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HB 5601, Engrossed 1

2021 Legislature

1
2 An act relating to higher education; amending s.
3 1004.6495, F.S.; removing a provision relating to the
4 maximum annual start-up and enhancement grant awarded
5 per institution; amending s. 1009.89, F.S.; revising
6 eligibility criteria for the William L. Boyd, IV,
7 Effective Access to Student Education grant program;
8 requiring recipient institutions to submit a specified
9 report to the Department of Education; requiring each
10 recipient institution to report certain data to the
11 department; requiring the department to submit an
12 annual report to the Legislature and Governor;
13 requiring the State Board of Education to adopt rules;
14 repealing s. 1009.891, F.S., relating to the Access to
15 Better Learning and Education Grant Program; amending
16 s. 1012.976, F.S.; expanding state university
17 compensation limits to all state university employees,
18 rather than only state university administrative
19 employees; providing exceptions; providing
20 applicability; amending ss. 320.08056, 1009.40, and
21 1009.94, F.S.; conforming cross-references; providing
22 an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
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26 Section 1. Subsection (12) of section 320.08056, Florida
 27 Statutes, is amended to read:

28 320.08056 Specialty license plates.—

29 (12) Notwithstanding s. 320.08058(3)(a), the department,
 30 in cooperation with the independent colleges or universities as
 31 described ~~defined~~ in s. 1009.89 ~~or s. 1009.891~~, shall create a
 32 standard template specialty license plate with a unique logo or
 33 graphic identifying each independent college or university. Each
 34 independent college or university may elect to use this standard
 35 template specialty license plate in lieu of its own specialty
 36 license plate. Annual use fees from the sale of these license
 37 plates shall be distributed to the independent college or
 38 university for which the logo or graphic is displayed on the
 39 license plate and shall be used as provided in s. 320.08058(3).
 40 Independent colleges or universities opting to use the standard
 41 template specialty license plate shall have their plate sales
 42 combined for purposes of meeting the minimum license plate sales
 43 threshold in paragraph (8)(a) and for determining the license
 44 plate limit in s. 320.08053(3)(b). Specialty license plates
 45 created pursuant to this subsection must be ordered directly
 46 from the department.

47 Section 2. Paragraph (b) of subsection (5) of section
 48 1004.6495, Florida Statutes, is amended to read:

49 1004.6495 Florida Postsecondary Comprehensive Transition
 50 Program and Florida Center for Students with Unique Abilities.—

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51 (5) CENTER RESPONSIBILITIES.—The Florida Center for
 52 Students with Unique Abilities is established within the
 53 University of Central Florida. At a minimum, the center shall:

54 (b) Coordinate, facilitate, and oversee the statewide
 55 implementation of this section. At a minimum, the director
 56 shall:

57 1. Consult and collaborate with the National Center and
 58 the Coordinating Center, as identified in 20 U.S.C. s. 1140q,
 59 regarding guidelines established by the center for the effective
 60 implementation of the programs for students with disabilities
 61 and for students with intellectual disabilities which align with
 62 the federal requirements and with standards, quality indicators,
 63 and benchmarks identified by the National Center and the
 64 Coordinating Center.

65 2. Consult and collaborate with the Florida Talent
 66 Development Council to identify meaningful credentials for
 67 FPCTPs and to engage businesses and stakeholders to promote
 68 experiential training and employment opportunities for students
 69 with intellectual disabilities.

70 3. Establish requirements and timelines for the:

71 a. Submission and review of an application.

72 b. Approval or disapproval of an initial or renewal
 73 application.

74 c. Implementation of an FPCTP, which must begin no later
 75 than the academic year immediately following the academic year

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76 | during which the approval is granted.

77 | 4. Administer scholarship funds.

78 | 5. Administer FPCTP ~~start-up and enhancement~~ grants. From
 79 | funds appropriated in the 2016-2017 fiscal year for the FPCTP,
 80 | \$3 million shall be used for such grants. Thereafter, funds
 81 | appropriated for the FPCTP may only be used for such grants as
 82 | ~~if~~ specifically authorized in the General Appropriations Act.
 83 | ~~The maximum annual start-up and enhancement grant award shall be~~
 84 | ~~\$300,000 per institution.~~

85 | 6. Report on the implementation and administration of this
 86 | section by planning, advising, and evaluating approved degree,
 87 | certificate, and nondegree programs and the performance of
 88 | students and programs pursuant to subsection (8).

