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Proposed Committee Substitute by the Committee on Higher
Education Appropriations

A bill to be entitled

An act relating to higher education; amending s.
295.02, F.S.; revising provisions relating to the use
of funds for providing educational opportunities and
benefits to dependent children or spouses of deceased
or disabled veterans; amending s. 1000.04, F.S.;
revising provisions relating to public postsecondary
educational institutions to include charter technical
career centers and career centers operated by a school
district; deleting a reference to workforce education;
amending s. 1001.74, F.S.; revising the powers and
duties of university boards of trustees relating to a
university's contracting authority; amending s.
1004.085, F.S.; revising provisions relating to
textbook affordability and the policies, procedures,
and guidelines adopted by the State Board of Education
and the Board of Governors; requiring policies that
encourage the use of open-access textbooks; amending
s. 1004.091, F.S.; revising provisions relating to the
duties of the Florida Distance Learning Consortium;
delaying provisions that require the consortium to
develop a plan for implementing an online registration
process for undergraduate students to enroll in a
course listed in the Florida Higher Education Distance
Learning Catalog; requiring that such plan address
specified policy areas; amending s. 1009.21, F.S.;
revising provisions relating to the determination of



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28 resident status for tuition purposes to include
29 charter technical career centers and career centers
30 operated by school districts; revising definitions to
31 conform to changes made by the act; amending s.
32 1009.22, F.S.; revising provisions relating to
33 workforce education postsecondary student fees;
34 providing that enrollments in continuing workforce
35 education course may not be counted for purposes of
36 funding full-time equivalent enrollment; creating s.
37 1006.72, F.S.; providing legislative findings
38 regarding the licensing of electronic library
39 resources; requiring that the library staff of state
40 universities, colleges, school districts, and public
41 libraries implement an annual process identifying
42 electronic library resources for specified core
43 categories; amending s. 1009.24, F.S.; revising
44 provisions relating to state university student fees;
45 authorizing the University of Florida to implement the
46 tuition differential as a block tuition set at a
47 specified number of hours for certain students;
48 amending s. 1009.53, F.S.; revising provisions
49 relating to the Florida Bright Futures Scholarship
50 Program; requiring that students submit the Free
51 Application for Federal Student Aid, along with a
52 valid expected family contribution, in order to be
53 eligible for the scholarship award; amending s.
54 1009.531, F.S.; revising the renewal period during
55 which a student is eligible to receive the Florida
56 Bright Futures Scholarship award after high school



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57 graduation; requiring that the State Board of
58 Education base the eligibility of students to receive
59 a Florida Academic Scholars award on SAT percentile
60 ranks; amending s. 1009.532, F.S.; specifying
61 circumstances under which a Florida Bright Futures
62 Scholarship award may be renewed following its
63 nonrenewal due to insufficient grades; reducing the
64 maximum number of credit hours for which a student may
65 receive a scholarship award; amending s. 1009.534,
66 F.S., relating to the Florida Academic Scholars award;
67 removing a obsolete provision; removing the scheduled
68 expiration of provisions requiring that the amount of
69 the award be specified in the General Appropriations
70 Act; creating s. 1009.5341, F.S.; providing that
71 recipients of the Florida Bright Futures Scholarship
72 award may use the unused portion of their award toward
73 graduate study; providing certain limitations;
74 amending s. 1009.535, F.S.; removing the scheduled
75 expiration of provisions requiring that the amount of
76 the Florida Medallion Scholar award be specified in
77 the General Appropriations Act; amending s. 1009.536,
78 F.S.; reducing the maximum number of credit hours that
79 a student may earn under the Florida Gold Seal
80 Vocational Scholars award; removing the scheduled
81 expiration of provisions requiring that the amount of
82 the award be specified in the General Appropriations
83 Act; repealing s. 1009.5385, F.S., relating to
84 criteria for the use of certain scholarship funds by
85 children of deceased or disabled veterans; amending s.



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86 1009.72, F.S.; revising provisions relating to the
87 Jose Marti Scholarship Challenge Grant Program;
88 removing provisions that provide for funds
89 appropriated by the Legislature for the program to be
90 deposited into the State Student Financial Assistance
91 Trust Fund; requiring that funds deposited into such
92 trust fund be invested; authorizing the Legislature to
93 appropriate funds from the General Revenue Fund;
94 amending s. 1009.73, F.S.; revising provisions
95 relating to the Mary McLeod Bethune Scholarship
96 Program; removing provisions that provide for funds
97 appropriated by the Legislature for the program to be
98 deposited into the State Student Financial Assistance
99 Trust Fund; requiring that funds deposited into such
100 trust fund be invested; authorizing the Legislature to
101 appropriate funds from the General Revenue Fund;
102 amending s. 1010.62, F.S.; defining the term
103 "auxiliary enterprise" for purposes of capital outlay
104 projects financed pursuant to the State Bond Act;
105 amending s. 1010.87, F.S., relating to the Workers'
106 Compensation Administration Trust Fund within the
107 Department of Education; providing for the reversion
108 of certain funds at the end of the fiscal year;
109 amending s. 1011.80, F.S.; revising provisions
110 relating to funds for the operation of workforce
111 education programs; requiring that expenditure for
112 such programs be supported by fees; providing that
113 enrollment in continuing workforce education courses
114 may not be counted for purposes of funding full-time



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115 equivalent enrollment; creating s. 1012.885, F.S.;

116 providing definitions; providing a limitation on the

117 compensation paid to community college presidents;

118 providing exceptions; requiring that the Office of

119 Program Policy Analysis and Government Accountability

120 conduct a review of public school adult workforce

121 education programs and community college and state

122 college workforce education programs; requiring that

123 the results of such review be submitted to the

124 Legislature by a specified date; providing an

125 effective date.

