

1 A bill to be entitled
2 An act relating to postsecondary education funding;
3 amending s. 1009.21, F.S., relating to determination of
4 resident status for tuition purposes; revising
5 definitions; revising provisions relating to qualification
6 as a resident for tuition purposes; providing for
7 reclassification of status; providing duties of
8 institutions of higher education; amending s. 1009.24,
9 F.S.; revising maximum annual adjustments to out-of-state
10 fees or tuition for graduate programs at state
11 universities; amending s. 1009.53, F.S., relating to the
12 Florida Bright Futures Scholarship Program; revising
13 provisions relating to a refund to the Department of
14 Education of funds received by a postsecondary educational
15 institution for certain courses; prohibiting the use of
16 funds for certain purposes; requiring the department and
17 institutions to notify students of certain information;
18 amending s. 1009.532, F.S., relating to the Florida Bright
19 Futures Scholarship Program; revising credit-hour
20 requirements for renewal of a scholarship; providing for
21 restoration of eligibility; requiring the department and
22 institutions to notify students of certain information;
23 amending s. 1009.55, F.S.; limiting eligibility for the
24 Rosewood Family Scholarship Program to direct descendants;
25 deleting obsolete language; amending ss. 1009.57, 1009.58,
26 1009.59, and 1009.60, F.S.; revising provisions relating
27 to the Florida Teacher Scholarship and Forgivable Loan
28 Program, the Critical Teacher Shortage Tuition

29 Reimbursement Program, the Critical Teacher Shortage
30 Student Loan Forgiveness Program, and the Minority Teacher
31 Education Scholars Program; requiring that the amount of
32 awards under such programs be prorated based on available
33 appropriations and not exceed specified amounts; amending
34 s. 1009.605, F.S.; requiring the Florida Fund for Minority
35 Teachers, Inc., to submit a report on scholarship
36 recipients and remit undistributed funds to the Department
37 of Education; amending s. 1009.701, F.S.; requiring
38 applicants under the First Generation Matching Grant
39 Program to meet specified eligibility requirements;
40 amending s. 1009.94, F.S.; providing reporting
41 requirements for postsecondary institutions participating
42 in certain state student financial assistance programs;
43 amending s. 1009.98, F.S.; authorizing the Florida Prepaid
44 College Board to provide advance payment contracts based
45 on specific increments usable toward an associate or
46 baccalaureate degree; providing definitions; providing for
47 payments on behalf of qualified beneficiaries with
48 contracts purchased prior to July 1, 2009; providing for
49 increases in payments; providing an exemption from the
50 payment of certain fees; requiring evaluation of the
51 actuarial soundness of the Florida Prepaid College Trust
52 Fund; creating s. 1011.521, F.S.; authorizing
53 appropriations to private colleges and universities for
54 specified uses; providing reporting requirements and
55 restrictions on expenditures; repealing ss. 1009.76 and
56 1009.765, F.S., relating to Ethics in Business

57 | scholarships; amending s. 1009.40, F.S.; deleting a cross-
 58 | reference to conform; providing an exemption from
 59 | requirements relating to revenue bonds and debt for the
 60 | rental of space within a specified public health facility;
 61 | providing an effective date.

62 |

63 | Be It Enacted by the Legislature of the State of Florida:

64 |

65 | Section 1. Section 1009.21, Florida Statutes, is amended
 66 | to read:

67 | 1009.21 Determination of resident status for tuition
 68 | purposes.--Students shall be classified as residents or
 69 | nonresidents for the purpose of assessing tuition in community
 70 | colleges and state universities.

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

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

76 | (b) "Initial enrollment" means the first day of class at
 77 | an institution of higher education.

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

81 | (d) ~~(e)~~ ~~A~~ "Legal resident" or "resident" means ~~is~~ a person
 82 | who has maintained his or her residence in this state for the
 83 | preceding year, has purchased a home which is occupied by him or
 84 | her as his or her residence, or has established a domicile in

85 | this state pursuant to s. 222.17.

