

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

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

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

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

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:

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

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~~

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.

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.

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.

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

726 in the preceding fiscal year.

727 4. As to dormitory fees, the board shall pay the state  
 728 universities 6 percent above the amount assessed for dormitory  
 729 fees in the preceding fiscal year.

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

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

736 Section 14. Section 1011.521, Florida Statutes, is created  
 737 to read:

738 1011.521 Appropriation to private colleges and  
 739 universities.--

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

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

751 (3) By September 1 of each fiscal year, each institution  
 752 receiving an appropriation under this section shall submit a  
 753 report to the Department of Education detailing expenditures of

754 the funds received under this section in the preceding fiscal  
755 year. Any funds used to provide financial assistance to students  
756 shall be reported to the department in accordance with s.  
757 1009.94.

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

761 Section 15. Sections 1009.76 and 1009.765, Florida  
762 Statutes, are repealed.

763 Section 16. Paragraph (a) of subsection (1) of section  
764 1009.40, Florida Statutes, is amended to read:

765 1009.40 General requirements for student eligibility for  
766 state financial aid awards and tuition assistance grants.--

767 (1) (a) The general requirements for eligibility of  
768 students for state financial aid awards and tuition assistance  
769 grants consist of the following:

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

779 2. Residency in this state for no less than 1 year  
780 preceding the award of aid or a tuition assistance grant for a  
781 program established pursuant to s. 1009.50, s. 1009.505, s.

782 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s.  
 783 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s.  
 784 1009.72, s. 1009.73, ~~s. 1009.76~~, s. 1009.77, s. 1009.89, or s.  
 785 1009.891. Residency in this state must be for purposes other  
 786 than to obtain an education. Resident status for purposes of  
 787 receiving state financial aid awards shall be determined in the  
 788 same manner as resident status for tuition purposes pursuant to  
 789 s. 1009.21.

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

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

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810 structure of any debt used to fund the public health facility  
811 must be in conformity with the debt management guidelines of the  
812 Board of Governors of the State University System and must be  
813 approved by the Board of Governors pursuant to s. 1010.62,  
814 Florida Statutes.

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