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1 A bill to be entitled
2 An act relating to higher education; providing a short
3 title; amending s. 1001.706, F.S.; requiring state
4 universities to identify internship opportunities in
5 high-demand fields; amending s. 1001.7065, F.S.;
6 revising the preeminent state research universities
7 program graduation rate requirements and funding
8 distributions; specifying funding as provided by the
9 Legislature; deleting the authority for such
10 universities to stipulate a special course requirement
11 for incoming students; requiring the Board of
12 Governors to establish certain standards by a
13 specified date; amending s. 1001.92, F.S.; requiring
14 certain performance-based metrics to include specified
15 graduation rates and access benchmarks; specifying
16 funding as provided by the Legislature; amending s.
17 1004.28, F.S.; directing a state university board of
18 trustees to limit the services, activities, and
19 expenses of its direct-support organizations;
20 requiring the chair of the board of trustees to
21 appoint at least one representative to the board of
22 directors and executive committee of a university
23 direct-support organization; requiring the disclosure
24 of certain financial documents; creating s. 1004.6497,
25 F.S.; establishing the World Class Faculty and Scholar
26 Program; providing the purpose and intent; authorizing
27 state university investments in certain faculty
28 retention, recruitment, and recognition activities;
29 specifying funding as provided by the Legislature;

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30 requiring an annual report to the Governor and the
31 Legislature by a specified date; creating s.
32 1004.6498, F.S.; establishing the State University
33 Professional and Graduate Degree Excellence Program;
34 providing the purpose; listing the quality improvement
35 efforts that may be used to elevate the prominence of
36 state university medicine, law, and graduate-level
37 business programs; specifying funding as provided by
38 the Legislature; requiring an annual report to the
39 Governor and the Legislature by a specified date;
40 amending s. 1008.30, F.S.; authorizing certain state
41 universities to continue to provide developmental
42 education instruction; amending s. 1009.22, F.S.;
43 removing the prohibition on the inclusion of a
44 technology fee in the funds for the Florida Bright
45 Futures Scholarship Program award; amending s.
46 1009.23, F.S.; removing the prohibition on the
47 inclusion of a technology fee in the funds for the
48 Florida Bright Futures Scholarship Program award;
49 amending s. 1009.24, F.S.; removing the prohibition on
50 the inclusion of a technology fee and a tuition
51 differential fee in the funds for the Florida Bright
52 Futures Scholarship Program award; requiring each
53 state university board of trustees to implement a
54 block tuition policy for specified undergraduate
55 students beginning in a specified academic semester;
56 requiring the Chancellor of the State University
57 System to submit a report to the Governor and the
58 Legislature by a specified date; amending s. 1009.53,

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59 F.S.; authorizing students to use certain Florida
60 Bright Futures Scholarship Program awards for summer
61 term enrollment beginning in specified years;
62 specifying funding as provided by the Legislature;
63 amending s. 1009.534, F.S.; specifying Florida
64 Academic Scholars award amounts to cover tuition,
65 fees, textbooks, and other educational expenses;
66 amending s. 1009.535, F.S.; specifying Florida
67 Medallion Scholars award amounts to cover specified
68 tuition and fees; amending s. 1009.701, F.S.; revising
69 the state-to-private match requirement for
70 contributions to the First Generation Matching Grant
71 Program beginning in a specified fiscal year;
72 extending the program to include Florida College
73 System institution students; amending s. 1009.893,
74 F.S.; extending coverage of the Benacquisto
75 Scholarship Program to include tuition and fees for
76 qualified nonresident students; creating s. 1009.894,
77 F.S.; creating the Florida Farmworker Student
78 Scholarship Program; providing a purpose; requiring
79 the Department of Education to administer the
80 scholarship program; providing student eligibility
81 criteria; specifying award amounts and distributions;
82 amending s. 1009.98, F.S.; providing that certain
83 payments from the Florida Prepaid College Board to a
84 state university on behalf of a qualified beneficiary
85 may not exceed a specified amount; providing for
86 retroactive application; providing a directive to the
87 Division of Law Revision and Information; providing

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88 appropriations; providing an effective date.

89

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

91

92 Section 1. This act shall be cited as the "Florida
93 Excellence in Higher Education Act of 2018."

94 Section 2. Paragraph (b) of subsection (5) of section
95 1001.706, Florida Statutes, is amended to read:

96 1001.706 Powers and duties of the Board of Governors.—

97 (5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

98 (b) The Board of Governors shall develop a strategic plan
99 specifying goals and objectives for the State University System
100 and each constituent university, including each university's
101 contribution to overall system goals and objectives. The
102 strategic plan must:

103 1. Include performance metrics and standards common for all
104 institutions and metrics and standards unique to institutions
105 depending on institutional core missions, including, but not
106 limited to, student admission requirements, retention,
107 graduation, percentage of graduates who have attained
108 employment, percentage of graduates enrolled in continued
109 education, licensure passage, average wages of employed
110 graduates, average cost per graduate, excess hours, student loan
111 burden and default rates, faculty awards, total annual research
112 expenditures, patents, licenses and royalties, intellectual
113 property, startup companies, annual giving, endowments, and
114 well-known, highly respected national rankings for institutional
115 and program achievements.

116 2. Consider reports and recommendations of the Higher

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117 Education Coordinating Council pursuant to s. 1004.015 and the
118 Articulation Coordinating Committee pursuant to s. 1007.01.

119 3. Include student enrollment and performance data
120 delineated by method of instruction, including, but not limited
121 to, traditional, online, and distance learning instruction.