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

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

90 | ~~(g) (e) A "Resident for tuition purposes" means is a person~~
 91 | ~~who qualifies as provided in subsection (2) for the in-state~~
 92 | ~~tuition rate; a "nonresident for tuition purposes" is a person~~
 93 | ~~who does not qualify for the in-state tuition rate.~~

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

- 95 | 1. A person or, if that person is a dependent child, his
 96 | or her parent or parents must have established legal residence
 97 | in this state and must have maintained legal residence in this
 98 | state for at least 12 consecutive months immediately prior to
 99 | his or her initial enrollment in an institution of higher
 100 | education qualification. Legal residence must be established by
 101 | written or electronic verification that includes two or more of
 102 | the following Florida documents that demonstrate clear and
 103 | convincing evidence of continuous residence in the state for at
 104 | least 12 consecutive months prior to the student's initial
 105 | enrollment in an institution of higher education: a voter
 106 | information card pursuant to s. 97.071; a driver's license; an
 107 | identification card issued by the state; a vehicle registration;
 108 | a declaration of domicile; proof of purchase of a permanent
 109 | home; proof of a homestead exemption in the state; a transcript
 110 | from a Florida high school; a Florida high school equivalency
 111 | diploma and transcript; proof of permanent full-time employment;
 112 | proof of 12 consecutive months of payment of utility bills; a

113 domicile lease and proof of 12 consecutive months of payments;
 114 or other official state or court documents evidencing legal ties
 115 to the state. No single piece of evidence shall be conclusive.

116 2. Every applicant for admission to an institution of
 117 higher education shall be required to make a statement as to his
 118 or her length of residence in the state and, further, shall
 119 establish that his or her presence or, if the applicant is a
 120 dependent child, the presence of his or her parent or parents in
 121 the state currently is, and during the requisite 12-month
 122 qualifying period was, for the purpose of maintaining a bona
 123 fide domicile, rather than for the purpose of maintaining a mere
 124 temporary residence or abode incident to enrollment in an
 125 institution of higher education.

126 (b) However, with respect to a dependent child living with
 127 an adult relative other than the child's parent, such child may
 128 qualify as a resident for tuition purposes if the adult relative
 129 is a legal resident who has maintained legal residence in this
 130 state for at least 12 consecutive months immediately prior to
 131 the child's initial enrollment in an institution of higher
 132 education ~~qualification~~, provided the child has resided
 133 continuously with such relative for the 5 years immediately
 134 prior to the child's initial enrollment in an institution of
 135 higher education ~~qualification~~, during which time the adult
 136 relative has exercised day-to-day care, supervision, and control
 137 of the child.

138 (c) The legal residence of a dependent child whose parents
 139 are divorced, separated, or otherwise living apart will be
 140 deemed to be this state if either parent is a legal resident of

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141 this state, regardless of which parent is entitled to claim, and
142 does in fact claim, the minor as a dependent pursuant to federal
143 individual income tax provisions.

144 (d) A person who is classified as a nonresident for
145 tuition purposes may become eligible for reclassification as a
146 resident for tuition purposes if that person or, if that person
147 is a dependent child, his or her parent presents clear and
148 convincing evidence that supports permanent residency in this
149 state rather than temporary residency for the purpose of
150 pursuing an education, such as documentation of full-time
151 permanent employment for the prior 12 months or the purchase of
152 a home in this state and residence therein for the prior 12
153 months while not enrolled in an institution of higher education.
154 If a person who is a dependent child and his or her parent move
155 to this state while such child is a high school student and the
156 child graduates from a high school in this state, the child may
157 become eligible for reclassification as a resident for tuition
158 purposes when the parent qualifies for permanent residency.

159 (3) (a) An individual shall not be classified as a resident
160 for tuition purposes and, thus, shall not be eligible to receive
161 the in-state tuition rate until he or she has provided such
162 evidence related to legal residence and its duration or, if that
163 individual is a dependent child, documentation of his or her
164 parent's legal residence and its duration, as well as
165 documentation confirming his or her status as a dependent child,
166 as may be required by law and by officials of the institution of
167 higher education from which he or she seeks the in-state tuition
168 rate. The documentation shall provide clear and convincing

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169 evidence that residency in this state was for a minimum of 12
170 consecutive months prior to the student's initial enrollment in
171 an institution of higher education. No single piece of evidence
172 shall be conclusive.

173 (b) Each institution of higher learning shall:

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

176 2. Affirmatively determine that an applicant who has been
177 granted admission to that institution as a Florida resident
178 meets the residency requirements of this section at the time of
179 initial enrollment.

180 (4) With respect to a dependent child, the legal residence
181 of the dependent child's ~~such individual's~~ parent or parents is
182 prima facie evidence of the dependent child's ~~individual's~~ legal
183 residence, which evidence may be reinforced or rebutted,
184 relative to the age and general circumstances of the dependent
185 child individual, by the other evidence of legal residence
186 required of or presented by the dependent child ~~individual~~.
187 However, the legal residence of a dependent child's ~~an~~
188 ~~individual whose~~ parent or parents who are domiciled outside
189 this state is not prima facie evidence of the dependent child's
190 ~~individual's~~ legal residence if that dependent child ~~individual~~
191 has lived in this state for 5 consecutive years prior to
192 enrolling or reregistering at the institution of higher
193 education at which resident status for tuition purposes is
194 sought.

