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605-02393E-09

Proposed Committee Substitute by the Committee on Higher
Education Appropriations

1 A bill to be entitled
2 An act relating to higher education funding; amending
3 s. 216.136, F.S.; requiring the Education Estimating
4 Conference to develop information relating to the
5 national average of tuition and fees; amending s.
6 1001.64, F.S.; prohibiting a community college board
7 of trustees from entering into an employment contract
8 that requires the community college to pay the
9 president an amount from state funds in excess of 1
10 year of the president's annual salary for termination,
11 buy-out, or any other type of contract settlement;
12 providing that the payment of leave and benefits
13 accrued by the president before the contract
14 terminates is not prohibited; limiting the
15 remuneration that a community college president
16 receives annually from state funds; providing a
17 definition for the term "remuneration"; limiting the
18 president's compensation that is used to calculate
19 benefits under ch. 121, F.S.; amending s. 1001.706,
20 F.S.; prohibiting the Board of Governors from entering
21 into an employment contract that requires the board to
22 pay an employee an amount from state funds in excess
23 of 1 year of the employee's annual salary for
24 termination, buy-out, or any other type of contract
25 settlement; providing that the payment of leave and
26 benefits accrued by the employee before the contract
27 terminates is not prohibited; amending s. 1001.74,



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28 F.S.; prohibiting a university board of trustees from
29 entering into an employment contract that requires the
30 university to pay an employee an amount from state
31 funds in excess of 1 year of the employee's annual
32 salary for termination, buy-out, or any other type of
33 contract settlement; providing that the payment of
34 leave and benefits accrued by the employee before the
35 contract terminates is not prohibited; amending s.
36 1007.33, F.S.; suspending the authorization for a
37 community college or the State Board of Education to
38 develop new community college baccalaureate degree
39 programs during the 2009-2010 fiscal year; amending s.
40 1009.01, F.S.; revising the definition of the term
41 "tuition differential"; amending s. 1009.21, F.S.;
42 revising definitions; defining the terms "initial
43 enrollment" and "nonresident for tuition purposes";
44 revising provisions relating to the qualifications as
45 a resident for tuition purposes; requiring certain
46 documentation to demonstrate state residency; amending
47 s. 1009.24, F.S.; increasing the maximum percentage of
48 adjustments that a state university is permitted to
49 make to out-of-state fees or tuition for graduate
50 programs; revising provisions relating to the use of
51 the student financial aid fee; deleting obsolete
52 provisions; revising provisions relating to the
53 establishment of a tuition differential; providing
54 requirements for the assessment and expenditure of a
55 tuition differential; providing requirements for a
56 university board of trustees to submit a proposal to



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57 the Board of Governors to implement a tuition
58 differential; requiring the Board of Governors' review
59 and approval of a proposal; requiring the Board of
60 Governors to report specified information annually to
61 the Legislature and the Governor; creating s.
62 1009.286, F.S.; requiring an additional payment for
63 credit hours exceeding the requirements for completing
64 a baccalaureate degree program; providing exceptions;
65 requiring notice upon a student's initial enrollment
66 in a state university or community college; amending
67 s. 1009.53, F.S.; requiring that an institution refund
68 within a specified period after the end of a semester
69 funds from the Florida Bright Futures Scholarship for
70 courses dropped by students after the end of the drop
71 and add period; providing exceptions; amending s.
72 1009.532, F.S.; revising the requirements for student
73 eligibility to renew a scholarship under the Florida
74 Bright Futures Scholarship Program; amending s.
75 1009.534, F.S.; revising provisions relating to the
76 Florida Academic Scholars Award; amending s. 1009.536,
77 F.S.; deleting a provision that allows a Florida Gold
78 Seal Scholar to apply for a Florida Medallion Scholars
79 award; amending ss. 1009.57, 1009.58, 1009.59,
80 1009.60, and 1009.605, F.S.; revising provisions
81 relating to the Florida Teacher Scholarship and
82 Forgivable Loan Program, the Critical Teacher Shortage
83 Student Loan Forgiveness Program, the minority teacher
84 education scholars program, and the Florida Fund for
85 Minority Teachers, Inc.; requiring that the amount of



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86 scholarships awarded under such programs be prorated
87 based on available appropriations and not exceed
88 specified amounts; amending s. 1009.701, F.S.;
89 requiring that an applicant under the First Generation
90 Matching Grant Program meet the same eligibility
91 requirements required under the Florida Public Student
92 Assistance Grant Program; repealing s. 1009.765, F.S.,
93 relating to Ethics in Business scholarships for
94 community colleges and independent postsecondary
95 educational institutions; amending s. 1009.98, F.S.;
96 revising provisions relating to the prepaid community
97 college and university plans; authorizing the Florida
98 Prepaid College Board to offer an advance payment
99 contract covering certain fees for such plans;
100 providing definitions regarding payments on behalf of
101 qualified beneficiaries of an advance payment
102 contract; providing the amounts of fees to be paid by
103 the board; providing an exemption for certain
104 qualified beneficiaries from paying any tuition
105 differential fee; requiring that the board pay state
106 universities the actual amount assessed for
107 registration fees and tuition differential fees for
108 certain advanced payment contracts; requiring that the
109 board pay state universities the actual amount
110 assessed for local fees and dormitory fees; requiring
111 that the board pay community colleges and career
112 centers the actual amount assessed for registration
113 fees and local fees; amending s. 1011.83, F.S.;
114 revising provisions relating to financial support of



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115 community colleges; providing for state funding of
116 baccalaureate degree programs in the General
117 Appropriations Act; requiring that the Board of
118 Governors review a community college's baccalaureate
119 degree programs for possible transfer under the Board
120 of Governors' oversight if the community college
121 offers more than a specified number of baccalaureate
122 degrees; amending ss. 1011.32, 1011.85, and 1011.94,
123 F.S.; requiring that donors be notified of a delay in
124 the availability of state matching funds for the
125 Community College Facility Enhancement Challenge Grant
126 Program, the Dr. Philip Benjamin Matching Grant
127 Program for Community Colleges, and the University
128 Major Gifts Program; amending s. 1012.83, F.S.;
129 conforming provisions relating to contracts with
130 community college administrative and instructional
131 staff to changes made by the act; amending s. 1013.79,
132 F.S.; providing that a university is not precluded
133 from expending funds from private sources to develop a
134 prospectus; requiring that donors be notified of a
135 delay in the availability of state matching funds for
136 the University Facility Enhancement Challenge Grant
137 Program; providing an effective date.