122 4. Include criteria for designating baccalaureate degree
123 and master's degree programs at specified universities as high-
124 demand programs of emphasis. Fifty percent of the criteria for
125 designation as high-demand programs of emphasis must be based on
126 achievement of performance outcome thresholds determined by the
127 Board of Governors, and 50 percent of the criteria must be based
128 on achievement of performance outcome thresholds specifically
129 linked to:

130 a. Job placement in employment of 36 hours or more per week
131 and average full-time wages of graduates of the degree programs
132 1 year and 5 years after graduation, based in part on data
133 provided in the economic security report of employment and
134 earning outcomes produced annually pursuant to s. 445.07.

135 b. Data-driven gap analyses, conducted by the Board of
136 Governors, of the state's job market demands and the outlook for
137 jobs that require a baccalaureate or higher degree. Each state
138 university must use the gap analyses to identify internship
139 opportunities for students to benefit from mentorship by
140 industry experts, earn industry certifications, and become
141 employed in high-demand fields.

142 Section 3. Paragraph (d) of subsection (2), paragraph (c)
143 of subsection (5), and subsections (6), (7), and (8) of section
144 1001.7065, Florida Statutes, are amended to read:

145 1001.7065 Preeminent state research universities program.-

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146 (2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—The
147 following academic and research excellence standards are
148 established for the preeminent state research universities
149 program:

150 (d) A 4-year graduation rate of 60 percent or higher for
151 full-time, first-time-in-college students, as reported annually
152 to the IPEDS. However, for the 2018 determination of a state
153 university's preeminence designation and the related
154 distribution of the 2018-2019 fiscal year appropriation
155 associated with preeminence and emerging preeminence, a
156 university is considered to have satisfied this graduation rate
157 measure by attaining a 6-year graduation rate of 70 percent or
158 higher by October 1, 2017, for full-time, first-time-in-college
159 students, as reported annually to the IPEDS and confirmed by the
160 Board of Governors.

161 (5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM
162 SUPPORT.—

163 (c) The award of funds under this subsection is contingent
164 upon funding provided by the Legislature ~~in the General~~
165 ~~Appropriations Act~~ to support the preeminent state research
166 universities program created under this section. Funding
167 increases appropriated beyond the amounts funded in the previous
168 fiscal year shall be distributed as follows:

169 1. Each designated preeminent state research university
170 that meets the criteria in paragraph (a) shall receive an equal
171 amount of funding.

172 2. Each designated emerging preeminent state research
173 university that meets the criteria in paragraph (b) shall,
174 beginning in the 2018-2019 fiscal year, receive an amount of

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175 funding that is equal to one-fourth ~~one-half~~ of the total
176 increased amount awarded to each designated preeminent state
177 research university.

178 ~~(6) PREEMINENT STATE RESEARCH UNIVERSITY SPECIAL COURSE~~
179 ~~REQUIREMENT AUTHORITY. In order to provide a jointly shared~~
180 ~~educational experience, a university that is designated a~~
181 ~~preeminent state research university may require its incoming~~
182 ~~first-time-in-college students to take a six-credit set of~~
183 ~~unique courses specifically determined by the university and~~
184 ~~published on the university's website. The university may~~
185 ~~stipulate that credit for such courses may not be earned through~~
186 ~~any acceleration mechanism pursuant to s. 1007.27 or s. 1007.271~~
187 ~~or any other transfer credit. All accelerated credits earned up~~
188 ~~to the limits specified in ss. 1007.27 and 1007.271 shall be~~
189 ~~applied toward graduation at the student's request.~~

190 (6) ~~(7)~~ PREEMINENT STATE RESEARCH UNIVERSITY FLEXIBILITY
191 AUTHORITY.—The Board of Governors is encouraged to identify and
192 grant all reasonable, feasible authority and flexibility to
193 ensure that each designated preeminent state research university
194 and each designated emerging preeminent state research
195 university is free from unnecessary restrictions.

196 (7) ~~(8)~~ PROGRAMS OF EXCELLENCE THROUGHOUT THE STATE
197 UNIVERSITY SYSTEM.—The Board of Governors shall ~~is encouraged to~~
198 establish standards and measures whereby individual
199 undergraduate, graduate, and professional degree programs in
200 state universities which ~~that~~ objectively reflect national
201 excellence can be identified and make recommendations to the
202 Legislature by September 1, 2018, as to how any such programs
203 could be enhanced and promoted.

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204 Section 4. Subsections (1), (2), and (4) of section
205 1001.92, Florida Statutes, are amended to read:

206 1001.92 State University System Performance-Based
207 Incentive.—

208 (1) A State University System Performance-Based Incentive
209 shall be awarded to state universities using performance-based
210 metrics adopted by the Board of Governors of the State
211 University System. Beginning with the Board of Governors'
212 determination of each university's performance improvement and
213 achievement ratings for 2018, and the related distribution of
214 the 2018-2019 fiscal year appropriation, the performance-based
215 metrics must include 4-year graduation rates; retention rates;
216 postgraduation education rates; degree production;
217 affordability; postgraduation employment and salaries, including
218 wage thresholds that reflect the added value of a baccalaureate
219 degree; access rate, based on the percentage of undergraduate
220 students enrolled during the fall term who received a Pell Grant
221 during the fall term; and other metrics approved by the board in
222 a formally noticed meeting. The board shall adopt benchmarks to
223 evaluate each state university's performance on the metrics to
224 measure the state university's achievement of institutional
225 excellence or need for improvement and minimum requirements for
226 eligibility to receive performance funding. Access rate
227 benchmarks must be differentiated and scored to reflect the
228 varying access rate levels among the state universities;
229 however, the scoring system may not include bonus points.

230 (2) Each fiscal year, the amount of funds available for
231 allocation to the state universities based on the performance-
232 based funding model shall consist of the state's investment in

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233 performance funding plus institutional investments consisting of
234 funds deducted from the base funding of each state university in
235 the State University System in an amount provided by the
236 Legislature ~~in the General Appropriations Act~~. The Board of
237 Governors shall establish minimum performance funding
238 eligibility thresholds for the state's investment and the
239 institutional investments. A state university that meets the
240 minimum institutional investment eligibility threshold, but
241 fails to meet the minimum state investment eligibility
242 threshold, shall have its institutional investment restored but
243 is ineligible for a share of the state's investment in
244 performance funding. The institutional investment shall be
245 restored for each institution eligible for the state's
246 investment under the performance-based funding model.