126

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

128

129 Section 1. Section 295.02, Florida Statutes, is amended to

130 read:

131 295.02 Use of funds; age, etc.—

132 (1) Sums appropriated and expended to carry out the

133 provisions of s. 295.01(1) shall be used to pay an award equal

134 to the amount of tuition and required registration fees as

135 defined by the department or an amount specified in the General

136 Appropriations Act ~~tuition and registration fees, board, and~~

137 ~~room rent and to buy books and supplies~~ for the children or

138 spouses of deceased or disabled veterans or servicemembers, as

139 defined and limited in s. 295.01, s. 295.016, s. 295.017, s.

140 295.018, s. 295.0185, s. 295.019, or s. 295.0195, or of parents

141 classified as prisoners of war or missing in action, as defined

142 and limited in s. 295.015, who are between the ages of 16 and 22

143 years and who are in attendance at an eligible postsecondary



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144 education a state-supported institution as defined in s. 295.04
145 of higher learning, including a community college or career
146 center. Any child having entered upon a course of training or
147 education under the provisions of this chapter, consisting of a
148 course of not more than 4 years, and arriving at the age of 22
149 years before the completion of such course may continue the
150 course and receive all benefits of the provisions of this
151 chapter until the course is completed.

152 (2) Sums appropriated and expended to carry out the
153 provisions of s. 295.01(2) shall be used to pay tuition and
154 registration fees, board, and room rent and to buy books and
155 supplies for the spouses of deceased or disabled veterans or
156 servicemembers, as defined and limited in s. 295.01, who are
157 enrolled at an eligible postsecondary education a state-
158 supported institution as defined in s. 295.04 of higher
159 learning, including a community college or career center.

160 (3) Notwithstanding the benefits-disbursement provision in
161 s. 295.04, such funds shall be applicable for up to 110 percent
162 of the number of required credit hours of an initial
163 baccalaureate degree or certificate program for which the
164 student spouse is enrolled.

165 (4)(3) The Department of Education shall administer this
166 educational program subject to regulations of the department.

167 Section 2. Subsection (2) of section 1000.04, Florida
168 Statutes, is amended to read:

169 1000.04 Components for the delivery of public education
170 within the Florida K-20 education system.—Florida's K-20
171 education system provides for the delivery of public education
172 through publicly supported and controlled K-12 schools,



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173 community colleges, state universities and other postsecondary
174 educational institutions, other educational institutions, and
175 other educational services as provided or authorized by the
176 Constitution and laws of the state.

177 (2) PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS.—Public
178 postsecondary educational institutions include charter technical
179 career centers; career centers operated by a school district
180 ~~workforce education~~; community colleges; colleges; state
181 universities; and all other state-supported postsecondary
182 educational institutions that are authorized and established by
183 law.

184 Section 3. Paragraph (a) of subsection (2) of section
185 1001.74, Florida Statutes, is amended to read:

186 1001.74 Powers and duties of university boards of
187 trustees.—

188 (2) POWERS AND DUTIES RELATING TO ORGANIZATION AND
189 OPERATION OF STATE UNIVERSITIES.—

190 (a) Each board of trustees constitutes the contracting
191 agent of the university. Each university shall comply with the
192 provisions of s. 287.055 for the procurement of professional
193 services and may approve and execute all contracts for planning,
194 construction, and equipment. For the purpose of a university's
195 contracting authority, a "continuing contract" for professional
196 services under the provisions of s. 287.055 is one in which
197 construction costs do not exceed \$2 ~~\$1~~ million or the fee for
198 study activity does not exceed \$200,000 ~~\$100,000~~. Contracts
199 executed pursuant to this paragraph are subject to the
200 requirements of s. 1010.62.

201 Section 4. Subsection (4) of section 1004.085, Florida



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202 Statutes, is amended to read:

203 1004.085 Textbook affordability.—

204 (4) ~~By March 1, 2009,~~ The State Board of Education and the
205 Board of Governors each shall adopt policies, procedures, and
206 guidelines for implementation by community colleges and state
207 universities, respectively, that further efforts to minimize the
208 cost of textbooks for students attending such institutions while
209 maintaining the quality of education and academic freedom. The
210 policies, procedures, and guidelines shall provide for the
211 following:

212 (a) That textbook adoptions are made with sufficient lead
213 time to bookstores so as to confirm availability of the
214 requested materials and, where possible, ensure maximum
215 availability of used books.

216 (b) That, in the textbook adoption process, the intent to
217 use all items ordered, particularly each individual item sold as
218 part of a bundled package, is confirmed by the course instructor
219 or the academic department offering the course before the
220 adoption is finalized.

221 (c) That a course instructor or the academic department
222 offering the course determines, before a textbook is adopted,
223 the extent to which a new edition differs significantly and
224 substantively from earlier versions and the value of changing to
225 a new edition or the extent to which an open-access textbook may
226 exist and be used.

227 (d) That the establishment of policies shall address the
228 availability of required textbooks to students otherwise unable
229 to afford the cost, including consideration of the extent to
230 which an open-access textbook may be used.



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231 (e) That encourages course instructors and academic
232 departments to participate in the development, adaptation, and
233 review of open-access textbooks, in particular, open-access
234 textbooks for high-demand general education courses.

235 Section 5. Paragraph (b) of subsection (2) of section
236 1004.091, Florida Statutes, is amended to read:

237 1004.091 Florida Distance Learning Consortium.—

238 (2) The Florida Distance Learning Consortium shall:

239 (b) Develop, in consultation with the Florida College
240 System and the State University System, a plan to be submitted
241 to the Board of Governors, the State Board of Education, the
242 Governor, the President of the Senate, and the Speaker of the
243 House of Representatives no later than ~~December~~ March 1, 2010,
244 for implementing. ~~The plan must address the implementation of a~~
245 ~~streamlined, automated, online registration process for~~
246 ~~undergraduate students who have been admitted to a public~~
247 ~~postsecondary educational institution and who wish to enroll in~~
248 ~~a course listed in the Florida Higher Education Distance~~
249 ~~Learning Catalog, including courses offered by an institution~~
250 ~~that is not the student's degree-granting or home institution.~~
251 ~~The plan must describe how such a registration process can be~~
252 ~~implemented~~ by the 2011-2012 academic year as an alternative to
253 the standard registration process of each institution. The plan
254 must also address:

255 1. Fiscal and substantive policy changes needed to address
256 administrative, academic, and programmatic policies and
257 procedures. Policy areas that the plan must address include, but
258 need not be limited to, student financial aid issues, variations
259 in fees, admission and readmission, registration-prioritization



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260 issues, transfer of credit, and graduation requirements, with
261 specific attention given to creating recommended guidelines that
262 address students who attend more than one institution in pursuit
263 of a degree.