138
139 Be It Enacted by the Legislature of the State of Florida:

140
141 Section 1. Paragraph (a) of subsection (4) of section
142 216.136, Florida Statutes, is amended to read:
143 216.136 Consensus estimating conferences; duties and



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144 principals.-

145 (4) EDUCATION ESTIMATING CONFERENCE.-

146 (a) The Education Estimating Conference shall develop such
147 official information relating to the state public and private
148 educational system, including forecasts of student enrollments,
149 the national average of tuition and fees at public postsecondary
150 educational institutions, the number of students qualified for
151 state financial aid programs and for the William L. Boyd, IV,
152 Florida Resident Access Grant Program and the appropriation
153 required to fund the full award amounts for each program, fixed
154 capital outlay needs, and Florida Education Finance Program
155 formula needs, as the conference determines is needed for the
156 state planning and budgeting system. The conference's initial
157 projections of enrollments in public schools shall be forwarded
158 by the conference to each school district no later than 2 months
159 prior to the start of the regular session of the Legislature.
160 Each school district may, in writing, request adjustments to the
161 initial projections. Any adjustment request shall be submitted
162 to the conference no later than 1 month prior to the start of
163 the regular session of the Legislature and shall be considered
164 by the principals of the conference. A school district may amend
165 its adjustment request, in writing, during the first 3 weeks of
166 the legislative session, and such amended adjustment request
167 shall be considered by the principals of the conference. For any
168 adjustment so requested, the district shall indicate and
169 explain, using definitions adopted by the conference, the
170 components of anticipated enrollment changes that correspond to
171 continuation of current programs with workload changes; program
172 improvement; program reduction or elimination; initiation of new



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173 programs; and any other information that may be needed by the
174 Legislature. For public schools, the conference shall submit its
175 full-time equivalent student consensus estimate to the
176 Legislature no later than 1 month after the start of the regular
177 session of the Legislature. No conference estimate may be
178 changed without the agreement of the full conference.

179 Section 2. Subsections (47) and (48) are added to section
180 1001.64, Florida Statutes, to read:

181 1001.64 Community college boards of trustees; powers and
182 duties.—

183 (47) A board of trustees may not enter into an employment
184 contract that requires the community college to pay a community
185 college president an amount from state funds in excess of 1 year
186 of the president's annual salary for termination, buy-out, or
187 any other type of contract settlement. This subsection does not
188 prohibit the payment of leave and benefits accrued by the
189 president in accordance with the community college's leave and
190 benefits policies before the contract terminates.

191 (48) Notwithstanding any other law, resolution, or rule to
192 the contrary, a community college president may not receive more
193 than \$225,000 in remuneration annually from state funds. As used
194 in this subsection, the term "remuneration" means salary,
195 bonuses, and cash-equivalent compensation paid to a community
196 college president by his or her employer for work performed,
197 excluding health insurance benefits and retirement benefits.
198 Only compensation, as defined in s. 121.021(22), which is
199 provided to a community college president may be used in
200 calculating benefits under chapter 121.

201 Section 3. Paragraph (d) is added to subsection (5) of



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202 section 1001.706, Florida Statutes, to read:

203 1001.706 Powers and duties of the Board of Governors.—

204 (5) POWERS AND DUTIES RELATING TO PERSONNEL.—

205 (d) The Board of Governors may not enter into an employment
206 contract that requires the board to pay an employee an amount
207 from state funds in excess of 1 year of the employee's annual
208 salary for termination, buy-out, or any other type of contract
209 settlement. This subsection does not prohibit the payment of
210 leave and benefits accrued by the employee in accordance with
211 the board's leave and benefits policies before the contract
212 terminates.

213 Section 4. Paragraph (d) is added to subsection (5) of
214 section 1001.74, Florida Statutes, to read:

215 1001.74 Powers and duties of university boards of
216 trustees.—

217 (5) POWERS AND DUTIES RELATING TO PERSONNEL.—

218 (d) A board of trustees may not enter into an employment
219 contract that requires the university to pay an employee an
220 amount from state funds in excess of 1 year of the employee's
221 annual salary for termination, buy-out, or any other type of
222 contract settlement. This subsection does not prohibit the
223 payment of leave and benefits accrued by the employee in
224 accordance with the university's leave and benefits policies
225 before the contract terminates.

226 Section 5. Subsection (5) is added to section 1007.33,
227 Florida Statutes, to read:

228 1007.33 Site-determined baccalaureate degree access.—

229 (5) The authorization provided in this section, and any
230 other state law, for a community college or the State Board of



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231 Education to develop new community college baccalaureate degree
232 programs, is suspended during the 2009-2010 fiscal year.

233 Section 6. Subsection (3) of section 1009.01, Florida
234 Statutes, is amended to read:

235 1009.01 Definitions.—The term:

236 (3) "Tuition differential" means the supplemental fee
237 charged to a student ~~for instruction provided~~ by a public
238 university in this state pursuant to s. 1009.24(16).

239 Section 7. Subsections (1), (2), (3), and (4) and paragraph
240 (d) of subsection (10) of section 1009.21, Florida Statutes, are
241 amended to read:

242 1009.21 Determination of resident status for tuition
243 purposes.—Students shall be classified as residents or
244 nonresidents for the purpose of assessing tuition in community
245 colleges and state universities.

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

247 (a) ~~The term~~ "Dependent child" means any person, whether or
248 not living with his or her parent, who is eligible to be claimed
249 by his or her parent as a dependent under the federal income tax
250 code.

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

253 (c) ~~(b)~~ The term "Institution of higher education" means any
254 public community college as defined in s. 1000.21(3) or state
255 university as defined in s. 1000.21(6).

256 (d) ~~(c)~~ A "Legal resident" or "resident" means is a person
257 who has maintained his or her residence in this state for the
258 preceding year, has purchased a home which is occupied by him or
259 her as his or her residence, or has established a domicile in



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260 this state pursuant to s. 222.17.

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

263 (f) ~~(d)~~ The term "Parent" means the natural or adoptive
264 parent or legal guardian of a dependent child.