247 (4) Distributions of performance funding, as provided in
248 this section, shall be made by the Legislature to each of the
249 state universities ~~listed in the Education and General~~
250 ~~Activities category in the General Appropriations Act~~.

251 Section 5. Subsections (2), (3), and (4) and paragraph (b)
252 of subsection (5) of section 1004.28, Florida Statutes, are
253 amended to read:

254 1004.28 Direct-support organizations; use of property;
255 board of directors; activities; audit; facilities.—

256 (2) USE OF PROPERTY.—

257 (a) Each state university board of trustees is authorized
258 to permit the use of property, facilities, and personal services
259 at any state university by any university direct-support
260 organization, and, subject to the provisions of this section,
261 direct-support organizations may establish accounts with the

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262 State Board of Administration for investment of funds pursuant
263 to part IV of chapter 218. Beginning July 1, 2023, a state
264 university board of trustees may not permit any university
265 direct-support organization to use personal services.

266 (b) The board of trustees, in accordance with regulations
267 ~~rules~~ and guidelines of the Board of Governors, shall prescribe
268 by regulation ~~rule~~ conditions with which a university direct-
269 support organization must comply in order to use property,
270 facilities, or personal services at any state university. Such
271 regulations ~~rules~~ shall provide for budget and audit review and
272 oversight by the board of trustees.

273 (c) The board of trustees shall not permit the use of
274 property, facilities, or personal services at any state
275 university by any university direct-support organization that
276 does not provide equal employment opportunities to all persons
277 regardless of race, color, religion, gender, age, or national
278 origin.

279 (d) The board of trustees may not permit the use of state
280 funds for travel expenses by any university direct-support
281 organization.

282 (3) BOARD OF DIRECTORS.—The chair of the university board
283 of trustees shall ~~may~~ appoint at least one ~~a~~ representative to
284 the board of directors and the executive committee of any
285 direct-support organization established under this section. The
286 president of the university for which the direct-support
287 organization is established, or his or her designee, shall also
288 serve on the board of directors and the executive committee of
289 any direct-support organization established to benefit that
290 university.

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291 (4) ACTIVITIES; RESTRICTION.—A university direct-support
292 organization is prohibited from giving, either directly or
293 indirectly, any gift to a political committee as defined in s.
294 106.011 for any purpose ~~other than those certified by a majority~~
295 ~~roll call vote of the governing board of the direct support~~
296 ~~organization at a regularly scheduled meeting as being directly~~
297 ~~related to the educational mission of the university.~~

298 (5) ANNUAL AUDIT; PUBLIC RECORDS EXEMPTION; PUBLIC MEETINGS
299 EXEMPTION.—

300 (b) All records of the organization other than the
301 auditor's report, management letter, any records related to the
302 expenditure of state funds, any records related to the
303 expenditure of private funds for travel, and any supplemental
304 data requested by the Board of Governors, the university board
305 of trustees, the Auditor General, and the Office of Program
306 Policy Analysis and Government Accountability shall be
307 confidential and exempt from s. 119.07(1).

308 Section 6. Section 1004.6497, Florida Statutes, is created
309 to read:

310 1004.6497 World Class Faculty and Scholar Program.—

311 (1) PURPOSE AND LEGISLATIVE INTENT.—The World Class Faculty
312 and Scholar Program is established to fund, beginning in the
313 2017-2018 fiscal year, and support the efforts of state
314 universities to recruit and retain exemplary faculty and
315 research scholars. It is the intent of the Legislature to
316 elevate the national competitiveness of Florida's state
317 universities through faculty and scholar recruitment and
318 retention.

319 (2) INVESTMENTS.—Retention, recruitment, and recognition

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320 efforts, activities, and investments may include, but are not
321 limited to, investments in research-centric cluster hires,
322 faculty research and research commercialization efforts,
323 instructional and research infrastructure, undergraduate student
324 participation in research, professional development, awards for
325 outstanding performance, and postdoctoral fellowships.

326 (3) FUNDING AND USE.—Funding for the program shall be as
327 provided by the Legislature. Each state university shall use the
328 funds only for the purpose and investments authorized under this
329 section. These funds may not be used to construct buildings.

330 (4) ACCOUNTABILITY.—By March 15 of each year, the Board of
331 Governors shall provide to the Governor, the President of the
332 Senate, and the Speaker of the House of Representatives a report
333 summarizing information from the universities in the State
334 University System, including, but not limited to:

335 (a) Specific expenditure information as it relates to the
336 investments identified in subsection (2).

337 (b) The impact of those investments in elevating the
338 national competitiveness of the universities, specifically
339 relating to:

340 1. The success in recruiting research faculty and the
341 resulting research funding;

342 2. The 4-year graduation rate for undergraduate students;

343 3. The number of undergraduate courses offered with fewer
344 than 50 students; and

345 4. The increase in national academic standing of targeted
346 programs, specifically advancement in ranking of the targeted
347 programs among top 50 universities in well-known and highly
348 respected national public university rankings, including, but

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349 not limited to, the U.S. News and World Report rankings, which
350 reflect national preeminence, using the most recent rankings.

351 Section 7. Section 1004.6498, Florida Statutes, is created
352 to read:

353 1004.6498 State University Professional and Graduate Degree
354 Excellence Program.—

355 (1) PURPOSE.—The State University Professional and Graduate
356 Degree Excellence Program is established to fund, beginning in
357 the 2017-2018 fiscal year, and support the efforts of state
358 universities to enhance the quality and excellence of
359 professional and graduate schools and degree programs in
360 medicine, law, and business and expand the economic impact of
361 state universities.