264 2. A method for the expedited transfer of distance learning
265 course credit awarded by an institution offering a distance
266 learning course to a student's degree-granting or home
267 institution upon the student's successful completion of the
268 distance learning course.

269 3. Compliance with applicable technology security standards
270 and guidelines to ensure the secure transmission of student
271 information.

272 Section 6. Section 1009.21, Florida Statutes, is amended to
273 read:

274 1009.21 Determination of resident status for tuition
275 purposes.—Students shall be classified as residents or
276 nonresidents for the purpose of assessing tuition in charter
277 technical centers, career centers operated by school districts,
278 community colleges, and state universities.

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

280 (a) "Dependent child" means any person, whether or not
281 living with his or her parent, who is eligible to be claimed by
282 his or her parent as a dependent under the federal income tax
283 code.

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

286 (c) "Institution of higher education" means any charter
287 technical career center as defined in s. 1002.34, career center
288 operated by a school district as defined in s. 1001.44,



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289 community college as defined in s. 1000.21(3), or state
290 university as defined in s. 1000.21(6).

291 (d) "Legal resident" or "resident" means a person who has
292 maintained his or her residence in this state for the preceding
293 year, has purchased a home which is occupied by him or her as
294 his or her residence, or has established a domicile in this
295 state pursuant to s. 222.17.

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

298 (f) "Parent" means the natural or adoptive parent or legal
299 guardian of a dependent child.

300 (g) "Resident for tuition purposes" means a person who
301 qualifies as provided in this section for the in-state tuition
302 rate.

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

304 1. A person or, if that person is a dependent child, his or
305 her parent or parents must have established legal residence in
306 this state and must have maintained legal residence in this
307 state for at least 12 consecutive months immediately prior to
308 his or her initial enrollment in an institution of higher
309 education.

310 2. Every applicant for admission to an institution of
311 higher education shall be required to make a statement as to his
312 or her length of residence in the state and, further, shall
313 establish that his or her presence or, if the applicant is a
314 dependent child, the presence of his or her parent or parents in
315 the state currently is, and during the requisite 12-month
316 qualifying period was, for the purpose of maintaining a bona
317 fide domicile, rather than for the purpose of maintaining a mere



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318 temporary residence or abode incident to enrollment in an
319 institution of higher education.

320 (b) However, with respect to a dependent child living with
321 an adult relative other than the child's parent, such child may
322 qualify as a resident for tuition purposes if the adult relative
323 is a legal resident who has maintained legal residence in this
324 state for at least 12 consecutive months immediately prior to
325 the child's initial enrollment in an institution of higher
326 education, provided the child has resided continuously with such
327 relative for the 5 years immediately prior to the child's
328 initial enrollment in an institution of higher education, during
329 which time the adult relative has exercised day-to-day care,
330 supervision, and control of the child.

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

337 (3) (a) An individual shall not be classified as a resident
338 for tuition purposes and, thus, shall not be eligible to receive
339 the in-state tuition rate until he or she has provided such
340 evidence related to legal residence and its duration or, if that
341 individual is a dependent child, evidence of his or her parent's
342 legal residence and its duration, as may be required by law and
343 by officials of the institution of higher education from which
344 he or she seeks the in-state tuition rate.

345 (b) Except as otherwise provided in this section, evidence
346 of legal residence and its duration shall include clear and



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347 convincing documentation that residency in this state was for a
348 minimum of 12 consecutive months prior to a student's initial
349 enrollment in an institution of higher education.

350 (c) Each institution of higher education shall
351 affirmatively determine that an applicant who has been granted
352 admission to that institution as a Florida resident meets the
353 residency requirements of this section at the time of initial
354 enrollment. The residency determination must be documented by
355 the submission of written or electronic verification that
356 includes two or more of the documents identified in this
357 paragraph. No single piece of evidence shall be conclusive.

358 1. The documents must include at least one of the
359 following:

- 360 a. A Florida voter's registration card.
- 361 b. A Florida driver's license.
- 362 c. A State of Florida identification card.
- 363 d. A Florida vehicle registration.
- 364 e. Proof of a permanent home in Florida which is occupied
365 as a primary residence by the individual or by the individual's
366 parent if the individual is a dependent child.
- 367 f. Proof of a homestead exemption in Florida.
- 368 g. Transcripts from a Florida high school for multiple
369 years if the Florida high school diploma or GED was earned
370 within the last 12 months.

371 h. Proof of permanent full-time employment in Florida for
372 at least 30 hours per week for a 12-month period.

373 2. The documents may include one or more of the following:

- 374 a. A declaration of domicile in Florida.
- 375 b. A Florida professional or occupational license.



