

By Senator Baker

20-01427-10

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1                                   A bill to be entitled  
2           An act relating to the Florida Bright Futures  
3           Scholarship Program; amending s. 1009.53, F.S.;  
4           revising the Florida Bright Futures Scholarship  
5           Program beginning with initial awards to students for  
6           the 2011 fall term; amending s. 1009.531, F.S.,  
7           relating to student eligibility requirements for  
8           initial awards, to conform to changes made by the act;  
9           updating a cross-reference to high school graduation  
10          requirements; creating s. 1009.5315, F.S.; providing  
11          that, for students receiving initial awards beginning  
12          with the 2011 fall term, the Florida Bright Futures  
13          Scholarship Program shall consist of five levels of  
14          awards; specifying student eligibility requirements  
15          and award amounts for each level of award; defining  
16          the term "tuition and fees" for purposes of award  
17          amounts; providing requirements for renewal of awards;  
18          amending s. 1009.532, F.S., relating to student  
19          eligibility requirements for renewal awards, to  
20          conform to changes made by the act; amending s.  
21          1009.538, F.S., relating to the calculation of awards  
22          for students attending nonpublic institutions, to  
23          conform to changes made by the act; amending s.  
24          1009.24, F.S., relating to state university student  
25          fees, to conform to changes made by the act; providing  
26          that the tuition differential shall be included in the  
27          calculation of Florida Bright Futures Scholarship  
28          Program award amounts beginning with initial awards to  
29          students for the 2011 fall term; providing an

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30 effective date.

31  
32 Be It Enacted by the Legislature of the State of Florida:

33  
34 Section 1. Subsections (2) and (3), paragraph (a) of  
35 subsection (4), and subsection (7) of section 1009.53, Florida  
36 Statutes, are amended to read:

37 1009.53 Florida Bright Futures Scholarship Program.—

38 (2) The Bright Futures Scholarship Program consists of  
39 three types of awards: the Florida Academic Scholarship, the  
40 Florida Medallion Scholarship, and the Florida Gold Seal  
41 Vocational Scholarship. Beginning with initial awards for the  
42 2011 fall term, the Bright Futures Scholarship Program consists  
43 of five levels of Florida Bright Futures Scholarships.

44 (3) The Department of Education shall administer the Bright  
45 Futures Scholarship Program according to rules and procedures  
46 established by the State Board of Education. A single  
47 application must be sufficient for a student to apply for any of  
48 the three types of awards or for any of the five levels of  
49 awards beginning with initial awards for the 2011 fall term. The  
50 department must advertise the availability of the scholarship  
51 program and must notify students, teachers, parents, guidance  
52 counselors, and principals or other relevant school  
53 administrators of the criteria and application procedures. The  
54 department must begin this process of notification no later than  
55 January 1 of each year.

56 (4) Funding for the Bright Futures Scholarship Program must  
57 be allocated from the Education Enhancement Trust Fund and must  
58 be provided before allocations from that fund are calculated for

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59 disbursement to other educational entities.

60 (a) If funds appropriated are not adequate to provide the  
61 maximum allowable award to each eligible applicant, awards in  
62 all three components of the program or in all five levels of the  
63 program beginning with initial awards for the 2011 fall term  
64 must be prorated using the same percentage reduction.

65 (7) A student may receive only one type or level of award  
66 from the Florida Bright Futures Scholarship Program at a time,  
67 but may transfer from one type or level of award to another  
68 through the renewal application process, if the student's  
69 eligibility status changes. However, a student is not eligible  
70 to transfer from a Florida Medallion Scholarship or a Florida  
71 Gold Seal Vocational Scholarship to a Florida Academic  
72 Scholarship. A student who receives an award from the program  
73 may also receive a federal family education loan or a federal  
74 direct loan, and the value of the award must be considered in  
75 the certification or calculation of the student's loan  
76 eligibility.

