program and
479 subsequently drops one or more courses or withdraws from all
480 courses after the end of the drop and add period due to a
481 verifiable illness or other emergency may be granted an
482 exception, unless the institution's policy is to refund the cost
483 of the courses. The student must make a written appeal for such
484 exception to the institution. The appeal must include a
485 description and verification of the circumstances. Verification
486 of illness or other emergency may include, but need not be
487 limited to, a physician's statement or the written statement of
488 a parent or institution official. The institution shall
489 recommend the exceptions and necessary documentation to the
490 department. The department may accept or reject the
491 institution's recommendations. The department shall notify
492 eligible recipients of the provisions of this subsection. Each
493 institution shall notify award recipients of the provisions of

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494 this subsection during the registration process.

495 Section 10. Paragraph (a) of subsection (1) of section
496 1009.532, Florida Statutes, is amended to read:

497 1009.532 Florida Bright Futures Scholarship Program;
498 student eligibility requirements for renewal awards.-

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

502 (a) Complete at least 24 ~~12~~ semester credit hours or the
503 equivalent in the last academic year in which the student earned
504 a scholarship if the student was enrolled full time, or a
505 prorated number of credit hours as determined by the Department
506 of Education if the student was enrolled less than full time for
507 any part of the academic year. If a student fails to earn the
508 minimum number of hours required to renew the scholarship, the
509 student shall lose his or her eligibility for renewal for a
510 period equivalent to 1 academic year. Such student is eligible
511 to restore the award the following academic year if the student
512 earns the hours for which he or she was enrolled at the level
513 defined by the department and meets the grade point average for
514 renewal. A student is eligible for such restoration one time.
515 This paragraph also applies to students who were enrolled and
516 funded in the 2008-2009 academic year. The department shall
517 notify eligible recipients of the provisions of this paragraph.
518 Each institution shall notify award recipients of the provisions
519 of this paragraph during the registration process.

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

522 1009.534 Florida Academic Scholars award.-

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523 (2) Effective January 1, 2008, a Florida Academic Scholar
524 who is enrolled in a public postsecondary education institution
525 is eligible for an award equal to the amount required to pay
526 tuition and, fees, ~~and an additional amount for college-related~~
527 ~~expenses annually as specified in law or the General~~
528 ~~Appropriations Act.~~ A student who is enrolled in a nonpublic
529 postsecondary education institution is eligible for an award
530 equal to the amount that would be required to pay for the
531 average tuition and fees of a public postsecondary education
532 institution at the comparable level, ~~plus the annual amount~~
533 ~~specified in law or the General Appropriations Act for college-~~
534 ~~related expenses.~~

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

537 1009.536 Florida Gold Seal Vocational Scholars award.—The
538 Florida Gold Seal Vocational Scholars award is created within
539 the Florida Bright Futures Scholarship Program to recognize and
540 reward academic achievement and career preparation by high
541 school students who wish to continue their education.

542 (4) A student may earn a Florida Gold Seal Vocational
543 Scholarship for 110 percent of the number of credit hours
544 required to complete the program, up to 90 credit hours or the
545 equivalent. ~~A Florida Gold Seal Scholar who has a cumulative~~
546 ~~grade point average of 2.75 in all postsecondary education work~~
547 ~~attempted may apply for a Florida Medallion Scholars award at~~
548 ~~any renewal period. All other provisions of that program apply,~~
549 ~~and the credit-hour limitation must be calculated by subtracting~~
550 ~~from the student's total eligibility the number of credit hours~~
551 ~~the student attempted while earning the Gold Seal Vocational~~

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552 ~~Scholarship.~~

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

556 1009.57 Florida Teacher Scholarship and Forgivable Loan
557 Program.—

558 (2) Within the Florida Teacher Scholarship and Forgivable
559 Loan Program shall be established the "Chappie" James Most
560 Promising Teacher Scholarship which shall be offered to a top
561 graduating senior from each public secondary school in the
562 state. An additional number of "Chappie" James Most Promising
563 Teacher Scholarship awards shall be offered annually to
564 graduating seniors from private secondary schools in the state
565 which are listed with the Department of Education and accredited
566 by the Southern Association of Colleges and Schools or any other
567 private statewide accrediting agency which makes public its
568 standards, procedures, and member schools. The private secondary
569 schools shall be in compliance with regulations of the Office
570 for Civil Rights. The number of awards to private secondary
571 school students shall be proportional to the number of awards
572 available to public secondary school students and shall be
573 calculated as the ratio of the number of private to public
574 secondary school seniors in the state multiplied by the number
575 of public secondary schools in the state.