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- 376 c. Florida incorporation.
- 377 d. A document evidencing family ties in Florida.
- 378 e. Proof of membership in a Florida-based charitable or
379 professional organization.
- 380 f. Any other documentation that supports the student's
381 request for resident status, including, but not limited to,
382 utility bills and proof of 12 consecutive months of payments; a
383 lease agreement and proof of 12 consecutive months of payments;
384 or an official state, federal, or court document evidencing
385 legal ties to Florida.
- 386 (4) With respect to a dependent child, the legal residence
387 of the dependent child's parent or parents is prima facie
388 evidence of the dependent child's legal residence, which
389 evidence may be reinforced or rebutted, relative to the age and
390 general circumstances of the dependent child, by the other
391 evidence of legal residence required of or presented by the
392 dependent child. However, the legal residence of a dependent
393 child's parent or parents who are domiciled outside this state
394 is not prima facie evidence of the dependent child's legal
395 residence if that dependent child has lived in this state for 5
396 consecutive years prior to enrolling or reregistering at the
397 institution of higher education at which resident status for
398 tuition purposes is sought.
- 399 (5) In making a domiciliary determination related to the
400 classification of a person as a resident or nonresident for
401 tuition purposes, the domicile of a married person, irrespective
402 of sex, shall be determined, as in the case of an unmarried
403 person, by reference to all relevant evidence of domiciliary
404 intent. For the purposes of this section:



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405 (a) A person shall not be precluded from establishing or
406 maintaining legal residence in this state and subsequently
407 qualifying or continuing to qualify as a resident for tuition
408 purposes solely by reason of marriage to a person domiciled
409 outside this state, even when that person's spouse continues to
410 be domiciled outside of this state, provided such person
411 maintains his or her legal residence in this state.

412 (b) A person shall not be deemed to have established or
413 maintained a legal residence in this state and subsequently to
414 have qualified or continued to qualify as a resident for tuition
415 purposes solely by reason of marriage to a person domiciled in
416 this state.

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

421 (6) (a) Except as otherwise provided in this section, a
422 person who is classified as a nonresident for tuition purposes
423 may become eligible for reclassification as a resident for
424 tuition purposes if that person or, if that person is a
425 dependent child, his or her parent presents clear and convincing
426 documentation that supports permanent legal residency in this
427 state for at least 12 consecutive months rather than temporary
428 residency for the purpose of pursuing an education, such as
429 documentation of full-time permanent employment for the prior 12
430 months or the purchase of a home in this state and residence
431 therein for the prior 12 months while not enrolled in an
432 institution of higher education.

433 (b) If a person who is a dependent child and his or her



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434 parent move to this state while such child is a high school
435 student and the child graduates from a high school in this
436 state, the child may become eligible for reclassification as a
437 resident for tuition purposes when the parent submits evidence
438 that the parent qualifies for permanent residency.

439 (c) If a person who is a dependent child and his or her
440 parent move to this state after such child graduates from high
441 school, the child may become eligible for reclassification as a
442 resident for tuition purposes after the parent submits evidence
443 that he or she has established legal residence in the state and
444 has maintained legal residence in the state for at least 12
445 consecutive months.

446 (d) A person who is classified as a nonresident for tuition
447 purposes and who marries a legal resident of the state or
448 marries a person who becomes a legal resident of the state may,
449 upon becoming a legal resident of the state, become eligible for
450 reclassification as a resident for tuition purposes upon
451 submitting evidence of his or her own legal residency in the
452 state, evidence of his or her marriage to a person who is a
453 legal resident of the state, and evidence of the spouse's legal
454 residence in the state for at least 12 consecutive months
455 immediately preceding the application for reclassification.

456 (7) A person shall not lose his or her resident status for
457 tuition purposes solely by reason of serving, or, if such person
458 is a dependent child, by reason of his or her parent's or
459 parents' serving, in the Armed Forces outside this state.

460 (8) A person who has been properly classified as a resident
461 for tuition purposes but who, while enrolled in an institution
462 of higher education in this state, loses his or her resident



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463 tuition status because the person or, if he or she is a
464 dependent child, the person's parent or parents establish
465 domicile or legal residence elsewhere shall continue to enjoy
466 the in-state tuition rate for a statutory grace period, which
467 period shall be measured from the date on which the
468 circumstances arose that culminated in the loss of resident
469 tuition status and shall continue for 12 months. However, if the
470 12-month grace period ends during a semester or academic term
471 for which such former resident is enrolled, such grace period
472 shall be extended to the end of that semester or academic term.

473 (9) Any person who ceases to be enrolled at or who
474 graduates from an institution of higher education while
475 classified as a resident for tuition purposes and who
476 subsequently abandons his or her domicile in this state shall be
477 permitted to reenroll at an institution of higher education in
478 this state as a resident for tuition purposes without the
479 necessity of meeting the 12-month durational requirement of this
480 section if that person has reestablished his or her domicile in
481 this state within 12 months of such abandonment and continuously
482 maintains the reestablished domicile during the period of
483 enrollment. The benefit of this subsection shall not be accorded
484 more than once to any one person.

485 (10) The following persons shall be classified as residents
486 for tuition purposes:

487 (a) Active duty members of the Armed Services of the United
488 States residing or stationed in this state, their spouses, and
489 dependent children, and active drilling members of the Florida
490 National Guard.

491 (b) Active duty members of the Armed Services of the United



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492 States and their spouses and dependents attending a public
493 community college or state university within 50 miles of the
494 military establishment where they are stationed, if such
495 military establishment is within a county contiguous to Florida.

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

500 (d) Full-time instructional and administrative personnel
501 employed by state public schools and institutions of higher
502 education and their spouses and dependent children.

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

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

509 (g) Full-time employees of state agencies or political
510 subdivisions of the state when the student fees are paid by the
511 state agency or political subdivision for the purpose of job-
512 related law enforcement or corrections training.

513 (h) McKnight Doctoral Fellows and Finalists who are United
514 States citizens.

515 (i) United States citizens living outside the United States
516 who are teaching at a Department of Defense Dependent School or
517 in an American International School and who enroll in a graduate
518 level education program which leads to a Florida teaching
519 certificate.

520 (j) Active duty members of the Canadian military residing



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521 or stationed in this state under the North American Air Defense
522 (NORAD) agreement, and their spouses and dependent children,
523 attending a community college or state university within 50
524 miles of the military establishment where they are stationed.