195 (5) In making a domiciliary determination related to the
196 classification of a person as a resident or nonresident for

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197 tuition purposes, the domicile of a married person, irrespective
198 of sex, shall be determined, as in the case of an unmarried
199 person, by reference to all relevant evidence of domiciliary
200 intent. For the purposes of this section:

201 (a) A person shall not be precluded from establishing or
202 maintaining legal residence in this state and subsequently
203 qualifying or continuing to qualify as a resident for tuition
204 purposes solely by reason of marriage to a person domiciled
205 outside this state, even when that person's spouse continues to
206 be domiciled outside of this state, provided such person
207 maintains his or her legal residence in this state.

208 (b) A person shall not be deemed to have established or
209 maintained a legal residence in this state and subsequently to
210 have qualified or continued to qualify as a resident for tuition
211 purposes solely by reason of marriage to a person domiciled in
212 this state.

213 (c) In determining the domicile of a married person,
214 irrespective of sex, the fact of the marriage and the place of
215 domicile of such person's spouse shall be deemed relevant
216 evidence to be considered in ascertaining domiciliary intent.

217 (6) Any nonresident person, irrespective of sex, who
218 marries a legal resident of this state or marries a person who
219 later becomes a legal resident may, upon becoming a legal
220 resident of this state, accede to the benefit of the spouse's
221 immediately precedent duration as a legal resident for purposes
222 of satisfying the 12-month durational requirement of this
223 section.

224 (7) A person shall not lose his or her resident status for

225 | tuition purposes solely by reason of serving, or, if such person
226 | is a dependent child, by reason of his or her parent's or
227 | parents' serving, in the Armed Forces outside this state.

228 | (8) A person who has been properly classified as a
229 | resident for tuition purposes but who, while enrolled in an
230 | institution of higher education in this state, loses his or her
231 | resident tuition status because the person or, if he or she is a
232 | dependent child, the person's parent or parents establish
233 | domicile or legal residence elsewhere shall continue to enjoy
234 | the in-state tuition rate for a statutory grace period, which
235 | period shall be measured from the date on which the
236 | circumstances arose that culminated in the loss of resident
237 | tuition status and shall continue for 12 months. However, if the
238 | 12-month grace period ends during a semester or academic term
239 | for which such former resident is enrolled, such grace period
240 | shall be extended to the end of that semester or academic term.

241 | (9) Any person who ceases to be enrolled at or who
242 | graduates from an institution of higher education while
243 | classified as a resident for tuition purposes and who
244 | subsequently abandons his or her domicile in this state shall be
245 | permitted to reenroll at an institution of higher education in
246 | this state as a resident for tuition purposes without the
247 | necessity of meeting the 12-month durational requirement of this
248 | section if that person has reestablished his or her domicile in
249 | this state within 12 months of such abandonment and continuously
250 | maintains the reestablished domicile during the period of
251 | enrollment. The benefit of this subsection shall not be accorded
252 | more than once to any one person.

253 (10) The following persons shall be classified as
 254 residents for tuition purposes:

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

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

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

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

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

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

279 (g) Full-time employees of state agencies or political
 280 subdivisions of the state when the student fees are paid by the

281 state agency or political subdivision for the purpose of job-
 282 related law enforcement or corrections training.

283 (h) McKnight Doctoral Fellows and Finalists who are United
 284 States citizens.

285 (i) United States citizens living outside the United
 286 States who are teaching at a Department of Defense Dependent
 287 School or in an American International School and who enroll in
 288 a graduate level education program which leads to a Florida
 289 teaching certificate.

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

295 (k) Active duty members of a foreign nation's military who
 296 are serving as liaison officers and are residing or stationed in
 297 this state, and their spouses and dependent children, attending
 298 a community college or state university within 50 miles of the
 299 military establishment where the foreign liaison officer is
 300 stationed.