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

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581 renewal of the award.

582 (3)

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

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

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

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

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

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

604 1009.58 Critical teacher shortage tuition reimbursement
605 program.—

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

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610 ~~exceed at a rate not to exceed~~ \$78 per semester hour, up to a
611 total of 36 semester hours. All tuition reimbursements shall be
612 contingent on passing an approved course with a minimum grade of
613 3.0 or its equivalent.

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

616 1009.59 Critical Teacher Shortage Student Loan Forgiveness
617 Program.—

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

621 (a) Up to \$2,500 a year for up to 4 years on behalf of
622 selected graduates of state-approved undergraduate postsecondary
623 teacher preparation programs, persons certified to teach
624 pursuant to any applicable teacher certification requirements,
625 or selected teacher preparation graduates from any state
626 participating in the Interstate Agreement on the Qualification
627 of Educational Personnel.

628 (b) Up to \$5,000 a year for up to 2 years on behalf of
629 selected graduates of state-approved graduate postsecondary
630 teacher preparation programs, persons with graduate degrees
631 certified to teach pursuant to any applicable teacher
632 certification requirements, or selected teacher preparation
633 graduates from any state participating in the Interstate
634 Agreement on the Qualification of Educational Personnel.

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

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

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

647 1009.60 Minority teacher education scholars program.—There
648 is created the minority teacher education scholars program,
649 which is a collaborative performance-based scholarship program
650 for African-American, Hispanic-American, Asian-American, and
651 Native American students. The participants in the program
652 include Florida's community colleges and its public and private
653 universities that have teacher education programs.

654 (1) The minority teacher education scholars program shall
655 provide an annual scholarship in an amount that shall be
656 prorated based on available appropriations and may not exceed ~~of~~
657 \$4,000 for each approved minority teacher education scholar who
658 is enrolled in one of Florida's public or private universities
659 in the junior year and is admitted into a teacher education
660 program.

661 (3) The total amount appropriated annually for new
662 scholarships in the program must be divided by \$4,000 and by the
663 number of participating colleges and universities. Each
664 participating institution has access to the same number of
665 scholarships and may award all of them to eligible minority
666 students. If a college or university does not award all of its
667 scholarships by the date set by the program administration at

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668 the Florida Fund for Minority Teachers, Inc., the remaining
669 scholarships must be transferred to another institution that has
670 eligible students. If the total amount appropriated for new
671 scholarships is insufficient to award \$4,000 to each eligible
672 student, the amount of the scholarship shall be prorated based
673 on available appropriations.

674 Section 17. Paragraph (a) of subsection (2) of section
675 1009.605, Florida Statutes, is amended, and subsection (4) is
676 added to that section, to read:

677 1009.605 Florida Fund for Minority Teachers, Inc.—

678 (2) The corporation shall submit an annual budget
679 projection to the Department of Education to be included in the
680 annual legislative budget request. The projection must be based
681 on a 7-year plan that would be capable of awarding the following
682 schedule of scholarships:

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

687 (4) Within 60 days after the end of each fiscal year, the
688 corporation shall return all unexpended funds for the minority
689 teacher education scholars program to the Department of
690 Education to be deposited in the State Student Financial
691 Assistance Trust Fund.

692 Section 18. Paragraph (e) of subsection (5) of section
693 1009.701, Florida Statutes, is amended to read:

694 1009.701 First Generation Matching Grant Program.—

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

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697 (e) Have met the eligibility requirements in s. 1009.50 for
698 demonstrated financial need for the Florida Public Student
699 Assistance Grant Program ~~by completing the Free Application for~~
700 ~~Federal Student Aid.~~

701 Section 19. Section 1009.765, Florida Statutes, is
702 repealed.

703 Section 20. Subsection (2) of section 1009.98, Florida
704 Statutes, is amended, and subsection (10) is added to that
705 section, to read:

706 1009.98 Stanley G. Tate Florida Prepaid College Program.—

707 (2) PREPAID COLLEGE PLANS.—At a minimum, the board shall
708 make advance payment contracts available for two independent
709 plans to be known as the community college plan and the
710 university plan. The board may also make advance payment
711 contracts available for a dormitory residence plan. The board
712 may restrict the number of participants in the community college
713 plan, university plan, and dormitory residence plan,
714 respectively. However, any person denied participation solely on
715 the basis of such restriction shall be granted priority for
716 participation during the succeeding year.