77 Section 2. Subsections (1), (4), and (5) of section  
78 1009.531, Florida Statutes, are amended to read:

79 1009.531 Florida Bright Futures Scholarship Program;  
80 student eligibility requirements for initial awards.-

81 (1) ~~Effective January 1, 2008,~~ In order to be eligible for  
82 an initial award from any of the three types of scholarships or  
83 for an initial award beginning with the 2011 fall term from any  
84 of the five levels of scholarships under the Florida Bright  
85 Futures Scholarship Program, a student must:

86 (a) Be a Florida resident as defined in s. 1009.40 and  
87 rules of the State Board of Education.

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88 (b) Earn a standard Florida high school diploma or its  
89 equivalent as described in s. 1003.428, s. 1003.429, s. 1003.43,  
90 or s. 1003.435 unless:

91 1. The student completes a home education program according  
92 to s. 1002.41; or

93 2. The student earns a high school diploma from a non-  
94 Florida school while living with a parent or guardian who is on  
95 military or public service assignment away from Florida.

96 (c) Be accepted by and enroll in an eligible Florida public  
97 or independent postsecondary education institution.

98 (d) Be enrolled for at least 6 semester credit hours or the  
99 equivalent in quarter hours or clock hours.

100 (e) Not have been found guilty of, or entered a plea of  
101 nolo contendere to, a felony charge, unless the student has been  
102 granted clemency by the Governor and Cabinet sitting as the  
103 Executive Office of Clemency.

104 (f) Apply for a scholarship from the program by high school  
105 graduation.

106 (4) Each school district shall annually provide to each  
107 high school student a complete and accurate Florida Bright  
108 Futures Scholarship Evaluation Report and Key. The report shall  
109 be disseminated at the beginning of each school year. The report  
110 must include all high school coursework attempted, the number of  
111 credits earned toward each type or level of award, and the  
112 calculation of the grade point average for each type or level of  
113 award. The report must also identify all requirements not met  
114 per type or level of award, including the grade point average  
115 requirement, as well as identify the types or levels of awards  
116 for which the student has met the academic requirements. The

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117 student report cards must contain a disclosure that the grade  
118 point average calculated for purposes of the Florida Bright  
119 Futures Scholarship Program may differ from the grade point  
120 average on the report card.

121 (5) A student who wishes to qualify for a particular type  
122 or level of award within the Florida Bright Futures Scholarship  
123 Program, ~~but who~~ does not meet all of the requirements for that  
124 type or level of award, may, nevertheless, receive the award for  
125 that type or level if the principal of the student's school or  
126 the district superintendent verifies that the deficiency is  
127 caused by the fact that school district personnel provided  
128 inaccurate or incomplete information to the student. The school  
129 district must provide a means for the student to correct the  
130 deficiencies and the student must correct them, either by  
131 completing comparable work at the postsecondary institution or  
132 by completing a directed individualized study program developed  
133 and administered by the school district. If the student does not  
134 complete the requirements by December 31 immediately following  
135 high school graduation, the student is ineligible to participate  
136 in the program.

137 Section 3. Section 1009.5315, Florida Statutes, is created  
138 to read:

139 1009.5315 Florida Bright Futures Scholarship Program  
140 awards.-

141 (1) For students receiving initial awards beginning with  
142 the 2011 fall term, the Florida Bright Futures Scholarship  
143 Program shall consist of five levels of awards. A student is  
144 eligible for one of the five levels of awards if the student  
145 meets the general eligibility requirements for the program under

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146 s. 1009.531 and the requirements for one of the five levels as  
147 follows:

148 (a) A Level I award requires that the student:

149 1.a. Has achieved at least a 3.0 weighted grade point  
150 average as calculated pursuant to s. 1009.531, or its  
151 equivalent, in high school courses that are designated by the  
152 State Board of Education as college preparatory academic courses  
153 and has attained a score of at least 970 on the combined reading  
154 and mathematics sections of the SAT Reasoning Test or an  
155 equivalent score on the ACT Assessment Program; or

156 b. Has completed a college preparatory curriculum in a home  
157 education program pursuant to s. 1002.41 during grades 11 and 12  
158 that has been documented through a transcript approved by the  
159 Department of Education, has completed the International  
160 Baccalaureate curriculum but failed to earn the International  
161 Baccalaureate Diploma, or has completed the Advanced  
162 International Certificate of Education curriculum but failed to  
163 earn the Advanced International Certificate of Education  
164 Diploma, and has attained a score of at least 970 on the  
165 combined reading and mathematics sections of the SAT Reasoning  
166 Test or an equivalent score on the ACT Assessment Program.