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

303 Section 2. Paragraph (c) of subsection (4) of section
 304 1009.24, Florida Statutes, is amended to read:

305 1009.24 State university student fees.--

306 (4)

307 (c) The Board of Governors, or the board's designee, may
 308 establish tuition for graduate and professional programs, and

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309 out-of-state fees for all programs. The sum of tuition and out-
310 of-state fees assessed to nonresident students must be
311 sufficient to offset the full instructional cost of serving such
312 students. However, adjustments to out-of-state fees or tuition
313 for graduate programs and ~~pursuant to this section may not~~
314 ~~exceed 10 percent in any year, and adjustments to out-of-state~~
315 ~~fees or tuition for~~ professional programs may not exceed 15
316 percent in any year.

317 Section 3. Paragraph (a) of subsection (5) of section
318 1009.53, Florida Statutes, is amended, and subsection (11) is
319 added to that section, to read:

320 1009.53 Florida Bright Futures Scholarship Program.--

321 (5) The department shall issue awards from the scholarship
322 program annually. Annual awards may be for up to 45 semester
323 credit hours or the equivalent. Before the registration period
324 each semester, the department shall transmit payment for each
325 award to the president or director of the postsecondary
326 education institution, or his or her representative, except that
327 the department may withhold payment if the receiving institution
328 fails to report or to make refunds to the department as required
329 in this section.

330 (a) Within 30 days after the end of regular registration
331 each semester, the educational institution shall certify to the
332 department the eligibility status of each student who receives
333 an award. After the end of the drop and add period, an
334 institution is not required to reevaluate or revise a student's
335 eligibility status; however, an institution ~~but~~ must make a
336 refund to the department within 30 days after the end of the

337 semester of any funds received for courses dropped by students
 338 after the end of the drop and add period or courses from which
 339 students withdraw after the end of the drop and add period
 340 unless a student has dropped or withdrawn from the course due to
 341 a verifiable illness or other documented emergency ~~if a student~~
 342 ~~who receives an award disbursement terminates enrollment for any~~
 343 ~~reason during an academic term and a refund is permitted by the~~
 344 ~~institution's refund policy.~~

345 (11) Funds for any scholarship within the Florida Bright
 346 Futures Scholarship Program may not be used to pay for courses
 347 dropped after the end of the drop and add period or courses from
 348 which students withdraw after the end of the drop and add period
 349 except as otherwise provided in this section. The department
 350 shall notify eligible recipients of the provisions of this
 351 subsection. Each institution shall notify award recipients of
 352 the provisions of this subsection during the registration
 353 process.

354 Section 4. Paragraph (a) of subsection (1) of section
 355 1009.532, Florida Statutes, is amended to read:

356 1009.532 Florida Bright Futures Scholarship Program;
 357 student eligibility requirements for renewal awards.--

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

361 (a) Effective with students funded in the 2009-2010
 362 academic year and thereafter, earn complete at least 24 12
 363 semester credit hours or the equivalent in the last academic
 364 year in which the student earned a scholarship if the student

365 was enrolled full time or earn a prorated number of credit hours
 366 as determined by the Department of Education if the student was
 367 enrolled less than full time for any part of the academic year.
 368 If a student fails to earn the minimum number of hours required
 369 to renew the scholarship, the student shall lose his or her
 370 eligibility for renewal for a period equivalent to one academic
 371 year. The student is eligible to restore the award the following
 372 academic year if the student earns the hours for which the
 373 student was enrolled at the level defined by the department and
 374 meets the grade point average for renewal. A student is eligible
 375 for such a restoration one time. The department shall notify
 376 eligible recipients of the requirements of this paragraph. Each
 377 institution shall notify award recipients of the requirements of
 378 this paragraph during the registration process.

379 Section 5. Subsection (1) and paragraph (c) of subsection
 380 (2) of section 1009.55, Florida Statutes, are amended to read:

381 1009.55 Rosewood Family Scholarship Program.--

382 (1) There is created a Rosewood Family Scholarship Program
 383 for ~~minority persons with preference given to~~ the direct
 384 descendants of the Rosewood families, not to exceed 25
 385 scholarships per year. ~~Funds appropriated by the Legislature for~~
 386 ~~the program shall be deposited in the State Student Financial~~
 387 ~~Assistance Trust Fund.~~

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

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392 (c) The department shall rank eligible initial applicants
393 for the purposes of awarding scholarships ~~with preference being~~
394 ~~given to the direct descendants of the Rosewood families. The~~
395 ~~remaining applicants shall be ranked~~ based on need as determined
396 by the Department of Education.