717 (a)1. Through the community college plan, the advance
718 payment contract may ~~shall~~ provide prepaid registration fees for
719 a specified number of undergraduate semester credit hours not to
720 exceed the average number of hours required for the conference
721 of an associate degree. Qualified beneficiaries shall bear the
722 cost of any laboratory fees associated with enrollment in
723 specific courses. Each qualified beneficiary shall be classified
724 as a resident for tuition purposes, pursuant to s. 1009.21,
725 regardless of his or her actual legal residence.

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726 2. Effective July 1, 1998, the board may provide advance
727 payment contracts for additional fees delineated in s. 1009.23,
728 not to exceed the average number of hours required for the
729 conference of an associate degree, in conjunction with advance
730 payment contracts for registration fees. Community college plan
731 contracts purchased prior to July 1, 1998, shall be limited to
732 the payment of registration fees as defined in s. 1009.97.

733 3. Effective July 1, 2009, the board may offer an advance
734 payment contract for the community college plan covering prepaid
735 registration fees and the fees authorized in s. 1009.23. Such a
736 contract may be offered in specific increments for use toward an
737 associate degree. The total number of hours purchased for a
738 qualified beneficiary may not exceed the average number of hours
739 required for the conference of an associate degree.

740 (b)1. Through the university plan, the advance payment
741 contract may ~~shall~~ provide prepaid registration fees for a
742 specified number of undergraduate semester credit hours not to
743 exceed the average number of hours required for the conference
744 of a baccalaureate degree. Qualified beneficiaries shall bear
745 the cost of any laboratory fees associated with enrollment in
746 specific courses. Each qualified beneficiary shall be classified
747 as a resident for tuition purposes pursuant to s. 1009.21,
748 regardless of his or her actual legal residence.

749 2. Effective July 1, 1998, the board may provide advance
750 payment contracts for additional fees delineated in s.
751 1009.24(9)-(12), for a specified number of undergraduate
752 semester credit hours not to exceed the average number of hours
753 required for the conference of a baccalaureate degree, in
754 conjunction with advance payment contracts for registration

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755 fees. Such contracts shall provide prepaid coverage for the sum
756 of such fees, to a maximum of 45 percent of the cost of
757 registration fees. University plan contracts purchased prior to
758 July 1, 1998, shall be limited to the payment of registration
759 fees as defined in s. 1009.97.

760 3. Effective July 1, 2007, the board may provide advance
761 payment contracts for the tuition differential authorized in s.
762 1009.24(16) for a specified number of undergraduate semester
763 credit hours, which may not exceed the average number of hours
764 required for the conference of a baccalaureate degree, in
765 conjunction with advance payment contracts for registration
766 fees.

767 4. Effective July 1, 2009, the board may offer an advance
768 payment contract for the university plan covering prepaid
769 registration fees, the fees authorized in s. 1009.24(9)-(12),
770 and the tuition differential authorized in s. 1009.24(16). Such
771 a contract may be offered in specific increments for use toward
772 a baccalaureate degree. The total number of hours purchased for
773 a qualified beneficiary may not exceed the average number of
774 hours required for the conference of a baccalaureate degree.

775 (c) The cost of participation in contracts authorized under
776 paragraph (a) or paragraph (b) shall be based primarily on the
777 current and projected ~~registration~~ fees included in the plan
778 within the Florida Community College System or the State
779 University System, respectively, the number of credit hours or
780 semesters included in the plan, and the number of years expected
781 to elapse between the purchase of the plan on behalf of a
782 qualified beneficiary and the exercise of the benefits provided
783 in the plan by such beneficiary.

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784 (d) Through the dormitory residence plan, the advance
785 payment contract may provide prepaid housing fees for a maximum
786 of 10 semesters of full-time undergraduate enrollment in a state
787 university. Dormitory residence plans shall be purchased in
788 increments of 2 semesters. The cost of participation in the
789 dormitory residence plan shall be based primarily on the average
790 current and projected housing fees within the State University
791 System and the number of years expected to elapse between the
792 purchase of the plan on behalf of a qualified beneficiary and
793 the exercise of the benefits provided in the plan by such
794 beneficiary. Qualified beneficiaries shall have the highest
795 priority in the assignment of housing within university
796 residence halls. Qualified beneficiaries shall bear the cost of
797 any additional elective charges such as laundry service or long-
798 distance telephone service. Each state university may specify
799 the residence halls or other university-held residences eligible
800 for inclusion in the plan. In addition, any state university may
801 request immediate termination of a dormitory residence contract
802 based on a violation or multiple violations of rules of the
803 residence hall or other university-held residences. In the event
804 that sufficient housing is not available for all qualified
805 beneficiaries, the board shall refund the purchaser or qualified
806 beneficiary an amount equal to the fees charged for dormitory
807 residence during that semester. If a qualified beneficiary fails
808 to be admitted to a state university or chooses to attend a
809 community college that operates one or more dormitories or
810 residency opportunities, or has one or more dormitories or
811 residency opportunities operated by the community college
812 direct-support organization, the qualified beneficiary may