167 2. Has completed a program of community service work, as  
168 approved by the district school board or the administrators of a  
169 nonpublic school, which shall include a minimum of 75 hours of  
170 service work and require the student to identify a social  
171 problem that interests him or her, develop a plan for his or her  
172 personal involvement in addressing the problem, and, through  
173 papers or other presentations, evaluate and reflect upon his or  
174 her experience.

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175 (b) A Level II award requires that the student:

176 1.a. Has achieved at least a 3.5 weighted grade point  
177 average as calculated pursuant to s. 1009.531, or its  
178 equivalent, in high school courses that are designated by the  
179 State Board of Education as college preparatory academic courses  
180 and has attained a score of at least 1100 on the combined  
181 reading and mathematics sections of the SAT Reasoning Test or an  
182 equivalent score on the ACT Assessment Program; or

183 b. Has completed a college preparatory curriculum in a home  
184 education program pursuant to s. 1002.41 during grades 11 and 12  
185 that has been documented through a transcript approved by the  
186 Department of Education, has completed the International  
187 Baccalaureate curriculum but failed to earn the International  
188 Baccalaureate Diploma, or has completed the Advanced  
189 International Certificate of Education curriculum but failed to  
190 earn the Advanced International Certificate of Education  
191 Diploma, and has attained a score of at least 1100 on the  
192 combined reading and mathematics sections of the SAT Reasoning  
193 Test or an equivalent score on the ACT Assessment Program.

194 2. Has completed a program of community service work, as  
195 approved by the district school board or the administrators of a  
196 nonpublic school, which shall include a minimum of 75 hours of  
197 service work and require the student to identify a social  
198 problem that interests him or her, develop a plan for his or her  
199 personal involvement in addressing the problem, and, through  
200 papers or other presentations, evaluate and reflect upon his or  
201 her experience.

202 (c) A Level III award requires that the student:

203 1.a. Has achieved at least a 3.5 weighted grade point

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204 average as calculated pursuant to s. 1009.531, or its  
205 equivalent, in high school courses that are designated by the  
206 State Board of Education as college preparatory academic courses  
207 and has attained a score of at least 1200 on the combined  
208 reading and mathematics sections of the SAT Reasoning Test or an  
209 equivalent score on the ACT Assessment Program; or

210 b. Has completed a college preparatory curriculum in a home  
211 education program pursuant to s. 1002.41 during grades 11 and 12  
212 that has been documented through a transcript approved by the  
213 Department of Education, has completed the International  
214 Baccalaureate curriculum but failed to earn the International  
215 Baccalaureate Diploma, or has completed the Advanced  
216 International Certificate of Education curriculum but failed to  
217 earn the Advanced International Certificate of Education  
218 Diploma, and has attained a score of at least 1200 on the  
219 combined reading and mathematics sections of the SAT Reasoning  
220 Test or an equivalent score on the ACT Assessment Program.

221 2. Has completed a program of community service work, as  
222 approved by the district school board or the administrators of a  
223 nonpublic school, which shall include a minimum of 75 hours of  
224 service work and require the student to identify a social  
225 problem that interests him or her, develop a plan for his or her  
226 personal involvement in addressing the problem, and, through  
227 papers or other presentations, evaluate and reflect upon his or  
228 her experience.

229 (d) A Level IV award requires that the student:

230 1.a. Has achieved at least a 3.5 weighted grade point  
231 average as calculated pursuant to s. 1009.531, or its  
232 equivalent, in high school courses that are designated by the



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233 State Board of Education as college preparatory academic courses  
234 and has attained a score of at least 1300 on the combined  
235 reading and mathematics sections of the SAT Reasoning Test or an  
236 equivalent score on the ACT Assessment Program;