397 Section 6. Paragraph (b) of subsection (2) and paragraphs
398 (b) and (c) of subsection (3) of section 1009.57, Florida
399 Statutes, is amended to read:

400 1009.57 Florida Teacher Scholarship and Forgivable Loan
401 Program.--

402 (2) Within the Florida Teacher Scholarship and Forgivable
403 Loan Program shall be established the "Chappie" James Most
404 Promising Teacher Scholarship which shall be offered to a top
405 graduating senior from each public secondary school in the
406 state. An additional number of "Chappie" James Most Promising
407 Teacher Scholarship awards shall be offered annually to
408 graduating seniors from private secondary schools in the state
409 which are listed with the Department of Education and accredited
410 by the Southern Association of Colleges and Schools or any other
411 private statewide accrediting agency which makes public its
412 standards, procedures, and member schools. The private secondary
413 schools shall be in compliance with regulations of the Office
414 for Civil Rights. The number of awards to private secondary
415 school students shall be proportional to the number of awards
416 available to public secondary school students and shall be
417 calculated as the ratio of the number of private to public
418 secondary school seniors in the state multiplied by the number
419 of public secondary schools in the state.

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

426 (3)

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

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

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

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

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

447 Section 7. Subsection (3) of section 1009.58, Florida
 448 Statutes, is amended to read:

449 1009.58 Critical teacher shortage tuition reimbursement
 450 program.--

451 (3) Participants may receive tuition reimbursement
 452 payments for up to 9 semester hours, or the equivalent in
 453 quarter hours, per year. The amount of the reimbursement per
 454 semester hour shall be prorated based on available
 455 appropriations and may not, ~~at a rate not to~~ exceed \$78 per
 456 semester hour, up to a total of 36 semester hours. All tuition
 457 reimbursements shall be contingent on passing an approved course
 458 with a minimum grade of 3.0 or its equivalent.

459 Section 8. Subsection (2) of section 1009.59, Florida
 460 Statutes, is amended to read:

461 1009.59 Critical Teacher Shortage Student Loan Forgiveness
 462 Program.--

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

466 (a) Up to \$2,500 a year for up to 4 years on behalf of
 467 selected graduates of state-approved undergraduate postsecondary
 468 teacher preparation programs, persons certified to teach
 469 pursuant to any applicable teacher certification requirements,
 470 or selected teacher preparation graduates from any state
 471 participating in the Interstate Agreement on the Qualification
 472 of Educational Personnel.

473 (b) Up to \$5,000 a year for up to 2 years on behalf of
 474 selected graduates of state-approved graduate postsecondary

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475 teacher preparation programs, persons with graduate degrees
476 certified to teach pursuant to any applicable teacher
477 certification requirements, or selected teacher preparation
478 graduates from any state participating in the Interstate
479 Agreement on the Qualification of Educational Personnel.

480 (c) All repayments shall be contingent on continued proof
481 of employment in the designated subject areas in this state and
482 shall be made directly to the holder of the loan. The state
483 shall not bear responsibility for the collection of any interest
484 charges or other remaining balance. In the event that designated
485 critical teacher shortage subject areas are changed by the State
486 Board of Education, a teacher shall continue to be eligible for
487 loan forgiveness as long as he or she continues to teach in the
488 subject area for which the original loan repayment was made and
489 otherwise meets all conditions of eligibility.

490 Section 9. Subsections (1) and (3) of section 1009.60,
491 Florida Statutes, are amended to read:

492 1009.60 Minority teacher education scholars
493 program.--There is created the minority teacher education
494 scholars program, which is a collaborative performance-based
495 scholarship program for African-American, Hispanic-American,
496 Asian-American, and Native American students. The participants
497 in the program include Florida's community colleges and its
498 public and private universities that have teacher education
499 programs.

500 (1) The minority teacher education scholars program shall
501 provide an annual scholarship in an amount that shall be
502 prorated based on available appropriations and may not exceed ~~of~~

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503 \$4,000 for each approved minority teacher education scholar who
504 is enrolled in one of Florida's public or private universities
505 in the junior year and is admitted into a teacher education
506 program.

507 (3) The total amount appropriated annually for new
508 scholarships in the program must be divided by \$4,000 and by the
509 number of participating colleges and universities. Each
510 participating institution has access to the same number of
511 scholarships and may award all of them to eligible minority
512 students. If a college or university does not award all of its
513 scholarships by the date set by the program administration at
514 the Florida Fund for Minority Teachers, Inc., the remaining
515 scholarships must be transferred to another institution that has
516 eligible students. If the total amount appropriated for new
517 scholarships is insufficient to award \$4,000 to each eligible
518 student, the amount of the scholarship shall be prorated based
519 on available appropriations.