265 (g) ~~(e)~~ A "Resident for tuition purposes" means ~~is~~ a person
266 who qualifies as provided in subsection (2) for the in-state
267 tuition rate; a "nonresident for tuition purposes" is a person
268 who does not qualify for the in-state tuition rate.

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

270 1. A person or, if that person is a dependent child, his or
271 her parent or parents must have established legal residence in
272 this state and must have maintained legal residence in this
273 state for at least 12 consecutive months immediately prior to
274 his or her initial enrollment in an institution of higher
275 education qualification. Legal residence must be established by
276 written or electronic verification including two or more of the
277 following documents that demonstrate clear and convincing
278 evidence of continuous residence in the state for at least 12
279 consecutive months prior to the student's initial enrollment in
280 an institution of higher education:

281 a. A voter information card pursuant to s. 97.071;

282 b. A driver's license;

283 c. An identification card issued by the State of Florida;

284 d. A vehicle registration;

285 e. A declaration of domicile;

286 f. Proof of purchase of a permanent home;

287 g. Proof of a homestead exemption in Florida;

288 h. A transcript from a Florida high school;



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- 289 i. A Florida high school equivalency diploma and
290 transcript;
291 j. Proof of permanent full-time employment;
292 k. Proof of 12 consecutive months of payment of utility
293 bills;
294 l. A domicile lease and proof of 12 consecutive months of
295 payments; or
296 m. Other official state or court documents evidencing legal
297 ties to Florida.

298

299 No single piece of evidence shall be conclusive.

300 2. Every applicant for admission to an institution of
301 higher education shall be required to make a statement as to his
302 or her length of residence in the state and, further, shall
303 establish that his or her presence or, if the applicant is a
304 dependent child, the presence of his or her parent or parents in
305 the state currently is, and during the requisite 12-month
306 qualifying period was, for the purpose of maintaining a bona
307 fide domicile, rather than for the purpose of maintaining a mere
308 temporary residence or abode incident to enrollment in an
309 institution of higher education.

310 (b) However, with respect to a dependent child living with
311 an adult relative other than the child's parent, such child may
312 qualify as a resident for tuition purposes if the adult relative
313 is a legal resident who has maintained legal residence in this
314 state for at least 12 consecutive months immediately prior to
315 the child's initial enrollment in an institution of higher
316 education ~~qualification~~, provided the child has resided
317 continuously with such relative for the 5 years immediately



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318 prior to the child's initial enrollment in an institution of
319 higher education qualification, during which time the adult
320 relative has exercised day-to-day care, supervision, and control
321 of the child.

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

328 (d) A person who is classified as a nonresident for tuition
329 purposes may become eligible for reclassification as a resident
330 for tuition purposes if that person or, if that person is a
331 dependent child, his or her parent presents clear and convincing
332 evidence that supports permanent residency in this state rather
333 than temporary residency for the purpose of pursuing an
334 education, such as documentation of full-time permanent
335 employment for the prior 12 months or the purchase of a home in
336 this state and residence therein for the prior 12 months. If a
337 person who is a dependent child and his or her parent move to
338 this state while such child is a high school student and the
339 child graduates from a high school in this state, the child may
340 become eligible for reclassification as a resident for tuition
341 purposes when the parent qualifies for permanent residency.

342 (3) (a) An individual shall not be classified as a resident
343 for tuition purposes and, thus, shall not be eligible to receive
344 the in-state tuition rate until he or she has provided such
345 evidence related to legal residence and its duration or, if the
346 individual is a dependent child, documentation of his or her



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347 parent's legal residence and its duration, as well as
348 documentation confirming his or her status as a dependent child,
349 as may be required by law and by officials of the institution of
350 higher education from which he or she seeks the in-state tuition
351 rate. The documentation must provide clear and convincing
352 evidence that the individual has been a resident in this state
353 for a minimum of 12 consecutive months prior to the student's
354 initial enrollment in an institution of higher education. No
355 single piece of evidence shall be conclusive.

356 (b) Each institution of higher learning shall:

357 1. Determine whether an applicant who has been granted
358 admission to that institution is a dependent child.

359 2. Affirmatively determine that an applicant who has been
360 granted admission to that institution as a Florida resident
361 meets the residency requirements of this section at the time of
362 his or her initial enrollment.

363 (4) With respect to a dependent child, the legal residence
364 of the dependent child's ~~such individual's~~ parent or parents is
365 prima facie evidence of the dependent child's ~~individual's~~ legal
366 residence, which evidence may be reinforced or rebutted,
367 relative to the age and general circumstances of the dependent
368 child ~~individual~~, by the other evidence of legal residence
369 required of or presented by the dependent child ~~individual~~.
370 However, the legal residence of a dependent child's ~~an~~
371 ~~individual whose~~ parent or parents who are domiciled outside
372 this state is not prima facie evidence of the dependent child's
373 ~~individual's~~ legal residence if that dependent child ~~individual~~
374 has lived in this state for 5 consecutive years prior to
375 enrolling or reregistering at the institution of higher



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376 education at which resident status for tuition purposes is
377 sought.

378 (10) The following persons shall be classified as residents
379 for tuition purposes:

380 (d) Full-time instructional and administrative personnel
381 employed by state public schools, ~~community colleges,~~ and
382 institutions of higher education, ~~as defined in s. 1000.04,~~ and
383 their spouses and dependent children.

384 Section 8. Paragraph (c) of subsection (4) and subsections
385 (7) and (16) of section 1009.24, Florida Statutes, are amended
386 to read:

387 1009.24 State university student fees.—

388 (4)

389 (c) The Board of Governors, or the board's designee, may
390 establish tuition for graduate and professional programs, and
391 out-of-state fees for all programs. The sum of tuition and out-
392 of-state fees assessed to nonresident students must be
393 sufficient to offset the full instructional cost of serving such
394 students. However, adjustments to out-of-state fees or tuition
395 for graduate programs pursuant to this section may not exceed 15
396 ~~10~~ percent in any year, and adjustments to out-of-state fees or
397 tuition for professional programs may not exceed 15 percent in
398 any year.