237 b. Has completed a college preparatory curriculum in a home  
238 education program pursuant to s. 1002.41 during grades 11 and 12  
239 that has been documented through a transcript approved by the  
240 Department of Education, has completed the International  
241 Baccalaureate curriculum but failed to earn the International  
242 Baccalaureate Diploma, or has completed the Advanced  
243 International Certificate of Education curriculum but failed to  
244 earn the Advanced International Certificate of Education  
245 Diploma, and has attained a score of at least 1300 on the  
246 combined reading and mathematics sections of the SAT Reasoning  
247 Test or an equivalent score on the ACT Assessment Program;

248 c. Has been awarded an International Baccalaureate Diploma  
249 from the International Baccalaureate Office or an Advanced  
250 International Certificate of Education Diploma from the  
251 University of Cambridge International Examinations Office;

252 d. Has been recognized by the merit or achievement programs  
253 of the National Merit Scholarship Corporation as a scholar or  
254 finalist; or

255 e. Has been recognized by the National Hispanic Recognition  
256 Program as a scholar recipient.

257 2. Has completed a program of community service work, as  
258 approved by the district school board or the administrators of a  
259 nonpublic school, which shall include a minimum of 75 hours of  
260 service work and require the student to identify a social  
261 problem that interests him or her, develop a plan for his or her

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262 personal involvement in addressing the problem, and, through  
263 papers or other presentations, evaluate and reflect upon his or  
264 her experience.

265 (e) A Level V award requires that the student:

266 1.a. Has achieved at least a 3.5 weighted grade point  
267 average as calculated pursuant to s. 1009.531, or its  
268 equivalent, in high school courses that are designated by the  
269 State Board of Education as college preparatory academic courses  
270 and has attained a score of at least 1400 on the combined  
271 reading and mathematics sections of the SAT Reasoning Test or an  
272 equivalent score on the ACT Assessment Program;

273 b. Has completed a college preparatory curriculum in a home  
274 education program pursuant to s. 1002.41 during grades 11 and 12  
275 that has been documented through a transcript approved by the  
276 Department of Education, has completed the International  
277 Baccalaureate curriculum but failed to earn the International  
278 Baccalaureate Diploma, or has completed the Advanced  
279 International Certificate of Education curriculum but failed to  
280 earn the Advanced International Certificate of Education  
281 Diploma, and has attained a score of at least 1400 on the  
282 combined reading and mathematics sections of the SAT Reasoning  
283 Test or an equivalent score on the ACT Assessment Program;

284 c. Has been awarded an International Baccalaureate Diploma  
285 from the International Baccalaureate Office or an Advanced  
286 International Certificate of Education Diploma from the  
287 University of Cambridge International Examinations Office and  
288 has attained a score of at least 1400 on the combined reading  
289 and mathematics sections of the SAT Reasoning Test or an  
290 equivalent score on the ACT Assessment Program;

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291 d. Has been recognized by the merit or achievement programs  
292 of the National Merit Scholarship Corporation as a scholar or  
293 finalist and has attained a score of at least 1400 on the  
294 combined reading and mathematics sections of the SAT Reasoning  
295 Test or an equivalent score on the ACT Assessment Program; or  
296 e. Has been recognized by the National Hispanic Recognition  
297 Program as a scholar recipient and has attained a score of at  
298 least 1400 on the combined reading and mathematics sections of  
299 the SAT Reasoning Test or an equivalent score on the ACT  
300 Assessment Program.

301 2. Has completed a program of community service work, as  
302 approved by the district school board or the administrators of a  
303 nonpublic school, which shall include a minimum of 75 hours of  
304 service work and require the student to identify a social  
305 problem that interests him or her, develop a plan for his or her  
306 personal involvement in addressing the problem, and, through  
307 papers or other presentations, evaluate and reflect upon his or  
308 her experience.

309 (2) (a) For purposes of this section, the term "tuition and  
310 fees" includes the following fees to the extent assessed by a  
311 community college or state university:

- 312 1. Tuition.
- 313 2. Financial aid fee.
- 314 3. Activity and service fee.
- 315 4. Health fee.
- 316 5. Athletic fee.
- 317 6. Capital improvement fee.
- 318 7. Building fee.
- 319 8. Transportation access fee.

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320 9. Student affairs facility use fee.

321 10. Tuition differential fee.