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813 transfer or cause to have transferred to the community college,
814 or community college direct-support organization, the fees
815 associated with dormitory residence. Dormitory fees transferred
816 to the community college or community college direct-support
817 organization may not exceed the maximum fees charged for state
818 university dormitory residence for the purposes of this section,
819 or the fees charged for community college or community college
820 direct-support organization dormitories or residency
821 opportunities, whichever is less.

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

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

824 1. "Tuition differential fee" means the fee covered by
825 advance payment contracts sold pursuant to subparagraph (2)(b)3.
826 The base rate for the tuition differential fee for the 2012-2013
827 fiscal year is established at \$37.03 per credit hour. The base
828 rate for the tuition differential in subsequent years is the
829 amount paid by the board for the tuition differential for the
830 preceding year adjusted pursuant to subparagraph (b)2.

831 2. "Actuarial reserve" means the expected value of the
832 assets of the trust fund which exceed the expected value of the
833 liabilities of the trust fund. The board shall annually evaluate
834 or cause to be evaluated the actuarial soundness of the trust
835 fund.

836 3. "Fiscal year" means the fiscal year of the state
837 pursuant to s. 215.01.

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

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

843 1. As to registration fees, if the actuarial reserve is
844 less than 5 percent of the expected liabilities of the trust
845 fund, the board shall pay the state universities 5.5 percent
846 above the amount assessed for registration fees in the preceding
847 fiscal year. If the actuarial reserve is between 5 percent and 6
848 percent of the expected liabilities of the trust fund, the board
849 shall pay the state universities 6 percent above the amount
850 assessed for registration fees in the preceding fiscal year. If
851 the actuarial reserve is between 6 percent and 7.5 percent of
852 the expected liabilities of the trust fund, the board shall pay
853 the state universities 6.5 percent above the amount assessed for
854 registration fees in the preceding fiscal year. If the actuarial
855 reserve is equal to or greater than 7.5 percent of the expected
856 liabilities of the trust fund, the board shall pay the state
857 universities 7 percent above the amount assessed for
858 registration fees in the preceding fiscal year, whichever is
859 greater.

860 2. As to the tuition differential fee, if the actuarial
861 reserve is less than 5 percent of the expected liabilities of
862 the trust fund, the board shall pay the state universities 5.5
863 percent above the base rate for the tuition differential fee in
864 the preceding fiscal year. If the actuarial reserve is between 5
865 percent and 6 percent of the expected liabilities of the trust
866 fund, the board shall pay the state universities 6 percent above
867 the base rate for the tuition differential fee in the preceding
868 fiscal year. If the actuarial reserve is between 6 percent and
869 7.5 percent of the expected liabilities of the trust fund, the
870 board shall pay the state universities 6.5 percent above the

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871 base rate for the tuition differential fee in the preceding
872 fiscal year. If the actuarial reserve is equal to or greater
873 than 7.5 percent of the expected liabilities of the trust fund,
874 the board shall pay the state universities 7 percent above the
875 base rate for the tuition differential fee in the preceding
876 fiscal year.

877 3. Qualified beneficiaries of advance payment contracts
878 purchased before July 1, 2007, are exempt from paying any
879 tuition differential fee.