399 (7) A university board of trustees is authorized to collect
400 for financial aid purposes an amount not to exceed 5 percent of
401 the tuition and out-of-state fee. The revenues from fees are to
402 remain at each campus and replace existing financial aid fees.
403 Such funds shall be disbursed to students as quickly as
404 possible. A minimum of 75 percent of funds from the student



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405 financial aid fee ~~for new financial aid awards~~ shall be used to
406 provide financial aid based on absolute need. ~~A student who has~~
407 ~~received an award prior to July 1, 1984, shall have his or her~~
408 ~~eligibility assessed on the same criteria that were used at the~~
409 ~~time of his or her original award.~~ The Board of Governors shall
410 develop criteria for making financial aid awards. Each
411 university shall report annually to the Board of Governors and
412 the Department of Education on the revenue collected pursuant to
413 this subsection, the amount carried forward, the criteria used
414 to make awards, the amount and number of awards for each
415 criterion, and a delineation of the distribution of such awards.
416 The report shall include an assessment by category of the
417 financial need of every student who receives an award,
418 regardless of the purpose for which the award is received.
419 Awards which are based on financial need shall be distributed in
420 accordance with a nationally recognized system of need analysis
421 approved by the Board of Governors. An award for academic merit
422 shall require a minimum overall grade point average of 3.0 on a
423 4.0 scale or the equivalent for both initial receipt of the
424 award and renewal of the award.

425 (16) Each university board of trustees may establish a
426 tuition differential for undergraduate courses upon receipt of
427 approval from the Board of Governors. The tuition differential
428 shall promote improvements in the quality of undergraduate
429 education and shall provide financial aid to undergraduate
430 students who exhibit financial need.

431 (a) Seventy-percent of the revenues from the tuition
432 differential shall be expended for purposes of undergraduate
433 education, including, but not limited to, increasing course



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434 offerings, improving graduation rates, increasing the percentage
435 of undergraduate students who are taught by faculty, decreasing
436 student-faculty ratios, providing salary increases for faculty
437 who have a history of excellent teaching in undergraduate
438 courses, improving the efficiency of the delivery of
439 undergraduate education through academic advisement and
440 counseling, and reducing the percentage of students who graduate
441 with excess hours. This expenditure for undergraduate education
442 may not be used to pay the salaries of graduate teaching
443 assistants. The remaining 30 percent of the revenues from the
444 tuition differential shall be expended to provide financial aid
445 to undergraduate students who exhibit financial need to meet the
446 cost of university attendance. This expenditure for need-based
447 financial aid shall not supplant the amount of need-based aid
448 provided to undergraduate students in the preceding fiscal year
449 from financial aid fee revenues or the direct appropriation for
450 financial assistance provided to state universities in the
451 General Appropriations Act.

452 (b) Each tuition differential is subject to the following
453 conditions:

454 1. The tuition differential may be assessed on one or more
455 undergraduate courses or on all undergraduate courses at a state
456 university.

457 2. For each state university that has total research and
458 development expenditures for all fields of at least \$100 million
459 per year as reported annually to the National Science
460 Foundation, the aggregate sum of tuition and the tuition
461 differential charged for a given course or courses may not be
462 increased by more than 15 percent of the total charged for the



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463 aggregate sum of these fees in the same course or courses in the
464 preceding fiscal year. For each state university that has total
465 research and development expenditures for all field of less than
466 \$100 million per year as reported annually to the National
467 Science Foundation, the aggregate sum of tuition and the tuition
468 differential charged for a given course or courses may not be
469 increased by more than 12.5 percent of the total charged for the
470 aggregate sum of these fees in the same course or courses in the
471 preceding fiscal year.

472 3. The aggregate sum of undergraduate tuition and fees per
473 credit hour, including the tuition differential, may not exceed
474 the national average of undergraduate tuition and fees at 4-year
475 degree-granting public postsecondary educational institutions.

476 4. The tuition differential may not be calculated as a part
477 of the scholarship programs established in ss. 1009.53-1009.538.

478 5. Beneficiaries having prepaid tuition contracts pursuant
479 to s. 1009.98(2)(b) which were in effect on July 1, 2007, and
480 which remain in effect, are exempt from the payment of the
481 tuition differential.

482 6. The tuition differential may not be charged to any
483 student who was in attendance at the university before July 1,
484 2007, and who maintains continuous enrollment.

485 7. The tuition differential may be waived by the university
486 for students who meet the eligibility requirements for the
487 Florida public student assistance grant established in s.
488 1009.50.

489 8. Subject to approval by the Board of Governors, the
490 tuition differential authorized pursuant to this subsection may
491 take effect with the 2009 fall term.



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492 (c) A university board of trustees may submit a proposal to
493 the Board of Governors to implement a tuition differential for
494 one or more undergraduate courses. At a minimum, the proposal
495 shall:

496 1. Identify the course or courses for which the tuition
497 differential will be assessed.

498 2. Indicate the amount that will be assessed for each
499 tuition differential proposed.

500 3. Indicate the purpose of the tuition differential.

501 4. Indicate how the revenues from the tuition differential
502 will be used.

503 5. Indicate how the university will monitor the success of
504 the tuition differential in achieving the purpose for which the
505 tuition differential is being assessed.

506 (d) The Board of Governors shall review each proposal and
507 advise the university board of trustees of approval of the
508 proposal, the need for additional information or revision to the
509 proposal, or denial of the proposal. The Board of Governors
510 shall establish a process for any university to revise a
511 proposal or appeal a decision of the board.

512 (e) The Board of Governors shall submit a report to the
513 President of the Senate, the Speaker of the House of
514 Representatives, and the Governor describing the implementation
515 of the provisions of this subsection no later than January 1,
516 2010, and no later than January 1 each year thereafter. The
517 report shall summarize proposals received by the board during
518 the preceding fiscal year and actions taken by the board in
519 response to such proposals. In addition, the report shall
520 provide the following information for each university that has



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521 been approved by the board to assess a tuition differential:

522 1. The course or courses for which the tuition differential
523 was assessed and the amount assessed.

524 2. The total revenues generated by the tuition
525 differential.

526 3. With respect to waivers authorized under subparagraph
527 (b)8., the number of students eligible for a waiver, the number
528 of students receiving a waiver, and the value of waivers
529 provided.

530 4. Detailed expenditures of the revenues generated by the
531 tuition differential.