322 (b) Beginning with Florida Bright Futures Scholarships  
323 initially awarded for the 2011 fall term, the amount of awards  
324 pursuant to subsection (1) shall be as follows:

325 1. A Level I award shall pay 100 percent of the cost of  
326 tuition and fees that a student incurs while enrolled in a  
327 certificate, diploma, or associate degree program at a community  
328 college or career center. A student who completes an associate  
329 degree program is eligible for a Level II award for the cost of  
330 tuition and fees for a baccalaureate degree program at a  
331 community college, a state university, or a comparable eligible  
332 independent postsecondary education institution pursuant to s.  
333 1009.533.

334 2. A Level II award shall pay 25 percent of the cost of  
335 tuition and fees that a student incurs while enrolled in a  
336 baccalaureate degree program at a state university or a fixed  
337 amount calculated according to s. 1009.538 at a comparable  
338 eligible independent postsecondary education institution  
339 pursuant to s. 1009.533. A student who is eligible for a Level  
340 II award is eligible for a Level I award if the student enrolls  
341 at a community college or career center.

342 3. A Level III award shall pay 50 percent of the cost of  
343 tuition and fees that a student incurs while enrolled in a  
344 baccalaureate degree program at a state university or a fixed  
345 amount calculated according to s. 1009.538 at a comparable  
346 eligible independent postsecondary education institution  
347 pursuant to s. 1009.533. A student who is eligible for a Level  
348 III award is eligible for a Level I award if the student enrolls

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349 at a community college or career center.

350 4. A Level IV award shall pay 75 percent of the cost of  
351 tuition and fees that a student incurs while enrolled in a  
352 baccalaureate degree program at a state university or a fixed  
353 amount calculated according to s. 1009.538 at a comparable  
354 eligible independent postsecondary education institution  
355 pursuant to s. 1009.533. A student who is eligible for a Level  
356 IV award is eligible for a Level I award if the student enrolls  
357 at a community college or career center.

358 5. A Level V award shall pay 100 percent of the cost of  
359 tuition and fees that a student incurs while enrolled in a  
360 baccalaureate degree program at a state university or a fixed  
361 amount calculated according to s. 1009.538 at a comparable  
362 eligible independent postsecondary education institution  
363 pursuant to s. 1009.533. A student who is eligible for a Level V  
364 award is eligible for a Level I award if the student enrolls at  
365 a community college or career center.

366 (3) To be eligible to renew any of the five levels of  
367 awards, a student must maintain the equivalent of a cumulative  
368 grade point average of 3.0 on a 4.0 scale and meet the  
369 eligibility requirements for renewal under s. 1009.532.

370 Section 4. Subsection (1) of section 1009.532, Florida  
371 Statutes, is amended to read:

372 1009.532 Florida Bright Futures Scholarship Program;  
373 student eligibility requirements for renewal awards.-

374 (1) To be eligible to renew a scholarship from any of the  
375 three types of scholarships or, beginning with initial awards  
376 for the 2011 fall term, from any of the five levels of  
377 scholarships under the Florida Bright Futures Scholarship

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378 Program, a student must:

379 (a) Effective for students funded in the 2009-2010 academic  
380 year and thereafter, earn at least 24 semester credit hours or  
381 the equivalent in the last academic year in which the student  
382 earned a scholarship if the student was enrolled full time, or a  
383 prorated number of credit hours as determined by the Department  
384 of Education if the student was enrolled less than full time for  
385 any part of the academic year. If a student fails to earn the  
386 minimum number of hours required to renew the scholarship, the  
387 student shall lose his or her eligibility for renewal for a  
388 period equivalent to 1 academic year. Such student is eligible  
389 to restore the award the following academic year if the student  
390 earns the hours for which he or she was enrolled at the level  
391 defined by the department and meets the grade point average for  
392 renewal. A student is eligible for such restoration one time.  
393 The department shall notify eligible recipients of the  
394 provisions of this paragraph. Each institution shall notify  
395 award recipients of the provisions of this paragraph during the  
396 registration process.