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

884 Section 21. Effective upon this act becoming a law,
885 subsection (5) of section 1011.32, Florida Statutes, is amended
886 to read:

887 1011.32 Community College Facility Enhancement Challenge
888 Grant Program.—

889 (5) A project may not be initiated unless all private funds
890 for planning, construction, and equipping the facility have been
891 received and deposited in the direct-support organization's
892 matching account for this purpose and the state's share for the
893 minimum amount of funds needed to begin the project has been
894 appropriated by the Legislature. However, this requirement does
895 not preclude the community college or direct-support
896 organization from expending available funds from private sources
897 to develop a prospectus, including preliminary architectural
898 schematics or models, for use in its efforts to raise private
899 funds for a facility and for site preparation, planning, and

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900 construction. Such facilities are not eligible to be submitted
901 for state support for operations until the state matching funds
902 have been provided. The Legislature may appropriate the state's
903 matching funds in one or more fiscal years for the planning,
904 construction, and equipping of an eligible facility. Each
905 community college shall notify all donors of private funds of a
906 substantial delay in the availability of state matching funds
907 for this program. ~~However, these requirements shall not preclude~~
908 ~~the community college or direct-support organization from~~
909 ~~expending available funds from private sources to develop a~~
910 ~~prospectus, including preliminary architectural schematics~~
911 ~~and/or models, for use in its efforts to raise private funds for~~
912 ~~a facility. Additionally, any private sources of funds expended~~
913 ~~for this purpose are eligible for state matching funds should~~
914 ~~the project materialize as provided for in this section.~~

915 Section 22. Subsection (4) of section 1011.83, Florida
916 Statutes, is amended to read:

917 1011.83 Financial support of community colleges.—

918 (4) State ~~policy for funding~~ for baccalaureate degree
919 programs approved pursuant to s. 1007.33 shall be as provided in
920 the General Appropriations Act ~~to limit state support for~~
921 ~~recurring operating purposes to no more than 85 percent of the~~
922 ~~amount of state expenditures for direct instruction per credit~~
923 ~~hour in upper-level state university programs. A community~~
924 ~~college may temporarily exceed this limit due to normal~~
925 ~~enrollment fluctuations or unforeseeable circumstances or while~~
926 ~~phasing in new programs. This subsection does not authorize the~~
927 ~~Department of Education to withhold legislative appropriations~~
928 ~~to any community college.~~

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

931 1011.85 Dr. Philip Benjamin Matching Grant Program for
932 Community Colleges.—

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

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

938 1011.94 University Major Gifts Program.—

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

942 Section 25. Section 1012.83, Florida Statutes, is amended
943 to read:

944 1012.83 Contracts with administrative and instructional
945 staff.—

946 (1) Each person employed in an administrative or
947 instructional capacity in a community college shall be entitled
948 to a contract as provided by rules of the State Board of
949 Education.

950 (2) A community college board of trustees may not enter
951 into an employment contract that requires the community college
952 to pay an employee an amount from appropriated state funds in
953 excess of 1 year of the employee's annual salary for
954 termination, buy-out, or any other type of contract settlement.
955 This subsection does not prohibit the payment of leave and
956 benefits accrued by the employee in accordance with the
957 community college's leave and benefits policies before the

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958 contract terminates.

959 Section 26. Effective upon this act becoming a law,
960 subsection (5) of section 1013.79, Florida Statutes, is amended
961 to read:

962 1013.79 University Facility Enhancement Challenge Grant
963 Program.—

964 (5) A project may not be initiated unless all private funds
965 for planning, construction, and equipping the facility have been
966 received and deposited in the separate university program
967 account designated for this purpose. However, these requirements
968 do not preclude the university from expending funds derived from
969 private sources to develop a prospectus, including preliminary
970 architectural schematics or models, for use in its efforts to
971 raise private funds for a facility, and for site preparation,
972 planning, and construction. Such facilities are not eligible to
973 be submitted for state support for operations until the state
974 matching funds have been provided and the state's share for the
975 minimum amount of funds needed to begin the project has been
976 appropriated by the Legislature. The Board of Governors shall
977 establish a method for validating the receipt and deposit of
978 private matching funds. The Legislature may appropriate the
979 state's matching funds in one or more fiscal years for the
980 planning, construction, and equipping of an eligible facility.
981 Each university shall notify all donors of private funds of a
982 substantial delay in the availability of state matching funds
983 for this program. ~~However, these requirements shall not preclude~~
984 ~~the university from expending available funds from private~~
985 ~~sources to develop a prospectus, including preliminary~~
986 ~~architectural schematics or models, for use in its efforts to~~

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987 ~~raise private funds for a facility. Additionally, any private~~
988 ~~sources of funds expended for this purpose are eligible for~~
989 ~~state matching funds should the project materialize as provided~~
990 ~~for in this section.~~

991 Section 27. Except as otherwise expressly provided in this
992 act and except for this section, which shall take effect upon
993 becoming a law, this act shall take effect July 1, 2009.