362 (2) INVESTMENTS.—Quality improvement efforts may include,
363 but are not limited to, targeted investments in faculty,
364 students, research, infrastructure, and other strategic
365 endeavors to elevate the national and global prominence of state
366 university medicine, law, and graduate-level business programs.

367 (3) FUNDING AND USE.—Funding for the program shall be as
368 provided by the Legislature. Each state university shall use the
369 funds only for the purpose and investments authorized under this
370 section. These funds may not be used to construct buildings.

371 (4) ACCOUNTABILITY.—By March 15 of each year, the Board of
372 Governors shall provide to the Governor, the President of the
373 Senate, and the Speaker of the House of Representatives a report
374 summarizing information from the universities in the State
375 University System, including, but not limited to:

376 (a) Specific expenditure information as it relates to the
377 investments identified in subsection (2).

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378 (b) The impact of those investments in elevating the
379 national and global prominence of the state university medicine,
380 law, and graduate-level business programs, specifically relating
381 to:

382 1. The first-time pass rate on the United States Medical
383 Licensing Examination;

384 2. The first-time pass rate on The Florida Bar Examination;

385 3. The percentage of graduates enrolled or employed at a
386 wage threshold that reflects the added value of a graduate-level
387 business degree;

388 4. The advancement in the rankings of the state university
389 medicine, law, and graduate-level programs in well-known and
390 highly respected national graduate-level university rankings,
391 including, but not limited to, the U.S. News and World Report
392 rankings, which reflect national preeminence, using the most
393 recent rankings; and

394 5. The added economic benefit of the universities to the
395 state.

396 Section 8. Paragraph (c) of subsection (5) of section
397 1008.30, Florida Statutes, is amended to read:

398 1008.30 Common placement testing for public postsecondary
399 education.—

400 (5)

401 (c) A university board of trustees may contract with a
402 Florida College System institution board of trustees for the
403 Florida College System institution to provide developmental
404 education on the state university campus. Any state university
405 in which the percentage of incoming students requiring
406 developmental education equals or exceeds the average percentage

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407 of such students for the Florida College System may offer
408 developmental education without contracting with a Florida
409 College System institution; however, any state university
410 offering college-preparatory instruction as of January 1, 1996,
411 may continue to provide developmental education instruction as
412 defined in s. 1008.02(1) ~~such services~~.

413 Section 9. Subsection (7) of section 1009.22, Florida
414 Statutes, is amended to read:

415 1009.22 Workforce education postsecondary student fees.—

416 (7) Each district school board and Florida College System
417 institution board of trustees is authorized to establish a
418 separate fee for technology, not to exceed 5 percent of tuition
419 per credit hour or credit-hour equivalent for resident students
420 and not to exceed 5 percent of tuition and the out-of-state fee
421 per credit hour or credit-hour equivalent for nonresident
422 students. Revenues generated from the technology fee shall be
423 used to enhance instructional technology resources for students
424 and faculty ~~and shall not be included in any award under the~~
425 ~~Florida Bright Futures Scholarship Program~~. Fifty percent of
426 technology fee revenues may be pledged by a Florida College
427 System institution board of trustees as a dedicated revenue
428 source for the repayment of debt, including lease-purchase
429 agreements, not to exceed the useful life of the asset being
430 financed. Revenues generated from the technology fee may not be
431 bonded.

432 Section 10. Subsection (10) of section 1009.23, Florida
433 Statutes, is amended to read:

434 1009.23 Florida College System institution student fees.—

435 (10) Each Florida College System institution board of

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436 trustees is authorized to establish a separate fee for
437 technology, which may not exceed 5 percent of tuition per credit
438 hour or credit-hour equivalent for resident students and may not
439 exceed 5 percent of tuition and the out-of-state fee per credit
440 hour or credit-hour equivalent for nonresident students.
441 Revenues generated from the technology fee shall be used to
442 enhance instructional technology resources for students and
443 faculty. The technology fee may apply to both college credit and
444 developmental education ~~and shall not be included in any award~~
445 ~~under the Florida Bright Futures Scholarship Program.~~ Fifty
446 percent of technology fee revenues may be pledged by a Florida
447 College System institution board of trustees as a dedicated
448 revenue source for the repayment of debt, including lease-
449 purchase agreements, not to exceed the useful life of the asset
450 being financed. Revenues generated from the technology fee may
451 not be bonded.

452 Section 11. Subsection (13), paragraph (r) of subsection
453 (14), paragraphs (a) and (b) of subsection (15), paragraphs (a),
454 (b), and (e) of subsection (16), and subsection (20) of section
455 1009.24, Florida Statutes, are amended to read:

456 1009.24 State university student fees.—

457 (13) Each university board of trustees may establish a
458 technology fee of up to 5 percent of the tuition per credit
459 hour. The revenue from this fee shall be used to enhance
460 instructional technology resources for students and faculty. ~~The~~
461 ~~technology fee may not be included in any award under the~~
462 ~~Florida Bright Futures Scholarship Program established pursuant~~
463 ~~to ss. 1009.53-1009.538.~~

464 (14) Except as otherwise provided in subsection (15), each

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465 university board of trustees is authorized to establish the
466 following fees:

467 (r) Traffic and parking fines, charges for parking decals,
468 and transportation access fees. Only universitywide
469 transportation access fees may be included in any state
470 financial assistance award authorized under part III of this
471 chapter, as specifically authorized by law or the General
472 Appropriations Act.

473

474 With the exception of housing rental rates and except as
475 otherwise provided, fees assessed pursuant to paragraphs (h)-(s)
476 shall be based on reasonable costs of services. The Board of
477 Governors shall adopt regulations and timetables necessary to
478 implement the fees and fines authorized under this subsection.
479 The fees assessed under this subsection may be used for debt
480 only as authorized under s. 1010.62.