532 5. Changes in retention rates, graduation rates, the
533 percentage of students graduating with more than 110 percent of
534 the hours required for graduation, pass rates on licensure
535 examinations, the number of undergraduate course offerings, the
536 percentage of undergraduate students who are taught by faculty,
537 student-faculty ratios, and the average salaries of faculty who
538 teach undergraduate courses.

539 (f) No state university shall be required to lower any
540 tuition differential that was approved by the Board of Governors
541 and in effect prior to January 1, 2009, in order to comply with
542 the provisions of this subsection. ~~The Board of Governors may~~
543 ~~establish a uniform maximum undergraduate tuition differential~~
544 ~~that does not exceed 40 percent of tuition for all universities~~
545 ~~that meet the criteria for Funding Level 1 under s. 1004.635(3),~~
546 ~~and may establish a uniform maximum undergraduate tuition~~
547 ~~differential that does not exceed 30 percent of tuition for all~~
548 ~~universities that have total research and development~~
549 ~~expenditures for all fields of at least \$100 million per year as~~



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550 ~~reported annually to the National Science Foundation. Once these~~
551 ~~criteria have been met and the differential established by the~~
552 ~~Board of Governors, the board of trustees of a qualified~~
553 ~~university may maintain the differential unless otherwise~~
554 ~~directed by the Board of Governors. However, the board shall~~
555 ~~ensure that the maximum tuition differential it establishes for~~
556 ~~universities meeting the Funding Level 1 criteria is at least 30~~
557 ~~percent greater than the maximum tuition differential the board~~
558 ~~establishes for universities that meet the required criteria for~~
559 ~~research and development expenditures. The tuition differential~~
560 ~~is subject to the following conditions:~~

561 ~~(a) The sum of tuition and the tuition differential may not~~
562 ~~be increased by more than 15 percent of the total charged for~~
563 ~~these fees in the preceding fiscal year.~~

564 ~~(b) The tuition differential may not be calculated as a~~
565 ~~part of the scholarship programs established in ss. 1009.53-~~
566 ~~1009.537.~~

567 ~~(c) Beneficiaries having prepaid tuition contracts pursuant~~
568 ~~to s. 1009.98(2)(b) which were in effect on July 1, 2007, and~~
569 ~~which remain in effect, are exempt from the payment of the~~
570 ~~tuition differential.~~

571 ~~(d) The tuition differential may not be charged to any~~
572 ~~student who was in attendance at the university before July 1,~~
573 ~~2007, and who maintains continuous enrollment.~~

574 ~~(e) The tuition differential may be waived by the~~
575 ~~university for students who meet the eligibility requirements~~
576 ~~for the Florida public student assistance grant established in~~
577 ~~s. 1009.50.~~

578 ~~(f) A university board of trustees that has been authorized~~



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579 ~~by the Board of Governors to establish a tuition differential~~
580 ~~pursuant to this subsection may establish the tuition~~
581 ~~differential at a rate lower than the maximum tuition~~
582 ~~differential established by the board, but may not exceed the~~
583 ~~maximum tuition differential established by the board.~~

584 ~~(g) The revenue generated from the tuition differential~~
585 ~~must be spent solely for improving the quality of direct~~
586 ~~undergraduate instruction and support services.~~

587 ~~(h) Information relating to the annual receipt and~~
588 ~~expenditure of the proceeds from the assessment of the tuition~~
589 ~~differential shall be reported by the university in accordance~~
590 ~~with guidelines established by the Board of Governors.~~

591 Section 9. Section 1009.286, Florida Statutes, is created
592 to read:

593 1009.286 Additional student payment required for hours
594 exceeding graduation requirements.-

595 (1) It is the intent of the Legislature to encourage each
596 undergraduate student who enrolls in a state university to
597 complete the student's respective baccalaureate degree program
598 in the most efficient way possible while providing for access to
599 additional college coursework. Therefore, the Legislature
600 intends to enact a policy that provides incentives for efficient
601 baccalaureate degree completion.

602 (2) State universities shall require a student to pay an
603 excess hour surcharge equal to 50 percent of the tuition rate
604 for each credit hour in excess of 120 percent of the number of
605 credit hours required to complete the baccalaureate degree
606 program in which the student is enrolled, in accordance with the
607 provisions of this section.



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608 (3) The provisions of this section shall become effective
609 for students who enter a community college or a state university
610 for the first time in the 2009-2010 academic year and
611 thereafter.

612 (4) Except as otherwise provided by law, and for purposes
613 of this section, the following credit hours shall be included
614 when calculating the number of hours taken by a student:

615 (a) All credit hours for courses taken at the state
616 university from which the student is seeking a baccalaureate
617 degree, including failed courses, courses that are dropped after
618 the university's advertised last day of the drop and add period,
619 and repeated courses, except for which the student has paid the
620 full cost of instruction as provided in s. 1009.285.

621 (b) All credit hours earned at another institution and
622 accepted for transfer by the state university and applied toward
623 the student's baccalaureate degree program.

624 (5) For purposes of this section, credit hours earned under
625 the following circumstances are not calculated as hours required
626 to earn a baccalaureate degree:

627 (a) College credits earned through an articulated
628 accelerated mechanism identified in s. 1007.27.

629 (b) Credit hours earned through internship programs.

630 (c) Credit hours required for certification,
631 recertification, or certificate programs.

632 (d) Credit hours in courses from which a student must
633 withdraw due to reasons of medical or personal hardship.

634 (e) Credit hours taken by active-duty military personnel.

635 (f) Credit hours required to achieve a dual major taken
636 while pursuing a baccalaureate degree.



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637 (g) Remedial and English as a Second Language credit hours.

638 (h) Credit hours earned in military science courses

639 (R.O.T.C.).

640 (6) Each state university and community college shall

641 implement a process for notifying students regarding the

642 provisions of this section. The notice must be provided to a

643 student upon his or her initial enrollment in the institution

644 and again upon the student's having earned the credit hours

645 required to complete the baccalaureate degree program in which

646 the student is enrolled. The notice must include a

647 recommendation that each student who intends to earn credit

648 hours at the institution in excess of the credit hours required

649 for the baccalaureate degree program in which the student is

650 enrolled meet with his or her academic advisor.

651 (7) For purposes of this section, the term "state

652 university" includes the institutions identified in s.