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

399 1. If a recipient's grades fall beneath the average  
400 required to renew a Florida Academic Scholarship, but are  
401 sufficient to renew a Florida Medallion Scholarship or a Florida  
402 Gold Seal Vocational Scholarship, the Department of Education  
403 may grant a renewal from one of those other scholarship  
404 programs, if the student meets the renewal eligibility  
405 requirements;

406 2. If, at any time during the eligibility period, a

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407 student's grades are insufficient to renew the scholarship, the  
408 student may restore eligibility by improving the grade point  
409 average to the required level. A student is eligible for such a  
410 restoration one time. The Legislature encourages education  
411 institutions to assist students to calculate whether or not it  
412 is possible to raise the grade point average during the summer  
413 term. If the institution determines that it is possible, the  
414 education institution may so inform the department, which may  
415 reserve the student's award if funds are available. The renewal,  
416 however, must not be granted until the student achieves the  
417 required cumulative grade point average. If the summer term is  
418 not sufficient to raise the grade point average to the required  
419 renewal level, the student's next opportunity for renewal is the  
420 fall semester of the following academic year; or

421 3. If a student is receiving a Florida Bright Futures  
422 Scholarship, is a servicemember of the Florida National Guard or  
423 United States Reserves while attending a postsecondary  
424 institution, is called to active duty or state active duty, as  
425 defined in s. 250.01, prior to completing his or her degree, and  
426 meets all other requirements for the scholarship, the student  
427 shall be eligible to continue the scholarship for 2 years after  
428 completing active duty or state active duty.

429 (c) Reimburse or make satisfactory arrangements to  
430 reimburse the institution for the award amount received for  
431 courses dropped after the end of the drop and add period or  
432 courses from which the student withdraws after the end of the  
433 drop and add period unless the student has received an exception  
434 pursuant to s. 1009.53(11).

435 Section 5. Section 1009.538, Florida Statutes, is amended

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436 to read:

437 1009.538 Bright Futures Scholarship recipients attending  
438 nonpublic institutions; calculation of awards.—

439 (1) Notwithstanding ss. 1009.53, 1009.534, 1009.535, and  
440 1009.536, a student who receives any award under the Florida  
441 Bright Futures Scholarship Program, who is enrolled in a  
442 nonpublic postsecondary education institution, and who is  
443 assessed tuition and fees that are the same as those of a full-  
444 time student at that institution, shall receive a fixed award  
445 calculated by using the average tuition and fee calculation as  
446 prescribed by the Department of Education for full-time  
447 attendance at a public postsecondary education institution at  
448 the comparable level. If the student is enrolled part-time and  
449 is assessed tuition and fees at a reduced level, the award shall  
450 be either one-half of the maximum award or three-fourths of the  
451 maximum award, depending on the level of fees assessed.

452 (2) Notwithstanding ss. 1009.53 and 1009.5315, a student  
453 who receives an initial award under the Florida Bright Futures  
454 Scholarship Program beginning with the 2011 fall term, who is  
455 enrolled in a nonpublic postsecondary education institution, and  
456 who is assessed tuition and fees that are the same as those of a  
457 full-time student at that institution shall receive a fixed  
458 award calculated by using the average tuition and fee  
459 calculation pursuant to s. 1009.5315 as prescribed by the  
460 Department of Education for full-time attendance at a public  
461 postsecondary education institution at the comparable level. If  
462 the student is enrolled part-time and is assessed tuition and  
463 fees at a reduced level, the award shall be either one-half of  
464 the maximum award or three-fourths of the maximum award,



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465 depending on the level of fees assessed.

466 Section 6. Paragraph (d) of subsection (4) and paragraph  
467 (b) of subsection (16) of section 1009.24, Florida Statutes, are  
468 amended to read:

469 1009.24 State university student fees.—

470 (4)