481 (15) (a) Unless otherwise required, a university board of
482 trustees may adopt, and the Board of Governors may approve:

483 1. A proposal from a university board of trustees to
484 establish a new student fee that is not specifically authorized
485 by this section.

486 2. A proposal from a university board of trustees to
487 increase the current cap for an existing fee authorized pursuant
488 to paragraphs (14) (a)-(g).

489 3.a. A proposal from a university board of trustees to
490 implement flexible tuition policies, such as undergraduate or
491 graduate block tuition, block tuition differential, or market
492 tuition rates for graduate-level online courses or graduate-
493 level courses offered through a university's continuing

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494 education program. A block tuition policy for resident
495 undergraduate students or undergraduate-level courses must ~~shall~~
496 be based on the per-credit-hour undergraduate tuition
497 established under subsection (4). A block tuition policy for
498 nonresident undergraduate students must ~~shall~~ be based on the
499 per-credit-hour undergraduate tuition and out-of-state fee
500 established under subsection (4). Flexible tuition policies,
501 including block tuition, may not increase the state's fiscal
502 liability or obligation.

503 b. A block tuition policy, which must be adopted by each
504 university board of trustees for implementation beginning in the
505 fall 2018 academic semester. The policy must apply to the
506 entering freshman class of full-time, first-time-in-college
507 students and may be extended to include other enrolled students.
508 The policy must, at a minimum:

509 (I) Include block tuition and any required fees, including,
510 but not limited to, tuition differential fees, activity and
511 service fees, financial aid fees, capital improvement fees,
512 athletic fees, health fees, and technology fees.

513 (II) Require the university to maximize the application of
514 appropriate accelerated credits to minimize unnecessary credits
515 and excess hours.

516 (III) Enable students to have the flexibility to earn at
517 least 30 credits per academic year in any combination of fall,
518 spring, and summer academic terms or semesters.

519 (b) A proposal developed pursuant to paragraph (a) shall be
520 submitted in accordance with the public notification
521 requirements of subsection (20) and guidelines established by
522 the Board of Governors. Approval by the Board of Governors of

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523 such proposals ~~proposal~~ must be made in accordance with ~~the~~
524 ~~provisions of~~ this subsection. Each state university board of
525 trustees must, by April 1, 2018, submit to the Board of
526 Governors its board-approved block tuition policy, adopted
527 pursuant to subparagraph (a)3., along with information on the
528 potential impact of the policy on students. By August 1, 2018,
529 the Chancellor of the State University System must submit to the
530 Governor, the President of the Senate, and the Speaker of the
531 House of Representatives a summary report of such policies, the
532 status of the board's review and approval of such policies, and
533 the board's recommendations for improving block tuition and fee
534 benefits for students.

535 (16) Each university board of trustees may establish a
536 tuition differential for undergraduate courses upon receipt of
537 approval from the Board of Governors. However, beginning July 1,
538 2014, the Board of Governors may only approve the establishment
539 of or an increase in tuition differential for a state research
540 university designated as a preeminent state research university
541 pursuant to s. 1001.7065(3). The tuition differential shall
542 promote improvements in the quality of undergraduate education
543 and shall provide financial aid to undergraduate students who
544 exhibit financial need.

545 (a) Seventy percent of the revenues from the tuition
546 differential shall be expended for purposes of undergraduate
547 education. Such expenditures may include, but are not limited
548 to, increasing course offerings, improving graduation rates,
549 increasing the percentage of undergraduate students who are
550 taught by faculty, decreasing student-faculty ratios, providing
551 salary increases for faculty who have a history of excellent

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552 teaching in undergraduate courses, improving the efficiency of
553 the delivery of undergraduate education through academic
554 advisement and counseling, and reducing the percentage of
555 students who graduate with excess hours. This expenditure for
556 undergraduate education may not be used to pay the salaries of
557 graduate teaching assistants. Except as otherwise provided in
558 this subsection, the remaining 30 percent of the revenues from
559 the tuition differential, or the equivalent amount of revenue
560 from private sources, shall be expended to provide financial aid
561 to undergraduate students who exhibit financial need, including
562 students who are scholarship recipients under s. 1009.984, to
563 meet the cost of university attendance. This expenditure for
564 need-based financial aid shall not supplant the amount of need-
565 based aid provided to undergraduate students in the preceding
566 fiscal year from financial aid fee revenues, the direct
567 appropriation for financial assistance provided to state
568 universities in the General Appropriations Act, or from private
569 sources. The total amount of tuition differential waived under
570 subparagraph (b) 7. ~~(b) 8.~~ may be included in calculating the
571 expenditures for need-based financial aid to undergraduate
572 students required by this subsection. If the entire tuition and
573 fee costs of resident students who have applied for and received
574 Pell Grant funds have been met and the university has excess
575 funds remaining from the 30 percent of the revenues from the
576 tuition differential required to be used to assist students who
577 exhibit financial need, the university may expend the excess
578 portion in the same manner as required for the other 70 percent
579 of the tuition differential revenues.

580 (b) Each tuition differential is subject to the following

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581 conditions:

582 1. The tuition differential may be assessed on one or more
583 undergraduate courses or on all undergraduate courses at a state
584 university.

585 2. The tuition differential may vary by course or courses,
586 by campus or center location, and by institution. Each
587 university board of trustees shall strive to maintain and
588 increase enrollment in degree programs related to math, science,
589 high technology, and other state or regional high-need fields
590 when establishing tuition differentials by course.