525 (k) Active duty members of a foreign nation's military who
526 are serving as liaison officers and are residing or stationed in
527 this state, and their spouses and dependent children, attending
528 a community college or state university within 50 miles of the
529 military establishment where the foreign liaison officer is
530 stationed.

531 (11) Each institution of higher education shall establish a
532 residency appeal committee comprised of at least three members
533 to consider student appeals of residency determinations, in
534 accordance with the institution's official appeal process. The
535 residency appeal committee must render to the student the final
536 residency determination in writing. The institution must advise
537 the student of the reasons for the determination.

538 (12) The State Board of Education and the Board of
539 Governors shall adopt rules to implement this section.

540 Section 7. Paragraph (b) of subsection (3) of section
541 1009.22, Florida Statutes, is amended to read:

542 1009.22 Workforce education postsecondary student fees.—

543 (3)

544 (b) Fees for continuing workforce education shall be
545 locally determined by the district school board or community
546 college board. ~~However, at least 50 percent of the Expenditures~~
547 ~~for the continuing workforce education program provided by the~~
548 ~~community college or school district must be fully supported by~~
549 ~~derived from fees.~~ Enrollments in continuing workforce education



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550 courses may not be counted for purposes of funding full-time
551 equivalent enrollment.

552 Section 8. Section 1006.72, Florida Statutes, is created to
553 read:

554 1006.72 Licensing electronic library resources.—The
555 Legislature finds that the most cost-efficient and cost-
556 effective means of licensing electronic library resources
557 requires that state universities and colleges collaborate with
558 school districts and public libraries in the identification and
559 acquisition of resources needed by more than one sector. The
560 appropriate library staff from the state universities, colleges,
561 school districts, and public libraries shall implement an annual
562 process that identifies the electronic library resources for
563 each of the core categories established in this section. To the
564 extent possible, the Florida Center for Library Automation, the
565 College Center for Library Automation, and the Florida
566 Electronic Library shall jointly coordinate this annual process.

567 (1) STATEWIDE CORE CATEGORY.—For purposes of licensing
568 electronic library resources of the Florida Electronic Library
569 using funds allocated by the Federal Government, library
570 representatives from the public libraries, school districts,
571 colleges, and state universities shall identify those resources
572 that comprise the statewide core that will be available to all
573 students, teachers, and residents of the state.

574 (2) POSTSECONDARY EDUCATION CORE CATEGORY.—From funds
575 appropriated to the Florida Center for Library Automation and
576 the College Center for Library Automation for licensing the
577 electronic library resources required by both systems, state
578 university and college library staff shall identify the



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579 postsecondary education core that shall be available to all
580 postsecondary students.

581 (3) FOUR-YEAR DEGREE CORE CATEGORY.—From funds appropriated
582 to the Florida Center for Library Automation for licensing
583 electronic library resources beyond the postsecondary education
584 core, state university library staff, in consultation with
585 applicable college library staff, shall identify those resources
586 that comprise the 4-year degree core that shall be available to
587 all 4-year degree-seeking students in the college and state
588 university systems. The Florida Center for Library Automation
589 shall include in the negotiated pricing model any college
590 interested in licensing resources.

591 (4) TWO-YEAR DEGREE CORE CATEGORY.—From funds appropriated
592 to the College Center for Library Automation for licensing
593 electronic library resources beyond the postsecondary education
594 core, college library staff shall identify those resources that
595 comprise the college core that shall be available to all college
596 students. The College Center for Library Automation shall
597 include in the negotiated pricing model any state university
598 interested in licensing a resource.

599 Section 9. Paragraph (b) of subsection (16) of section
600 1009.24, Florida Statutes, is amended to read:

601 1009.24 State university student fees.—

602 (16) Each university board of trustees may establish a
603 tuition differential for undergraduate courses upon receipt of
604 approval from the Board of Governors. The tuition differential
605 shall promote improvements in the quality of undergraduate
606 education and shall provide financial aid to undergraduate
607 students who exhibit financial need.



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608 (b) Each tuition differential is subject to the following
609 conditions:

610 1. The tuition differential may be assessed on one or more
611 undergraduate courses or on all undergraduate courses at a state
612 university.

613 2. The tuition differential may vary by course or courses,
614 campus or center location, and by institution. Each university
615 board of trustees shall strive to maintain and increase
616 enrollment in degree programs related to math, science, high
617 technology, and other state or regional high-need fields when
618 establishing tuition differentials by course.

619 3. The tuition differential may be implemented by the
620 University of Florida as a block tuition set at 15 hours for
621 students registered for 11 to 19 hours.

622 ~~4.3.~~ For each state university that has total research and
623 development expenditures for all fields of at least \$100 million
624 per year as reported annually to the National Science
625 Foundation, the aggregate sum of tuition and the tuition
626 differential may not be increased by more than 15 percent of the
627 total charged for the aggregate sum of these fees in the
628 preceding fiscal year. For each state university that has total
629 research and development expenditures for all fields of less
630 than \$100 million per year as reported annually to the National
631 Science Foundation, the aggregate sum of tuition and the tuition
632 differential may not be increased by more than 15 percent of the
633 total charged for the aggregate sum of these fees in the
634 preceding fiscal year.

635 ~~5.4.~~ The aggregate sum of undergraduate tuition and fees
636 per credit hour, including the tuition differential, may not



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637 exceed the national average of undergraduate tuition and fees at
638 4-year degree-granting public postsecondary educational
639 institutions.

640 ~~6.5.~~ The tuition differential may not be calculated as a
641 part of the scholarship programs established in ss. 1009.53-
642 1009.538.

643 ~~7.6.~~ Beneficiaries having prepaid tuition contracts
644 pursuant to s. 1009.98(2)(b) which were in effect on July 1,
645 2007, and which remain in effect, are exempt from the payment of
646 the tuition differential.

647 ~~8.7.~~ The tuition differential may not be charged to any
648 student who was in attendance at the university before July 1,
649 2007, and who maintains continuous enrollment.