653 1000.21(6) and the term "community college" includes the

654 institutions identified in s. 1000.21(3).

655 Section 10. Paragraph (a) of subsection (5) of section

656 1009.53, Florida Statutes, is amended, and subsection (11) is

657 added to that section, to read:

658 1009.53 Florida Bright Futures Scholarship Program.—

659 (5) The department shall issue awards from the scholarship

660 program annually. Annual awards may be for up to 45 semester

661 credit hours or the equivalent. Before the registration period

662 each semester, the department shall transmit payment for each

663 award to the president or director of the postsecondary

664 education institution, or his or her representative, except that

665 the department may withhold payment if the receiving institution



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666 fails to report or to make refunds to the department as required
667 in this section.

668 (a) Within 30 days after the end of regular registration
669 each semester, the educational institution shall certify to the
670 department the eligibility status of each student who receives
671 an award. After the end of the drop and add period, an
672 institution is not required to reevaluate or revise a student's
673 eligibility status; however, an institution ~~but~~ must make a
674 refund to the department within 30 days after the end of the
675 semester of any funds received for courses dropped by students
676 after the end of the drop and add period unless a student has
677 been granted an exception by the department pursuant to
678 subsection (11) if a student who receives an award disbursement
679 ~~terminates enrollment for any reason during an academic term and~~
680 ~~a refund is permitted by the institution's refund policy.~~

681 (11) Funds for any scholarship within the Florida Bright
682 Futures Scholarship Program may not be used to pay for courses
683 dropped after the end of the drop and add period. However, a
684 student who receives an award under this program and
685 subsequently drops one or more courses, or withdraws from all
686 courses, after the end of the drop and add period due to a
687 verifiable illness or other emergency may be granted an
688 exception, unless the institution's policy is to refund the cost
689 of the courses. The student must make a written appeal for such
690 an exception to the institution. The appeal must include a
691 description and verification of the circumstances. Verification
692 of illness or other emergency may include, but not be limited
693 to, a physician's statement or the written statement of a parent
694 or institution official. The institution shall recommend the



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695 exceptions and necessary documentation to the department. The
696 department may accept or reject the institution's
697 recommendations.

698 Section 11. Paragraph (a) of subsection (1) of section
699 1009.532, Florida Statutes, is amended to read:

700 1009.532 Florida Bright Futures Scholarship Program;
701 student eligibility requirements for renewal awards.-

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

705 (a) Complete at least 24 ~~12~~ semester credit hours or the
706 equivalent in the last academic year in which the student earned
707 a scholarship if the student was enrolled full time, or a
708 prorated number of credit hours as determined by the Department
709 of Education if the student was enrolled less than full time for
710 any part of the academic year. This paragraph also applies to
711 students who were enrolled and funded in the 2008-2009 academic
712 year.

713 Section 12. Subsection (2) of section 1009.534, Florida
714 Statutes, is amended to read:

715 1009.534 Florida Academic Scholars award.-

716 (2) Effective January 1, 2008, a Florida Academic Scholar
717 who is enrolled in a public postsecondary education institution
718 is eligible for an award equal to the amount required to pay
719 tuition ~~and, fees, and an additional amount for college-related~~
720 ~~expenses annually as specified in law or the General~~
721 ~~Appropriations Act.~~ A student who is enrolled in a nonpublic
722 postsecondary education institution is eligible for an award
723 equal to the amount that would be required to pay for the



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724 average tuition and fees of a public postsecondary education
725 institution at the comparable level, ~~plus the annual amount~~
726 ~~specified in law or the General Appropriations Act for college-~~
727 ~~related expenses.~~

728 Section 13. Subsection (4) of section 1009.536, Florida
729 Statutes, is amended to read:

730 1009.536 Florida Gold Seal Vocational Scholars award.—The
731 Florida Gold Seal Vocational Scholars award is created within
732 the Florida Bright Futures Scholarship Program to recognize and
733 reward academic achievement and career preparation by high
734 school students who wish to continue their education.

735 (4) A student may earn a Florida Gold Seal Vocational
736 Scholarship for 110 percent of the number of credit hours
737 required to complete the program, up to 90 credit hours or the
738 equivalent. ~~A Florida Gold Seal Scholar who has a cumulative~~
739 ~~grade point average of 2.75 in all postsecondary education work~~
740 ~~attempted may apply for a Florida Medallion Scholars award at~~
741 ~~any renewal period. All other provisions of that program apply,~~
742 ~~and the credit hour limitation must be calculated by subtracting~~
743 ~~from the student's total eligibility the number of credit hours~~
744 ~~the student attempted while earning the Gold Seal Vocational~~
745 ~~Scholarship.~~

746 Section 14. Paragraph (b) of subsection (2) and paragraphs
747 (b) and (c) of subsection (3) of section 1009.57, Florida
748 Statutes, are amended to read:

749 1009.57 Florida Teacher Scholarship and Forgivable Loan
750 Program.—

751 (2) Within the Florida Teacher Scholarship and Forgivable
752 Loan Program shall be established the "Chappie" James Most



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753 Promising Teacher Scholarship which shall be offered to a top
754 graduating senior from each public secondary school in the
755 state. An additional number of "Chappie" James Most Promising
756 Teacher Scholarship awards shall be offered annually to
757 graduating seniors from private secondary schools in the state
758 which are listed with the Department of Education and accredited
759 by the Southern Association of Colleges and Schools or any other
760 private statewide accrediting agency which makes public its
761 standards, procedures, and member schools. The private secondary
762 schools shall be in compliance with regulations of the Office
763 for Civil Rights. The number of awards to private secondary
764 school students shall be proportional to the number of awards
765 available to public secondary school students and shall be
766 calculated as the ratio of the number of private to public
767 secondary school seniors in the state multiplied by the number
768 of public secondary schools in the state.

769 (b) The amount of the scholarship shall be prorated based
770 on available appropriations and may not exceed ~~is~~ \$1,500 per
771 year. The scholarship and may be renewed for 1 year if the
772 student earns a 2.5 cumulative grade point average and 12 credit
773 hours per term and meets the eligibility requirements for
774 renewal of the award.

775 (3)

776 (b) An undergraduate forgivable loan may be awarded for 2
777 undergraduate years, ~~not to exceed \$4,000 per year,~~ or for a
778 maximum of 3 years for programs requiring a fifth year of
779 instruction to obtain initial teaching certification. The amount
780 of the scholarship shall be prorated based on available
781 appropriations and may not exceed \$4,000 per year.