591 3. For each state university that is designated as a
592 preeminent state research university by the Board of Governors,
593 pursuant to s. 1001.7065, the aggregate sum of tuition and the
594 tuition differential may be increased by no more than 6 percent
595 of the total charged for the aggregate sum of these fees in the
596 preceding fiscal year. The tuition differential may be increased
597 if the university meets or exceeds performance standard targets
598 for that university established annually by the Board of
599 Governors for the following performance standards, amounting to
600 no more than a 2-percent increase in the tuition differential
601 for each performance standard:

602 a. An increase in the 4-year ~~6-year~~ graduation rate for
603 full-time, first-time-in-college students, as reported annually
604 to the Integrated Postsecondary Education Data System.

605 b. An increase in the total annual research expenditures.

606 c. An increase in the total patents awarded by the United
607 States Patent and Trademark Office for the most recent years.

608 4. The aggregate sum of undergraduate tuition and fees per
609 credit hour, including the tuition differential, may not exceed

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610 the national average of undergraduate tuition and fees at 4-year
611 degree-granting public postsecondary educational institutions.

612 ~~5. The tuition differential shall not be included in any~~
613 ~~award under the Florida Bright Futures Scholarship Program~~
614 ~~established pursuant to ss. 1009.53-1009.538.~~

615 5.6. Beneficiaries having prepaid tuition contracts
616 pursuant to s. 1009.98(2)(b) which were in effect on July 1,
617 2007, and which remain in effect, are exempt from the payment of
618 the tuition differential.

619 6.7. The tuition differential may not be charged to any
620 student who was in attendance at the university before July 1,
621 2007, and who maintains continuous enrollment.

622 7.8. The tuition differential may be waived by the
623 university for students who meet the eligibility requirements
624 for the Florida public student assistance grant established in
625 s. 1009.50.

626 8.9. Subject to approval by the Board of Governors, the
627 tuition differential authorized pursuant to this subsection may
628 take effect with the 2009 fall term.

629 (e) The Board of Governors shall submit a report to the
630 President of the Senate, the Speaker of the House of
631 Representatives, and the Governor describing the implementation
632 of the provisions of this subsection no later than February 1 of
633 each year. The report shall summarize proposals received by the
634 board during the preceding fiscal year and actions taken by the
635 board in response to such proposals. In addition, the report
636 shall provide the following information for each university that
637 has been approved by the board to assess a tuition differential:

638 1. The course or courses for which the tuition differential

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639 was assessed and the amount assessed.

640 2. The total revenues generated by the tuition
641 differential.

642 3. With respect to waivers authorized under subparagraph
643 (b)7. ~~(b)8.~~, the number of students eligible for a waiver, the
644 number of students receiving a waiver, and the value of waivers
645 provided.

646 4. Detailed expenditures of the revenues generated by the
647 tuition differential.

648 5. Changes in retention rates, graduation rates, the
649 percentage of students graduating with more than 110 percent of
650 the hours required for graduation, pass rates on licensure
651 examinations, the number of undergraduate course offerings, the
652 percentage of undergraduate students who are taught by faculty,
653 student-faculty ratios, and the average salaries of faculty who
654 teach undergraduate courses.

655 (20) Each state university shall publicly notice and notify
656 all enrolled students of any proposal to change ~~increase~~ tuition
657 or fees at least 28 days before its consideration at a board of
658 trustees meeting. The notice must:

659 (a) Include the date and time of the meeting at which the
660 proposal will be considered.

661 (b) Specifically outline the details of existing tuition
662 and fees, the rationale for the proposed change ~~increase~~, and
663 how the funds from the proposed change ~~increase~~ will be used.

664 (c) Be posted on the university's website and issued in a
665 press release.

666 Section 12. Subsection (9) of section 1009.53, Florida
667 Statutes, is amended to read:

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668 1009.53 Florida Bright Futures Scholarship Program.—

669 (9) A student may use a Florida Academic Scholars ~~an~~ award
670 for summer term enrollment beginning in the 2018 summer term, as
671 funded by the Legislature. A student may use a Florida Medallion
672 Scholars award for summer term enrollment beginning in the 2019
673 summer term, as funded by the Legislature. A student may use
674 other Florida Bright Futures Scholarship Program awards for
675 summer term enrollment, if funded by the Legislature ~~if funds~~
676 ~~are available.~~

677 Section 13. Subsection (2) of section 1009.534, Florida
678 Statutes, is amended to read:

679 1009.534 Florida Academic Scholars award.—

680 (2) A Florida Academic Scholar who is enrolled in a
681 certificate, diploma, associate, or baccalaureate degree program
682 at a public or nonpublic postsecondary education institution is
683 eligible, beginning in the 2017-2018 academic year, for an award
684 equal to the amount necessary to pay 100 percent of tuition and
685 fees established under ss. 1009.22(3), (5), (6), and (7);
686 1009.23(3), (4), (7), (8), (10), and (11); and 1009.24(4), (7)-
687 (13), (14)(r), and (16), as applicable, and is eligible for an
688 additional \$300 each fall and spring academic semester or the
689 equivalent for textbooks, ~~specified in the General~~
690 ~~Appropriations Act~~ to assist with the payment of educational
691 expenses.

692 Section 14. Subsection (2) of section 1009.535, Florida
693 Statutes, is amended to read:

694 1009.535 Florida Medallion Scholars award.—

695 (2) A Florida Medallion Scholar who is enrolled in a
696 certificate, diploma, associate, or baccalaureate degree program

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697 at a public or nonpublic postsecondary education institution is
698 eligible, beginning in the fall 2018 semester, for an award
699 equal to the amount necessary to pay 75 percent of tuition and
700 fees established under ss. 1009.22(3), (5), (6), and (7);
701 1009.23(3), (4), (7), (8), (10), and (11); and 1009.24(4), (7)-
702 (13), (14)(r), and (16), as applicable ~~specified in the General~~
703 ~~Appropriations Act~~ to assist with the payment of educational
704 expenses.