650 ~~9.8.~~ The tuition differential may be waived by the
651 university for students who meet the eligibility requirements
652 for the Florida public student assistance grant established in
653 s. 1009.50.

654 ~~10.9.~~ Subject to approval by the Board of Governors, the
655 tuition differential authorized pursuant to this subsection may
656 take effect with the 2009 fall term.

657 Section 10. Subsection (3) of section 1009.53, Florida
658 Statutes, is amended to read:

659 1009.53 Florida Bright Futures Scholarship Program.—

660 (3) The Department of Education shall administer the Bright
661 Futures Scholarship Program according to rules and procedures
662 established by the State Board of Education. A single state
663 application must be sufficient for a student to apply for any of
664 the three types of awards. In addition, all students, in order
665 to become eligible each year for a Bright Futures Scholarship



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666 award, must submit the Free Application for Federal Student Aid,
667 along with a valid expected family contribution. The department
668 must advertise the availability of the scholarship program and
669 must notify students, teachers, parents, guidance counselors,
670 and principals or other relevant school administrators of the
671 criteria and application procedures. The department must begin
672 this process of notification no later than January 1 of each
673 year.

674 Section 11. Subsection (2) of section 1009.531, Florida
675 Statutes, is amended, and subsection (6) is added to that
676 section, to read:

677 1009.531 Florida Bright Futures Scholarship Program;
678 student eligibility requirements for initial awards.-

679 (2) A student is eligible to accept an initial award for 3
680 years following high school graduation and to accept a renewal
681 award for 4 ~~7~~ years following high school graduation. A student
682 who applies for an award by high school graduation and who meets
683 all other eligibility requirements, but who does not accept his
684 or her award, may reapply during subsequent application periods
685 up to 3 years after high school graduation. For a student who
686 enlists in the United States Armed Forces immediately after
687 completion of high school, the 3-year eligibility period for his
688 or her initial award shall begin upon the date of separation
689 from active duty. For a student who is receiving a Florida
690 Bright Futures Scholarship and discontinues his or her education
691 to enlist in the United States Armed Forces, the remainder of
692 his or her 4-year ~~7-year~~ renewal period shall commence upon the
693 date of separation from active duty.

694 (6) (a) The State Board of Education shall identify from the



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695 2009 SAT Percentile Ranks the examination score required for a
696 student to be eligible for a Florida Academic Scholars award
697 pursuant to s. 1009.534, as follows:

698 1. For high school students graduating in the 2012-2013
699 academic year, the student must earn the 88th SAT percentile
700 rank score of 1280 and a concordant ACT score of 28.

701 2. For high school students graduating in the 2013-2014
702 academic year and thereafter, the student must earn the 89th SAT
703 percentile rank score of 1290 and a concordant ACT score of 29.

704 (b) The State Board of Education shall identify from the
705 2009 SAT Percentile Ranks the examination score required for a
706 student to be eligible for a Florida Medallion Scholars award
707 pursuant to s. 1009.535, as follows:

708 1. For high school students graduating in 2011-2012
709 academic year, the student must earn the 44th SAT percentile
710 rank score of 980 and a concordant ACT score of 21.

711 2. For high school students graduating in 2012-2013
712 academic year, the student must earn the 50th SAT percentile
713 rank score of 1020 and a concordant ACT score of 22.

714 3. For high school students graduating in 2013-2014
715 academic year and thereafter, the student must earn the 56th SAT
716 percentile rank score of 1050 and a concordant ACT score of 23.

717 (c) If the percentile ranks in paragraphs (a) and (b) do
718 not exactly correspond to an SAT score then the next highest
719 percentile rank shall be used.

720 Section 12. Section 1009.532, Florida Statutes, is amended
721 to read:

722 1009.532 Florida Bright Futures Scholarship Program;
723 student eligibility requirements for renewal awards.-



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

727 (a) Effective for students funded in the 2009-2010 academic
728 year and thereafter, earn at least 24 semester credit hours or
729 the equivalent in the last academic year in which the student
730 earned a scholarship if the student was enrolled full time, or a
731 prorated number of credit hours as determined by the Department
732 of Education if the student was enrolled less than full time for
733 any part of the academic year. If a student fails to earn the
734 minimum number of hours required to renew the scholarship, the
735 student shall lose his or her eligibility for renewal for a
736 period equivalent to 1 academic year. Such student is eligible
737 to restore the award the following academic year if the student
738 earns the hours for which he or she was enrolled at the level
739 defined by the department and meets the grade point average for
740 renewal. A student is eligible for such restoration one time.
741 The department shall notify eligible recipients of the
742 provisions of this paragraph. Each institution shall notify
743 award recipients of the provisions of this paragraph during the
744 registration process.

745 (b) Maintain the cumulative grade point average required by
746 the scholarship program, except that:

747 1. If a recipient's grades fall beneath the average
748 required to renew a Florida Academic Scholarship, but are
749 sufficient to renew a Florida Medallion Scholarship or a Florida
750 Gold Seal Vocational Scholarship, the Department of Education
751 may grant a renewal from one of those other scholarship
752 programs, if the student meets the renewal eligibility



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753 requirements; or

754 2. For students funded prior to the 2010-2011 academic
755 term, if, at any time during the eligibility period, a student's
756 grades are insufficient to renew the scholarship, the student
757 may restore eligibility by improving the grade point average to
758 the required level. A student is eligible for such a restoration
759 one time. The Legislature encourages education institutions to
760 assist students to calculate whether or not it is possible to
761 raise the grade point average during the summer term. If the
762 institution determines that it is possible, the education
763 institution may so inform the department, which may reserve the
764 student's award if funds are available. The renewal, however,
765 must not be granted until the student achieves the required
766 cumulative grade point average. If the summer term is not
767 sufficient to raise the grade point average to the required
768 renewal level, the student's next opportunity for renewal is the
769 fall semester of the following academic year. ~~;~~ ~~or~~