520 Section 10. Subsection (2) of section 1009.605, Florida
521 Statutes, is amended to read:

522 1009.605 Florida Fund for Minority Teachers, Inc.--

523 (2) (a) The corporation shall submit an annual budget
524 projection to the Department of Education to be included in the
525 annual legislative budget request. The projection must be based
526 on a 7-year plan that would be capable of awarding the following
527 schedule of scholarships:

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

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

533 ~~3.(e)~~ In each succeeding year, 350 scholarships to new
534 scholars in the junior year and renewal scholarships to the 350
535 rising seniors.

536 (b) The corporation shall report to the Department of
537 Education, by the date established by the department, the
538 eligible students to whom scholarship moneys are disbursed each
539 academic term and any other information requested by the
540 department in accordance with s. 1009.94. Within 60 days after
541 the end of each fiscal year, the corporation shall remit to the
542 department any appropriated funds that were not distributed for
543 scholarships, less the 5 percent for administration, including
544 administration of the required training program, authorized
545 pursuant to subsection (3).

546 Section 11. Paragraph (e) of subsection (5) of section
547 1009.701, Florida Statutes, is amended to read:

548 1009.701 First Generation Matching Grant Program.--

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

551 (e) Have met the eligibility requirements in s. 1009.50
552 for demonstrated financial need for the Florida Public Student
553 Assistance Grant Program by completing the Free Application for
554 Federal Student Aid.

555 Section 12. Subsections (2) and (3) of section 1009.94,
556 Florida Statutes, are amended to read:

557 1009.94 Student financial assistance database.--

558 (2) For purposes of this section, financial assistance
559 includes:

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

563 (b) For students attending public institutions, any
564 scholarship, grant, loan, fee waiver, tuition assistance
565 payment, or other form of compensation supported by
566 institutional funds.

567 (c) Any financial assistance provided under s. 1009.50, s.
568 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s.
569 1009.55, s. 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s.
570 1009.63, s. 1009.68, s. 1009.70, s. 1009.701, s. 1009.72, s.
571 1009.73, s. 1009.74, s. 1009.77, s. 1009.89, or s. 1009.891.

572 (3) The database must include records on any student
573 receiving any form of financial assistance as described in
574 subsection (2). Each institution ~~Institutions~~ participating in
575 any state financial assistance program under paragraph (2) (c)
576 shall annually report ~~submit such information~~ to the Department
577 of Education, by the date and in a format prescribed by the
578 department and consistent with the provisions of s. 1002.22, the
579 eligible students to whom financial assistance is disbursed each
580 academic term, the eligibility requirements for recipients, and
581 the aggregate demographics of recipients.

582 Section 13. Paragraphs (a), (b), and (c) of subsection (2)
583 of section 1009.98, Florida Statutes, are amended, and
584 subsection (10) is added to that section, to read:

585 1009.98 Stanley G. Tate Florida Prepaid College Program.--

586 (2) PREPAID COLLEGE PLANS.--At a minimum, the board shall
 587 make advance payment contracts available for two independent
 588 plans to be known as the community college plan and the
 589 university plan. The board may also make advance payment
 590 contracts available for a dormitory residence plan. The board
 591 may restrict the number of participants in the community college
 592 plan, university plan, and dormitory residence plan,
 593 respectively. However, any person denied participation solely on
 594 the basis of such restriction shall be granted priority for
 595 participation during the succeeding year.

596 (a)1. Through the community college plan, the advance
 597 payment contract may ~~shall~~ provide prepaid registration fees for
 598 a specified number of undergraduate semester credit hours not to
 599 exceed the average number of hours required for the conference
 600 of an associate degree. Qualified beneficiaries shall bear the
 601 cost of any laboratory fees associated with enrollment in
 602 specific courses. Each qualified beneficiary shall be classified
 603 as a resident for tuition purposes, pursuant to s. 1009.21,
 604 regardless of his or her actual legal residence.

605 2. Effective July 1, 1998, the board may provide advance
 606 payment contracts for additional fees delineated in s. 1009.23,
 607 not to exceed the average number of hours required for the
 608 conference of an associate degree, in conjunction with advance
 609 payment contracts for registration fees. Community college plan
 610 contracts purchased prior to July 1, 1998, shall be limited to
 611 the payment of registration fees as defined in s. 1009.97.

612 3. Effective July 1, 2009, the board may provide an
 613 advance payment contract for the community college plan covering

614 prepaid registration fees and the additional fees delineated in
615 s. 1009.23. Such a contract may be offered in specific
616 increments usable toward an associate degree. The total number
617 of hours purchased for a qualified beneficiary may not exceed
618 the average number of hours required for the conference of an
619 associate degree.