89 | Section 3. Paragraph (a) of subsection (1) of section
 90 | 1009.40, Florida Statutes, is amended to read:

91 | 1009.40 General requirements for student eligibility for
 92 | state financial aid awards and tuition assistance grants.—

93 | (1) (a) The general requirements for eligibility of
 94 | students for state financial aid awards and tuition assistance
 95 | grants consist of the following:

96 | 1. Achievement of the academic requirements of and
 97 | acceptance at a state university or Florida College System
 98 | institution; a nursing diploma school approved by the Florida
 99 | Board of Nursing; a Florida college or university which is
 100 | accredited by an accrediting agency recognized by the State

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101 Board of Education; a Florida institution the credits of which
 102 are acceptable for transfer to state universities; a career
 103 center; or a private career institution accredited by an
 104 accrediting agency recognized by the State Board of Education.

105 2. Residency in this state for no less than 1 year
 106 preceding the award of aid or a tuition assistance grant for a
 107 program established pursuant to s. 1009.50, s. 1009.505, s.
 108 1009.51, s. 1009.52, s. 1009.53, s. 1009.60, s. 1009.62, s.
 109 1009.72, s. 1009.73, s. 1009.77, or s. 1009.89, ~~or s. 1009.891~~.
 110 Residency in this state must be for purposes other than to
 111 obtain an education. Resident status for purposes of receiving
 112 state financial aid awards shall be determined in the same
 113 manner as resident status for tuition purposes pursuant to s.
 114 1009.21.

115 3. Submission of certification attesting to the accuracy,
 116 completeness, and correctness of information provided to
 117 demonstrate a student's eligibility to receive state financial
 118 aid awards or tuition assistance grants. Falsification of such
 119 information shall result in the denial of a pending application
 120 and revocation of an award or grant currently held to the extent
 121 that no further payments shall be made. Additionally, students
 122 who knowingly make false statements in order to receive state
 123 financial aid awards or tuition assistance grants commit a
 124 misdemeanor of the second degree subject to the provisions of s.
 125 837.06 and shall be required to return all state financial aid

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126 awards or tuition assistance grants wrongfully obtained.

127 Section 4. Subsections (3) and (4) of section 1009.89,
 128 Florida Statutes, are amended, and paragraphs (c) and (d) are
 129 added to subsection (5) and subsection (7) is added to that
 130 section, to read:

131 1009.89 The William L. Boyd, IV, Effective Access to
 132 Student Education grants.—

133 (3) The department shall issue through the program a
 134 William L. Boyd, IV, Effective Access to Student Education grant
 135 to any full-time degree-seeking undergraduate student registered
 136 at an independent nonprofit college or university which is
 137 located in and chartered by the state; which is accredited by
 138 the Commission on Colleges of the Southern Association of
 139 Colleges and Schools; which grants baccalaureate degrees; which
 140 is not a state university or Florida College System institution;
 141 and which has a secular purpose, so long as the receipt of state
 142 aid by students at the institution would not have the primary
 143 effect of advancing or impeding religion or result in an
 144 excessive entanglement between the state and any religious sect.
 145 ~~Any independent college or university that was eligible to~~
 146 ~~receive tuition vouchers on January 1, 1989, and which continues~~
 147 ~~to meet the criteria under which its eligibility was~~
 148 ~~established, shall remain eligible to receive William L. Boyd,~~
 149 ~~IV, Effective Access to Student Education grant payments.~~

150 (4) A person is eligible to receive such William L. Boyd,

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151 IV, Effective Access to Student Education grant if:

152 (a) He or she meets the general requirements, including
 153 residency, for student eligibility as provided in s. 1009.40,
 154 except as otherwise provided in this section; ~~and.~~

155 (b)1. He or she is enrolled as a full-time undergraduate
 156 student at an eligible college or university in a program of
 157 study leading to a baccalaureate degree.