471 (d) The sum of the activity and service, health, and  
472 athletic fees a student is required to pay to register for a  
473 course shall not exceed 40 percent of the tuition established in  
474 law or in the General Appropriations Act. No university shall be  
475 required to lower any fee in effect on the effective date of  
476 this act in order to comply with this subsection. Within the 40  
477 percent cap, universities may not increase the aggregate sum of  
478 activity and service, health, and athletic fees more than 5  
479 percent per year unless specifically authorized in law or in the  
480 General Appropriations Act. A university may increase its  
481 athletic fee to defray the costs associated with changing  
482 National Collegiate Athletic Association divisions. Any such  
483 increase in the athletic fee may exceed both the 40 percent cap  
484 and the 5 percent cap imposed by this subsection. Any such  
485 increase must be approved by the athletic fee committee in the  
486 process outlined in subsection (12) and cannot exceed \$2 per  
487 credit hour. Notwithstanding the provisions of ss. 1009.534,  
488 1009.535, and 1009.536, that portion of any increase in an  
489 athletic fee pursuant to this subsection that causes the sum of  
490 the activity and service, health, and athletic fees to exceed  
491 the 40 percent cap or the annual increase in such fees to exceed  
492 the 5 percent cap shall not be included in calculating the  
493 amount a student receives for a Florida Academic Scholars award,

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494 a Florida Medallion Scholars award, or a Florida Gold Seal  
495 Vocational Scholars award. Notwithstanding the provisions of s.  
496 1009.5315, that portion of any increase in an athletic fee  
497 pursuant to this subsection which causes the sum of the activity  
498 and service, health, and athletic fees to exceed the 40 percent  
499 cap or the annual increase in such fees to exceed the 5 percent  
500 cap shall not be included in calculating the amount a student  
501 receives for a Florida Bright Futures Scholarship Program award.

502 (16) Each university board of trustees may establish a  
503 tuition differential for undergraduate courses upon receipt of  
504 approval from the Board of Governors. The tuition differential  
505 shall promote improvements in the quality of undergraduate  
506 education and shall provide financial aid to undergraduate  
507 students who exhibit financial need.

508 (b) Each tuition differential is subject to the following  
509 conditions:

510 1. The tuition differential may be assessed on one or more  
511 undergraduate courses or on all undergraduate courses at a state  
512 university.

513 2. The tuition differential may vary by course or courses,  
514 campus or center location, and by institution. Each university  
515 board of trustees shall strive to maintain and increase  
516 enrollment in degree programs related to math, science, high  
517 technology, and other state or regional high-need fields when  
518 establishing tuition differentials by course.

519 3. For each state university that has total research and  
520 development expenditures for all fields of at least \$100 million  
521 per year as reported annually to the National Science  
522 Foundation, the aggregate sum of tuition and the tuition

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523 differential may not be increased by more than 15 percent of the  
524 total charged for the aggregate sum of these fees in the  
525 preceding fiscal year. For each state university that has total  
526 research and development expenditures for all fields of less  
527 than \$100 million per year as reported annually to the National  
528 Science Foundation, the aggregate sum of tuition and the tuition  
529 differential may not be increased by more than 15 percent of the  
530 total charged for the aggregate sum of these fees in the  
531 preceding fiscal year.

532 4. The aggregate sum of undergraduate tuition and fees per  
533 credit hour, including the tuition differential, may not exceed  
534 the national average of undergraduate tuition and fees at 4-year  
535 degree-granting public postsecondary educational institutions.

536 5. The tuition differential may not be calculated as a part  
537 of the scholarship programs established in ss. 1009.53-1009.538.  
538 However, beginning with initial awards for the 2011 fall term  
539 under the Florida Bright Futures Scholarship Program, the  
540 tuition differential shall be included in the calculation for an  
541 award pursuant to ss. 1009.5315 and 1009.538.

542 6. Beneficiaries having prepaid tuition contracts pursuant  
543 to s. 1009.98(2)(b) which were in effect on July 1, 2007, and  
544 which remain in effect, are exempt from the payment of the  
545 tuition differential.

546 7. The tuition differential may not be charged to any  
547 student who was in attendance at the university before July 1,  
548 2007, and who maintains continuous enrollment.

549 8. The tuition differential may be waived by the university  
550 for students who meet the eligibility requirements for the  
551 Florida public student assistance grant established in s.

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552 1009.50.

553 9. Subject to approval by the Board of Governors, the  
554 tuition differential authorized pursuant to this subsection may  
555 take effect with the 2009 fall term.

556 Section 7. This act shall take effect July 1, 2010.