620 (b)1. Through the university plan, the advance payment
621 contract may ~~shall~~ provide prepaid registration fees for a
622 specified number of undergraduate semester credit hours not to
623 exceed the average number of hours required for the conference
624 of a baccalaureate degree. Qualified beneficiaries shall bear
625 the cost of any laboratory fees associated with enrollment in
626 specific courses. Each qualified beneficiary shall be classified
627 as a resident for tuition purposes pursuant to s. 1009.21,
628 regardless of his or her actual legal residence.

629 2. Effective July 1, 1998, the board may provide advance
630 payment contracts for additional fees delineated in s.
631 1009.24(9)-(12), for a specified number of undergraduate
632 semester credit hours not to exceed the average number of hours
633 required for the conference of a baccalaureate degree, in
634 conjunction with advance payment contracts for registration
635 fees. Such contracts shall provide prepaid coverage for the sum
636 of such fees, to a maximum of 45 percent of the cost of
637 registration fees. University plan contracts purchased prior to
638 July 1, 1998, shall be limited to the payment of registration
639 fees as defined in s. 1009.97.

640 3. Effective July 1, 2007, the board may provide advance
641 payment contracts for the tuition differential authorized in s.

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642 1009.24(16) for a specified number of undergraduate semester
643 credit hours, which may not exceed the average number of hours
644 required for the conference of a baccalaureate degree, in
645 conjunction with advance payment contracts for registration
646 fees.

647 4. Effective July 1, 2009, the board may provide an
648 advance payment contract for the university plan covering
649 prepaid registration fees, the additional fees delineated in s.
650 1009.24(9)-(12), and the tuition differential authorized in s.
651 1009.24(16). Such a contract may be offered in specific
652 increments usable toward a baccalaureate degree. The total
653 number of hours purchased for a qualified beneficiary may not
654 exceed the average number of hours required for the conference
655 of a baccalaureate degree.

656 (c) The cost of participation in contracts authorized
657 under paragraph (a) or paragraph (b) shall be based primarily on
658 the current and projected ~~registration~~ fees within the Florida
659 ~~Community~~ College System or the State University System,
660 respectively, that are included in the plan, the number of
661 credit hours or semesters included in the plan, and the number
662 of years expected to elapse between the purchase of the plan on
663 behalf of a qualified beneficiary and the exercise of the
664 benefits provided in the plan by such beneficiary.

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

666 (a) For the purposes of this subsection:

667 1. "Actuarial reserve" means the amount by which the
668 expected value of the assets of the trust fund exceed the
669 expected value of the liabilities of the trust fund.

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670 2. "Fiscal year" means the state fiscal year pursuant to
671 s. 215.01.

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

674 4. "Tuition differential" means the fee covered by an
675 advance payment contract provided pursuant to subparagraph
676 (2)(b)3. The base rate for the tuition differential for fiscal
677 year 2012-2013 is established at \$37.03 per credit hour. The
678 base rate for the tuition differential in subsequent years is
679 the amount paid by the board for the tuition differential for
680 the preceding year adjusted pursuant to subparagraph (b)2.

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

687 1. As to registration fees, if the actuarial reserve is
688 less than 5 percent of the expected value of the liabilities of
689 the trust fund, the board shall pay the state universities 5.5
690 percent above the amount assessed for registration fees in the
691 preceding fiscal year. If the actuarial reserve is between 5
692 percent and 6 percent of the expected value of the liabilities
693 of the trust fund, the board shall pay the state universities 6
694 percent above the amount assessed for registration fees in the
695 preceding fiscal year. If the actuarial reserve is between 6
696 percent and 7.5 percent of the expected value of the liabilities
697 of the trust fund, the board shall pay the state universities

698 6.5 percent above the amount assessed for registration fees in
699 the preceding fiscal year. If the actuarial reserve is equal to
700 or greater than 7.5 percent of the expected liabilities of the
701 trust fund, the board shall pay the state universities 7 percent
702 above the amount assessed for registration fees in the preceding
703 fiscal year.