770 (c) Effective for students funded in the 2010-2011 academic
771 term, if a scholarship is not renewed because of insufficient
772 grades, the scholarship shall be renewed only for the following
773 reasons:

774 1. The student failed to meet state academic progress
775 requirements due to verifiable illness or other emergencies and
776 may be granted an exception from the academic requirements. Such
777 students shall make a written appeal to the institution. The
778 appeal shall include a description and verification of the
779 circumstances. Verification of illness or other emergencies may
780 include, but need not be limited to, a physician's statement or
781 written statement of a parent or college official. The



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782 institution shall recommend exceptions along with necessary
783 documentation to the department. The department may accept or
784 deny such recommendations for exception from the institution; or

785 ~~2.3.~~ If a student is receiving a Florida Bright Futures
786 Scholarship, is a servicemember of the Florida National Guard or
787 United States Reserves while attending a postsecondary
788 institution, is called to active duty or state active duty, as
789 defined in s. 250.01, prior to completing his or her degree, and
790 meets all other requirements for the scholarship, the student
791 shall be eligible to continue the scholarship for 2 years after
792 completing active duty or state active duty.

793 ~~(d)(e)~~ Reimburse or make satisfactory arrangements to
794 reimburse the institution for the award amount received for
795 courses dropped after the end of the drop and add period or
796 courses from which the student withdraws after the end of the
797 drop and add period unless the student has received an exception
798 pursuant to s. 1009.53(11).

799 (2) A student who is enrolled in a program that terminates
800 in an associate degree or a baccalaureate degree may receive an
801 award for a maximum of 100 ~~110~~ percent of the number of credit
802 hours required to complete the program. A student who is
803 enrolled in a program that terminates in a career certificate
804 may receive an award for a maximum of 100 ~~110~~ percent of the
805 credit hours or clock hours required to complete the program up
806 to 90 credit hours. A student who transfers from one of these
807 program levels to another becomes eligible for the higher of the
808 two credit hour limits.

809 Section 13. Subsection (5) of section 1009.534, Florida
810 Statutes, is amended to read:



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811 1009.534 Florida Academic Scholars award.-

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

816 Section 14. Section 1009.5341, Florida Statutes, is created
817 to read:

818 1009.5341 Florida Bright Futures Scholarships for graduate
819 study.-Bright Futures Scholarship recipients who graduate with a
820 baccalaureate degree in seven semesters or fewer and wish to
821 pursue graduate study may apply the unused portion of their
822 academic or medallion scholarship award toward one semester of
823 graduate study, not to exceed 15 semester hours. A baccalaureate
824 degree may include, but is not limited to, college credits
825 earned through dual enrollment, SAT, and ACT examinations.

826 Section 15. Subsection (4) of section 1009.535, Florida
827 Statutes, is amended to read:

828 1009.535 Florida Medallion Scholars award.-

829 (4) Notwithstanding subsection (2), a Florida Medallion
830 Scholar is eligible for an award equal to the amount specified
831 in the General Appropriations Act ~~for the 2009-2010 academic~~
832 ~~year. This subsection expires July 1, 2010.~~

833 Section 16. Subsections (4) and (5) of section 1009.536,
834 Florida Statutes, are amended to read:

835 1009.536 Florida Gold Seal Vocational Scholars award.-The
836 Florida Gold Seal Vocational Scholars award is created within
837 the Florida Bright Futures Scholarship Program to recognize and
838 reward academic achievement and career preparation by high
839 school students who wish to continue their education.



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840 (4) A student may earn a Florida Gold Seal Vocational
841 Scholarship for 100 ~~110~~ percent of the number of credit hours
842 required to complete the program, up to 90 credit hours or the
843 equivalent.

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

848 Section 17. Section 1009.5385, Florida Statutes, is
849 repealed.

850 Section 18. Subsections (2), (3), and (4) of section
851 1009.72, Florida Statutes, are amended to read:

852 1009.72 Jose Marti Scholarship Challenge Grant Program.—

853 (2) ~~Funds appropriated by the Legislature for the program~~
854 ~~shall be deposited in the State Student Financial Assistance~~
855 ~~Trust Fund. The Chief Financial Officer shall authorize~~
856 ~~expenditures from the trust fund upon receipt of vouchers~~
857 ~~approved by the Department of Education.~~ All moneys collected
858 from private sources for the purposes of this section shall be
859 deposited into the State Student Financial Assistance Trust
860 Fund. Any balance in the trust fund at the end of any fiscal
861 year which that has been allocated to the program shall remain
862 therein and shall be available for carrying out the purposes of
863 the program. All funds deposited into the trust fund for the
864 program shall be invested pursuant to s. 17.61. Interest income
865 accruing to that portion of the funds which are allocated to the
866 program in the trust fund and not matched shall increase the
867 total funds available for the program.

868 (3) The Legislature may appropriate funds ~~shall designate~~



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869 ~~funds to be transferred to the trust fund~~ for the program from
870 the General Revenue Fund. Such funds shall be divided into
871 challenge grants to be administered by the Department of
872 Education. ~~All appropriated funds deposited into the trust fund~~
873 ~~for the program shall be invested pursuant to the provisions of~~
874 ~~s. 17.61. Interest income accruing to that portion of the funds~~
875 ~~that are allocated to the program in the trust fund and not~~
876 ~~matched shall increase the total funds available for the~~
877 ~~program.~~

878 (4) The amounts ~~amount~~ appropriated ~~to the trust fund~~ for
879 the program shall be allocated by the department on the basis of
880 one \$5,000 challenge grant for each \$2,500 raised from private
881 sources. Matching funds shall be generated through contributions
882 made after July 1, 1986, and pledged for the purposes of this
883 section. Pledged contributions shall not be eligible for
884 matching prior to the actual collection of the total funds.