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782 (c) A graduate forgivable loan may be awarded for 2
783 graduate years, the amount of the scholarship shall be prorated
784 based on available appropriations and may not ~~to~~ exceed \$8,000
785 per year. In addition to meeting criteria specified in paragraph
786 (a), a loan recipient at the graduate level shall:

787 1. Hold a bachelor's degree from any college or university
788 accredited by a regional accrediting association as defined by
789 State Board of Education rule.

790 2. Not already hold a teaching certificate resulting from
791 an undergraduate degree in education in an area of critical
792 teacher shortage as designated by the State Board of Education.

793 3. Not have received an undergraduate forgivable loan as
794 provided for in paragraph (b).

795 Section 15. Subsection (3) of section 1009.58, Florida
796 Statutes, is amended to read:

797 1009.58 Critical teacher shortage tuition reimbursement
798 program.—

799 (3) Participants may receive tuition reimbursement payments
800 for up to 9 semester hours, or the equivalent in quarter hours,
801 per year, the amount of the reimbursement per semester hour
802 shall be prorated based on available appropriations and may not
803 exceed ~~at a rate not to exceed~~ \$78 per semester hour, up to a
804 total of 36 semester hours. All tuition reimbursements shall be
805 contingent on passing an approved course with a minimum grade of
806 3.0 or its equivalent.

807 Section 16. Subsection (2) of section 1009.59, Florida
808 Statutes, is amended to read:

809 1009.59 Critical Teacher Shortage Student Loan Forgiveness
810 Program.—



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811 (2) ~~From the funds available,~~ The Department of Education
812 may make loan principal repayments, which shall be prorated
813 based on available appropriations as follows:

814 (a) Up to \$2,500 a year for up to 4 years on behalf of
815 selected graduates of state-approved undergraduate postsecondary
816 teacher preparation programs, persons certified to teach
817 pursuant to any applicable teacher certification requirements,
818 or selected teacher preparation graduates from any state
819 participating in the Interstate Agreement on the Qualification
820 of Educational Personnel.

821 (b) Up to \$5,000 a year for up to 2 years on behalf of
822 selected graduates of state-approved graduate postsecondary
823 teacher preparation programs, persons with graduate degrees
824 certified to teach pursuant to any applicable teacher
825 certification requirements, or selected teacher preparation
826 graduates from any state participating in the Interstate
827 Agreement on the Qualification of Educational Personnel.

828 (c) All repayments shall be contingent on continued proof
829 of employment in the designated subject areas in this state and
830 shall be made directly to the holder of the loan. The state
831 shall not bear responsibility for the collection of any interest
832 charges or other remaining balance. In the event that designated
833 critical teacher shortage subject areas are changed by the State
834 Board of Education, a teacher shall continue to be eligible for
835 loan forgiveness as long as he or she continues to teach in the
836 subject area for which the original loan repayment was made and
837 otherwise meets all conditions of eligibility.

838 Section 17. Subsections (1) and (3) of section 1009.60,
839 Florida Statutes, are amended to read:



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840 1009.60 Minority teacher education scholars program.—There
841 is created the minority teacher education scholars program,
842 which is a collaborative performance-based scholarship program
843 for African-American, Hispanic-American, Asian-American, and
844 Native American students. The participants in the program
845 include Florida's community colleges and its public and private
846 universities that have teacher education programs.

847 (1) The minority teacher education scholars program shall
848 provide an annual scholarship in an amount that shall be
849 prorated based on available appropriations and may not exceed ~~of~~
850 \$4,000 for each approved minority teacher education scholar who
851 is enrolled in one of Florida's public or private universities
852 in the junior year and is admitted into a teacher education
853 program.

854 (3) The total amount appropriated annually for new
855 scholarships in the program must be divided by \$4,000 and by the
856 number of participating colleges and universities. Each
857 participating institution has access to the same number of
858 scholarships and may award all of them to eligible minority
859 students. If a college or university does not award all of its
860 scholarships by the date set by the program administration at
861 the Florida Fund for Minority Teachers, Inc., the remaining
862 scholarships must be transferred to another institution that has
863 eligible students. If the total amount appropriated for new
864 scholarships is insufficient to award \$4,000 to each eligible
865 student, the amount of the scholarship shall be prorated based
866 on available appropriations.

867 Section 18. Paragraph (a) of subsection (2) of section
868 1009.605, Florida Statutes, is amended, and subsection (4) is



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869 added to that section, to read:

870 1009.605 Florida Fund for Minority Teachers, Inc.—

871 (2) The corporation shall submit an annual budget
872 projection to the Department of Education to be included in the
873 annual legislative budget request. The projection must be based
874 on a 7-year plan that would be capable of awarding the following
875 schedule of scholarships:

876 (a) In the initial year, 700 scholarships in an amount that
877 shall be prorated based on available appropriations and may not
878 exceed of \$4,000 per scholar each to scholars in his or her the
879 junior year of college.

880 (4) Within 60 days after the end of each fiscal year, the
881 corporation shall return all unexpended funds for the minority
882 teacher education scholars program to the Department of
883 Education to be deposited in the State Student Financial
884 Assistance Trust Fund.

885 Section 19. Paragraph (e) of subsection (5) of section
886 1009.701, Florida Statutes, is amended to read:

887 1009.701 First Generation Matching Grant Program.—

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

890 (e) Have met the eligibility requirements in s. 1009.50 for
891 demonstrated financial need for the Florida Public Student
892 Assistance Grant Program by completing the Free Application for
893 Federal Student Aid.

894 Section 20. Section 1009.765, Florida Statutes, is
895 repealed.

896 Section 21. Subsection (2) of section 1009.98, Florida
897 Statutes, is amended, and subsection (10) is added to that



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898 section, to read:

899 1009.98 Stanley G. Tate Florida Prepaid College Program.—

900 (2) PREPAID COLLEGE PLANS.—At a minimum, the board shall
901 make advance payment contracts available for two independent
902 plans to be known as the community college plan and the
903 university plan. The board may also make advance payment
904 contracts available for a dormitory residence plan. The board
905 may restrict the number of participants in the community college
906 plan, university plan, and dormitory residence plan,
907 respectively. However, any person denied participation solely on
908 the basis of such restriction shall be granted priority for
909 participation during the succeeding year.