704 2. As to the tuition differential, if the actuarial
705 reserve is less than 5 percent of the expected value of the
706 liabilities of the trust fund, the board shall pay the state
707 universities 5.5 percent above the base rate for the tuition
708 differential in the preceding fiscal year. If the actuarial
709 reserve is between 5 percent and 6 percent of the expected value
710 of the liabilities of the trust fund, the board shall pay the
711 state universities 6 percent above the base rate for the tuition
712 differential in the preceding fiscal year. If the actuarial
713 reserve is between 6 percent and 7.5 percent of the expected
714 value of the liabilities of the trust fund, the board shall pay
715 the state universities 6.5 percent above the base rate for the
716 tuition differential in the preceding fiscal year. If the
717 actuarial reserve is equal to or greater than 7.5 percent of the
718 expected value of the liabilities of the trust fund, the board
719 shall pay the state universities 7 percent above the base rate
720 for the tuition differential in the preceding fiscal year.
721 Qualified beneficiaries of advance payment contracts purchased
722 prior to or on July 1, 2007, shall be exempt from paying the
723 tuition differential.

724 3. As to local fees, the board shall pay the state
725 universities 5 percent above the amount assessed for local fees

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726 in the preceding fiscal year.

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

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

733 Section 14. Section 1011.521, Florida Statutes, is created
734 to read:

735 1011.521 Appropriation to private colleges and
736 universities.--

737 (1) Subject to the provisions of this section, the
738 Legislature may provide an annual appropriation to support
739 Florida private colleges and universities. Such appropriations
740 may be used to provide access to Florida residents seeking a
741 postsecondary education, to fulfill the state's need for
742 graduates in specific disciplines, and to support medical
743 research.

744 (2) Each institution receiving an appropriation under this
745 section shall submit a proposed expenditure plan to the
746 Department of Education by the date and in the format
747 established by the department.

748 (3) By September 1 of each fiscal year, each institution
749 receiving an appropriation under this section shall submit a
750 report to the Department of Education detailing expenditures of
751 the funds received under this section in the preceding fiscal
752 year. Any funds used to provide financial assistance to students

753 shall be reported to the department in accordance with s.
 754 1009.94.

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

758 Section 15. Sections 1009.76 and 1009.765, Florida
 759 Statutes, are repealed.

760 Section 16. Paragraph (a) of subsection (1) of section
 761 1009.40, Florida Statutes, is amended to read:

762 1009.40 General requirements for student eligibility for
 763 state financial aid awards and tuition assistance grants.--

764 (1)(a) The general requirements for eligibility of
 765 students for state financial aid awards and tuition assistance
 766 grants consist of the following:

767 1. Achievement of the academic requirements of and
 768 acceptance at a state university or community college; a nursing
 769 diploma school approved by the Florida Board of Nursing; a
 770 Florida college, university, or community college which is
 771 accredited by an accrediting agency recognized by the State
 772 Board of Education; any Florida institution the credits of which
 773 are acceptable for transfer to state universities; any career
 774 center; or any private career institution accredited by an
 775 accrediting agency recognized by the State Board of Education.

776 2. Residency in this state for no less than 1 year
 777 preceding the award of aid or a tuition assistance grant for a
 778 program established pursuant to s. 1009.50, s. 1009.505, s.
 779 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s.
 780 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s.

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781 1009.72, s. 1009.73, ~~s. 1009.76~~, s. 1009.77, s. 1009.89, or s.
782 1009.891. Residency in this state must be for purposes other
783 than to obtain an education. Resident status for purposes of
784 receiving state financial aid awards shall be determined in the
785 same manner as resident status for tuition purposes pursuant to
786 s. 1009.21.

787 3. Submission of certification attesting to the accuracy,
788 completeness, and correctness of information provided to
789 demonstrate a student's eligibility to receive state financial
790 aid awards or tuition assistance grants. Falsification of such
791 information shall result in the denial of any pending
792 application and revocation of any award or grant currently held
793 to the extent that no further payments shall be made.
794 Additionally, students who knowingly make false statements in
795 order to receive state financial aid awards or tuition
796 assistance grants commit a misdemeanor of the second degree
797 subject to the provisions of s. 837.06 and shall be required to
798 return all state financial aid awards or tuition assistance
799 grants wrongfully obtained.

800 Section 17. Notwithstanding s. 1010.62, Florida Statutes,
801 revenue bonds may be secured by or made payable from lease
802 payments from the Miami-Dade County Health Department of the
803 Department of Health to Florida International University for
804 rental of space within Florida International University's public
805 health facility. The Legislature finds that such action is
806 consistent with the mission of the university. The financial
807 structure of any debt used to fund the public health facility
808 must be in conformity with the debt management guidelines of the

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809 Board of Governors of the State University System and must be
810 approved by the Board of Governors pursuant to s. 1010.62,
811 Florida Statutes.

812 Section 18. This act shall take effect July 1, 2009.