885 Section 19. Subsections (2), (3), and (4) of section
886 1009.73, Florida Statutes, are amended to read:

887 1009.73 Mary McLeod Bethune Scholarship Program.—

888 (2) ~~Funds appropriated by the Legislature for the program~~
889 ~~shall be deposited in the State Student Financial Assistance~~
890 ~~Trust Fund. The Chief Financial Officer shall authorize~~
891 ~~expenditures from the trust fund upon receipt of vouchers~~
892 ~~approved by the Department of Education.~~ The Department of
893 Education shall receive all moneys collected from private
894 sources for the purposes of this section and shall deposit such
895 moneys into the State Student Financial Assistance Trust Fund.
896 Notwithstanding the provisions of s. 216.301 and pursuant to s.
897 216.351, any balance in the trust fund at the end of any fiscal



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898 year ~~which that~~ has been allocated to the program shall remain
899 in the trust fund and shall be available for carrying out the
900 purposes of the program. All moneys deposited into the trust
901 fund for the program shall be invested pursuant to s. 17.61.
902 Interest income accruing to that portion of the funds which are
903 allocated to the program in the trust fund and not matched shall
904 increase the total funds available for the program.

905 (3) The Legislature may appropriate funds ~~shall appropriate~~
906 ~~moneys to the trust fund~~ for the program from the General
907 Revenue Fund. Such moneys shall be applied to scholarships to be
908 administered by the Department of Education. ~~All moneys~~
909 ~~deposited into the trust fund for the program shall be invested~~
910 ~~pursuant to the provisions of s. 17.61. Interest income accruing~~
911 ~~to the program shall be expended to increase the total moneys~~
912 ~~available for scholarships.~~

913 (4) The moneys ~~in the trust fund~~ for the program shall be
914 allocated by the department among the institutions of higher
915 education listed in subsection (1) on the basis of one \$2,000
916 challenge grant for each \$1,000 raised from private sources.
917 Matching funds shall be generated through contributions made
918 after July 1, 1990, and pledged for the purposes of this
919 section. Pledged contributions shall not be eligible for
920 matching prior to the actual collection of the total funds. The
921 department shall allocate to each of those institutions a
922 proportionate share of the contributions received on behalf of
923 those institutions and a share of the appropriations and
924 matching funds generated by such institution.

925 Section 20. Paragraph (e) is added to subsection (1) of
926 section 1010.62, Florida Statutes, to read:



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927 1010.62 Revenue bonds and debt.—

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

929 (e) "Auxiliary enterprise" means any activity defined in s.
930 1011.47(1) and performed by a university or a direct-support
931 organization.

932 Section 21. Subsection (2) of section 1010.87, Florida
933 Statutes, is amended to read:

934 1010.87 Workers' Compensation Administration Trust Fund
935 within the Department of Education.—

936 (2) Funds appropriated by nonoperating transfer from the
937 Department of Financial Services Workers' Compensation
938 Administration Trust Fund which remain unencumbered as of June
939 30 or undisbursed as of September 30 shall revert to the
940 Department of Financial Services Workers' Compensation
941 Administration Trust Fund. Notwithstanding the provisions of s.
942 216.301 and pursuant to s. 216.351, any balance in the trust
943 fund at the end of any fiscal year shall remain in the trust
944 fund at the end of the year and shall be available for carrying
945 out the purposes of the trust fund.

946 Section 22. Paragraph (a) of subsection (5) of section
947 1011.80, Florida Statutes, is amended to read:

948 1011.80 Funds for operation of workforce education
949 programs.—

950 (5) State funding and student fees for workforce education
951 instruction shall be established as follows:

952 (a) Expenditures for the continuing workforce education
953 program provided by the community colleges or school districts
954 must be fully supported by fees. Enrollments in continuing
955 workforce education courses shall not be counted for purposes of



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956 funding full-time equivalent enrollment. For a continuing
957 workforce education course, state funding shall equal 50 percent
958 of the cost of instruction, with student fees, business support,
959 quick response training funds, or other means making up the
960 remaining 50 percent.

961 Section 23. Section 1012.885, Florida Statutes, is created
962 to read:

963 1012.885 Remuneration of community college presidents;
964 limitations.—

965 (1) DEFINITIONS.—As used in this section, the term:

966 (a) "Cash-equivalent compensation" means any benefit that
967 may be assigned an equivalent cash value.

968 (b) "Public funds" means funds appropriated from the
969 General Revenue Fund, funds appropriated from state trust funds,
970 tuition and fees, or any funds from a community college trust
971 fund regardless of repository.

972 (c) "Remuneration" means salary, bonuses, and cash-
973 equivalent compensation paid to a community college president by
974 his or her employer for work performed, excluding health
975 insurance benefits and retirement benefits.

976 (2) LIMITATION ON COMPENSATION.—Notwithstanding any other
977 law, resolution, or rule to the contrary, a community college
978 president may not receive more than \$225,000 in remuneration
979 annually from appropriated state funds. Only compensation, as
980 such term is defined in s. 121.021(22), provided to a community
981 college president may be used in calculating benefits under
982 chapter 121.

983 (3) EXCEPTIONS.—This section does not prohibit any party
984 from providing cash or cash-equivalent compensation from funds



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985 that are not appropriated state funds to a community college
986 president in excess of the limit in subsection (2). If a party
987 is unable or unwilling to fulfill an obligation to provide cash
988 or cash-equivalent compensation to a community college president
989 as permitted under this subsection, appropriated state funds may
990 not be used to fulfill such obligation.

991 Section 24. The Office of Program Policy Analysis and
992 Government Accountability shall conduct a review of the public
993 school adult workforce education programs and the community
994 college and state college workforce education programs for the
995 purpose of identifying and analyzing the positive and negative
996 aspects of merging the school district programs with the
997 community college and state college programs. The office shall
998 submit the results of its review to the Legislature by December
999 1, 2010.

1000 Section 25. This act shall take effect July 1, 2010.
1001