705 Section 15. Subsections (1), (2), and (4) and paragraph (c)
706 of subsection (5) of section 1009.701, Florida Statutes, are
707 amended to read:

708 1009.701 First Generation Matching Grant Program.—

709 (1) The First Generation Matching Grant Program is created
710 to enable each state university and Florida College System
711 institution to provide donors with a matching grant incentive
712 for contributions that will create grant-based student financial
713 aid for undergraduate students who demonstrate financial need
714 and whose parents, as defined in s. 1009.21(1), have not earned
715 a baccalaureate degree. In the case of any individual who
716 regularly resided with and received support from only one
717 parent, an individual whose only such parent did not complete a
718 baccalaureate degree would also be eligible.

719 (2) Funds appropriated by the Legislature for the program
720 shall be allocated by the Office of Student Financial Assistance
721 to match private contributions on a dollar-for-dollar basis;
722 however, beginning in the 2018-2019 fiscal year, such funds
723 shall be allocated at a ratio of \$2 of state funds to \$1 of
724 private contributions. Contributions made to a state university
725 or a Florida College System institution and pledged for the

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726 purposes of this section are eligible for state matching funds
727 appropriated for this program and are not eligible for any other
728 state matching grant program. Pledged contributions are not
729 eligible for matching prior to the actual collection of the
730 total funds. The Office of Student Financial Assistance shall
731 reserve a proportionate allocation of the total appropriated
732 funds for each state university and Florida College System
733 institution on the basis of full-time equivalent enrollment.
734 Funds that remain unmatched as of December 1 shall be
735 reallocated to state universities and colleges that have
736 remaining unmatched private contributions for the program on the
737 basis of full-time equivalent enrollment.

738 (4) Each participating state university and Florida College
739 System institution shall establish an application process,
740 determine student eligibility for initial and renewal awards in
741 conformance with subsection (5), identify the amount awarded to
742 each recipient, and notify recipients of the amount of their
743 awards.

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

746 (c) Be accepted at a state university or Florida College
747 System institution.

748 Section 16. Subsections (2), (4), and (5) of section
749 1009.893, Florida Statutes, are amended to read:

750 1009.893 Benacquisto Scholarship Program.—

751 (2) The Benacquisto Scholarship Program is created to
752 reward a ~~any Florida~~ high school graduate who receives
753 recognition as a National Merit Scholar or National Achievement
754 Scholar and who initially enrolls in the 2014-2015 academic year

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755 or, later, in a baccalaureate degree program at an eligible
756 Florida public or independent postsecondary educational
757 institution.

758 (4) In order to be eligible for an award under the
759 scholarship program, a student must meet the requirements of
760 paragraph (a) or paragraph (b).†

761 (a) A student who is a resident of the state, ~~Be a state~~
762 ~~resident~~ as determined in s. 1009.40 and rules of the State
763 Board of Education, must:†

764 1.~~(b)~~ Earn a standard Florida high school diploma or its
765 equivalent pursuant to s. 1002.3105, s. 1003.4281, s. 1003.4282,
766 or s. 1003.435 unless:

767 a.~~1~~ The student completes a home education program
768 according to s. 1002.41; or

769 b.~~2~~ The student earns a high school diploma from a non-
770 Florida school while living with a parent who is on military or
771 public service assignment out of this state;

772 2.~~(e)~~ Be accepted by and enroll in a Florida public or
773 independent postsecondary educational institution that is
774 regionally accredited; and

775 3.~~(d)~~ Be enrolled full-time in a baccalaureate degree
776 program at an eligible regionally accredited Florida public or
777 independent postsecondary educational institution during the
778 fall academic term following high school graduation.

779 (b) A student who initially enrolls in a baccalaureate
780 degree program in the 2018-2019 academic year or later and who
781 is not a resident of this state, as determined in s. 1009.40 and
782 rules of the State Board of Education, must:

783 1. Physically reside in this state on or near the campus of

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784 the postsecondary educational institution in which the student
785 is enrolled;

786 2. Earn a high school diploma from a school outside Florida
787 which is comparable to a standard Florida high school diploma or
788 its equivalent pursuant to s. 1002.3105, s. 1003.4281, s.
789 1003.4282, or s. 1003.435 or must complete a home education
790 program in another state; and

791 3. Be accepted by and enrolled full-time in a baccalaureate
792 degree program at an eligible regionally accredited Florida
793 public or independent postsecondary educational institution
794 during the fall academic term following high school graduation.

795 (5) (a) 1. An eligible student who meets the requirements of
796 paragraph (4) (a), who is a National Merit Scholar or National
797 Achievement Scholar, and who attends a Florida public
798 postsecondary educational institution shall receive a
799 scholarship award equal to the institutional cost of attendance
800 minus the sum of the student's Florida Bright Futures
801 Scholarship and National Merit Scholarship or National
802 Achievement Scholarship.

803 2. An eligible student who meets the requirements under
804 paragraph (4) (b), who is a National Merit Scholar, and who
805 attends a Florida public postsecondary educational institution
806 shall receive a scholarship award equal to the institutional
807 cost of attendance for a resident of this state minus the
808 student's National Merit Scholarship. Such student is exempt
809 from the payment of out-of-state fees.

810 (b) An eligible student who is a National Merit Scholar or
811 National Achievement Scholar and who attends a Florida
812 independent postsecondary educational institution shall receive

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813 a scholarship award equal to the highest cost of attendance for
814 a resident of this state enrolled at a Florida public
815 university, as reported by the Board of Governors of the State
816 University System, minus the sum of the student's Florida Bright
817 Futures Scholarship and National Merit Scholarship or National
818 Achievement Scholarship.

819 Section 17. Section 1009.894, Florida Statutes, is created
820 to read:

821 1009.894 Florida Farmworker Student Scholarship Program.-
822 The Legislature recognizes the vital contribution of farmworkers
823 to the economy of this state. The Florida Farmworker Student
824 Scholarship Program is created to provide scholarships for
825 farmworkers, as defined in s. 420.503, and the children of such
826 farmworkers.