158 2. He or she is not enrolled in a program of study leading
 159 to a degree in theology or divinity. ~~and~~

160 3. He or she is making satisfactory academic progress as
 161 defined by the State Board of Education ~~college or university in~~
 162 ~~which he or she is enrolled.~~

163 4. He or she has not completed more than 110 percent of
 164 the degree program in which he or she is enrolled.

165 (5)

166 (c) By September 1 of each year institutions receiving
 167 funding as provided in the General Appropriations Act must
 168 submit an Effective Access to Student Education Grant Program
 169 Accountability Report to the Department of Education, in a
 170 format prescribed by the department. The report must use the
 171 most recently available information on Florida resident students
 172 and include, at a minimum, the following performance metrics, by
 173 institution:

174 1. Access rate based upon percentage of Pell-eligible
 175 students.

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176 2. Affordability rate based upon average student loan
 177 debt; federal, state, and institutional financial assistance;
 178 and average tuition and fees.

179 3. Graduation rate.

180 4. Retention rate.

181 5. Postgraduate employment or continuing education rate.

182
 183 The department shall recommend minimum performance standards
 184 that institutions must meet to remain eligible to receive grants
 185 pursuant to this section.

186 (d) By October 1 of each year, the department shall submit
 187 a report to the chair of the House Appropriations Committee, the
 188 chair of the Senate Appropriations Committee, and the Governor's
 189 Office of Policy and Budget on the performance of eligible
 190 institutions and the institutions that have not met the minimum
 191 performance standards recommended by the department.

192 (7) The State Board of Education shall adopt rules to
 193 implement this section.

194 Section 5. Section 1009.891, Florida Statutes, is
 195 repealed.

196 Section 6. Paragraph (c) of subsection (2) of section
 197 1009.94, Florida Statutes, is amended to read:

198 1009.94 Student financial assistance database.—

199 (2) For purposes of this section, financial assistance
 200 includes:

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201 (c) Any financial assistance provided under s. 1009.50, s.
 202 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.55, s.
 203 1009.60, s. 1009.62, s. 1009.70, s. 1009.701, s. 1009.72, s.
 204 1009.73, s. 1009.74, s. 1009.77, or s. 1009.89, ~~or s. 1009.891.~~

205 Section 7. Section 1012.976, Florida Statutes, is amended
 206 to read:

207 1012.976 Remuneration of state university ~~administrative~~
 208 employees; limitations.—

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

210 (a) "Appropriated state funds" means funds appropriated
 211 from the General Revenue Fund or funds appropriated from state
 212 trust funds.

213 (b) "Cash-equivalent compensation" means any benefit that
 214 may be assigned an equivalent cash value.

215 (c) "Remuneration" means salary, bonuses, and cash-
 216 equivalent compensation paid to a state university
 217 ~~administrative~~ employee by his or her employer for work
 218 performed, excluding health insurance benefits and retirement
 219 benefits.

220 (2) LIMITATION ON COMPENSATION.—Notwithstanding any other
 221 law, resolution, or rule to the contrary, a state university
 222 ~~administrative~~ employee may not receive more than \$200,000 in
 223 remuneration annually from appropriated state funds. Only
 224 compensation, as such term is defined in s. 121.021(22),
 225 provided to a state university ~~administrative~~ employee may be

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226 | used in calculating benefits under chapter 121.

227 | (3) EXCEPTIONS.—This section does not prohibit any party
 228 | from providing cash or cash-equivalent compensation from funds
 229 | that are not appropriated state funds to a state university
 230 | ~~administrative~~ employee in excess of the limit in subsection
 231 | (2). If a party is unable or unwilling to fulfill an obligation
 232 | to provide cash or cash-equivalent compensation to a state
 233 | university ~~administrative~~ employee as permitted under this
 234 | subsection, appropriated state funds may not be used to fulfill
 235 | such obligation. This section does not apply to university
 236 | teaching faculty in instructional programs classified as
 237 | Computer Information Sciences and Support Services; Engineering;
 238 | Engineering Technologies and Engineering-Related Fields; Florida
 239 | Mental Health Institute; Health Professions and Related
 240 | Programs; Homeland Security, Law Enforcement, Firefighting, and
 241 | Related Fields; Mathematics; Nursing; Physical Sciences; or
 242 | medical school faculty or staff.

243 | Section 8. This act shall take effect July 1, 2021.