827 (1) The Department of Education shall administer the
828 Florida Farmworker Student Scholarship Program according to
829 rules and procedures established by the State Board of
830 Education. Beginning in the 2017-2018 academic year, up to 50
831 scholarships shall be awarded annually according to the criteria
832 established in subsection (2) and contingent upon an
833 appropriation by the Legislature.

834 (2) (a) To be eligible for an initial scholarship, a student
835 must, at a minimum:

- 836 1. Have a resident status as required by s. 1009.40 and
837 rules of the State Board of Education;
838 2. Earn a minimum cumulative weighted grade point average
839 of 3.5 for all high school courses creditable toward a diploma;
840 3. Complete a minimum of 30 hours of community service; and
841 4. Have at least a 90 percent attendance rate and not have

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842 had any disciplinary action brought against him or her, as
843 documented on the student's high school transcript.

844
845 For purposes of this section, students who are undocumented for
846 federal immigration purposes are not eligible for an award.

847 (b) The department shall rank eligible initial applicants
848 for the purposes of awarding scholarships based on need, as
849 determined by the department.

850 (c) To renew a scholarship awarded pursuant to this
851 section, a student must maintain at least a cumulative grade
852 point average of 2.5 or higher on a 4.0 scale for college
853 coursework.

854 (3) A scholarship recipient must enroll in a minimum of 12
855 credit hours per term, or the equivalent, at a public
856 postsecondary educational institution in this state to receive
857 funding.

858 (4) A scholarship recipient may receive an award for a
859 maximum of 100 percent of the number of credit hours required to
860 complete an associate or baccalaureate degree program or receive
861 an award for a maximum of 100 percent of the credit hours or
862 clock hours required to complete up to 90 credit hours of a
863 program that terminates in a career certificate. The scholarship
864 recipient is eligible for an award equal to the amount required
865 to pay the tuition and fees established under ss. 1009.22(3),
866 (5), (6), and (7); 1009.23(3), (4), (7), (8), (10), and (11);
867 and 1009.24(4), (7)-(13), (14)(r), and (16), as applicable, at a
868 public postsecondary educational institution in this state.

869 Renewal scholarship awards must take precedence over new
870 scholarship awards in a year in which funds are not sufficient

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871 to accommodate both initial and renewal awards. The scholarship
872 must be prorated for any such year.

873 (5) Subject to appropriation by the Legislature, the
874 department shall annually issue awards from the scholarship
875 program. Before the registration period each semester, the
876 department shall transmit payment for each award to the
877 president or director of the postsecondary educational
878 institution, or his or her representative. However, the
879 department may withhold payment if the receiving institution
880 fails to submit the following reports or make the following
881 refunds to the department:

882 (a) Each institution shall certify to the department the
883 eligibility status of each student to receive a disbursement
884 within 30 days before the end of its regular registration
885 period, inclusive of a drop and add period. An institution is
886 not required to reevaluate the student eligibility after the end
887 of the drop and add period.

888 (b) An institution that receives funds from the scholarship
889 program must certify to the department the amount of funds
890 disbursed to each student and remit to the department any
891 undisbursed advance within 60 days after the end of the regular
892 registration period.

893 (6) The department shall allocate funds to the appropriate
894 institutions and collect and maintain data regarding the
895 scholarship program within the student financial assistance
896 database as specified in s. 1009.94.

897 Section 18. Present paragraphs (e) and (f) of subsection
898 (10) of section 1009.98, Florida Statutes, are redesignated as
899 paragraphs (f) and (g), respectively, and a new paragraph (e) is

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900 added to that subsection, to read:

901 1009.98 Stanley G. Tate Florida Prepaid College Program.—

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

903 (e) Notwithstanding the number of credit hours used by a
904 state university to assess the amount for registration fees,
905 tuition, tuition differential, or local fees, the amount paid by
906 the board to any state university on behalf of a qualified
907 beneficiary of an advance payment contract purchased before July
908 1, 2024, may not exceed the number of credit hours taken by that
909 qualified beneficiary at the state university.

910 Section 19. The provisions of this act creating ss.
911 1004.6497, 1004.6498, and 1009.894, Florida Statutes, and the
912 provisions amending ss. 1009.22, 1009.23, 1009.24, 1009.53, and
913 1009.534(2), Florida Statutes, apply retroactively to July 1,
914 2017.

915 Section 20. The Division of Law Revision and Information is
916 directed to substitute the term "Effective Access to Student
917 Education Grant Program" for "Florida Resident Access Grant
918 Program" and the term "Effective Access to Student Education
919 grant" for "Florida resident access grant" wherever those terms
920 appear in the Florida Statutes.

921 Section 21. For the 2018-2019 fiscal year, \$121,776,631 in
922 recurring funds from the Educational Enhancement Trust Fund and
923 \$1,736,404 in recurring funds from the General Revenue Fund are
924 appropriated to the Department of Education to implement this
925 act. Of these funds, \$1,737,223 from the Educational Enhancement
926 Trust Fund shall be used for 2019 summer term awards for Florida
927 Bright Futures Academic Scholars, \$28,416,515 from the
928 Educational Enhancement Trust Fund shall be used for 2019 summer

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929 term awards for Florida Bright Futures Medallion Scholars,
930 \$91,622,893 from the Educational Enhancement Trust Fund shall be
931 used for Florida Bright Futures Scholarship Program awards,
932 \$1,236,404 from the General Revenue Fund shall be used for the
933 Benacquisto Scholarship Program, and \$500,000 from the General
934 Revenue Fund shall be used for the Florida Farmworker Student
935 Scholarship Program.

936 Section 22. This act shall take effect upon becoming a law.