910 (a)1. Through the community college plan, the advance
911 payment contract may ~~shall~~ provide prepaid registration fees for
912 a specified number of undergraduate semester credit hours not to
913 exceed the average number of hours required for the conference
914 of an associate degree. Qualified beneficiaries shall bear the
915 cost of any laboratory fees associated with enrollment in
916 specific courses. Each qualified beneficiary shall be classified
917 as a resident for tuition purposes, pursuant to s. 1009.21,
918 regardless of his or her actual legal residence.

919 2. Effective July 1, 1998, the board may provide advance
920 payment contracts for additional fees delineated in s. 1009.23,
921 not to exceed the average number of hours required for the
922 conference of an associate degree, in conjunction with advance
923 payment contracts for registration fees. Community college plan
924 contracts purchased prior to July 1, 1998, shall be limited to
925 the payment of registration fees as defined in s. 1009.97.

926 3. Effective July 1, 2009, the board may offer an advance



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927 payment contract for the community college plan covering prepaid
928 registration fees and the fees authorized in s. 1009.23. Such a
929 contract may be offered in specific increments for use toward an
930 associate degree. The total number of hours purchased for a
931 qualified beneficiary may not exceed the average number of hours
932 required for the conference of an associate degree.

933 (b)1. Through the university plan, the advance payment
934 contract may ~~shall~~ provide prepaid registration fees for a
935 specified number of undergraduate semester credit hours not to
936 exceed the average number of hours required for the conference
937 of a baccalaureate degree. Qualified beneficiaries shall bear
938 the cost of any laboratory fees associated with enrollment in
939 specific courses. Each qualified beneficiary shall be classified
940 as a resident for tuition purposes pursuant to s. 1009.21,
941 regardless of his or her actual legal residence.

942 2. Effective July 1, 1998, the board may provide advance
943 payment contracts for additional fees delineated in s.
944 1009.24(9)-(12), for a specified number of undergraduate
945 semester credit hours not to exceed the average number of hours
946 required for the conference of a baccalaureate degree, in
947 conjunction with advance payment contracts for registration
948 fees. Such contracts shall provide prepaid coverage for the sum
949 of such fees, to a maximum of 45 percent of the cost of
950 registration fees. University plan contracts purchased prior to
951 July 1, 1998, shall be limited to the payment of registration
952 fees as defined in s. 1009.97.

953 3. Effective July 1, 2007, the board may provide advance
954 payment contracts for the tuition differential authorized in s.
955 1009.24(16) for a specified number of undergraduate semester



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956 credit hours, which may not exceed the average number of hours
957 required for the conference of a baccalaureate degree, in
958 conjunction with advance payment contracts for registration
959 fees.

960 4. Effective July 1, 2009, the board may offer an advance
961 payment contract for the university plan covering prepaid
962 registration fees, the fees authorized in s. 1009.24(9)-(12),
963 and the tuition differential authorized in s. 1009.24(16). Such
964 a contract may be offered in specific increments for use toward
965 a baccalaureate degree. The total number of hours purchased for
966 a qualified beneficiary may not exceed the average number of
967 hours required for the conference of a baccalaureate degree.

968 (c) The cost of participation in contracts authorized under
969 paragraph (a) or paragraph (b) shall be based primarily on the
970 current and projected ~~registration~~ fees included in the plan
971 within the Florida Community College System or the State
972 University System, respectively, the number of credit hours or
973 semesters included in the plan, and the number of years expected
974 to elapse between the purchase of the plan on behalf of a
975 qualified beneficiary and the exercise of the benefits provided
976 in the plan by such beneficiary.

977 (d) Through the dormitory residence plan, the advance
978 payment contract may provide prepaid housing fees for a maximum
979 of 10 semesters of full-time undergraduate enrollment in a state
980 university. Dormitory residence plans shall be purchased in
981 increments of 2 semesters. The cost of participation in the
982 dormitory residence plan shall be based primarily on the average
983 current and projected housing fees within the State University
984 System and the number of years expected to elapse between the



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985 purchase of the plan on behalf of a qualified beneficiary and
986 the exercise of the benefits provided in the plan by such
987 beneficiary. Qualified beneficiaries shall have the highest
988 priority in the assignment of housing within university
989 residence halls. Qualified beneficiaries shall bear the cost of
990 any additional elective charges such as laundry service or long-
991 distance telephone service. Each state university may specify
992 the residence halls or other university-held residences eligible
993 for inclusion in the plan. In addition, any state university may
994 request immediate termination of a dormitory residence contract
995 based on a violation or multiple violations of rules of the
996 residence hall or other university-held residences. In the event
997 that sufficient housing is not available for all qualified
998 beneficiaries, the board shall refund the purchaser or qualified
999 beneficiary an amount equal to the fees charged for dormitory
1000 residence during that semester. If a qualified beneficiary fails
1001 to be admitted to a state university or chooses to attend a
1002 community college that operates one or more dormitories or
1003 residency opportunities, or has one or more dormitories or
1004 residency opportunities operated by the community college
1005 direct-support organization, the qualified beneficiary may
1006 transfer or cause to have transferred to the community college,
1007 or community college direct-support organization, the fees
1008 associated with dormitory residence. Dormitory fees transferred
1009 to the community college or community college direct-support
1010 organization may not exceed the maximum fees charged for state
1011 university dormitory residence for the purposes of this section,
1012 or the fees charged for community college or community college
1013 direct-support organization dormitories or residency



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1014 opportunities, whichever is less.

1015 (10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.—

1016 (a) As used in this subsection, the term:

1017 1. "Tuition differential fee" means the fee covered by
1018 advance payment contracts sold pursuant to subparagraph (2)(b)3.
1019 The base rate for the tuition differential fee for the 2012-2013
1020 fiscal year is established at \$37.03 per credit hour. The base
1021 rate for the tuition differential in subsequent years is the
1022 amount paid by the board for the tuition differential for the
1023 preceding year adjusted pursuant to sub-subparagraph 2.b.

1024 2. "Actuarial reserve" means the expected value of the
1025 assets of the trust fund which exceed the expected value of the
1026 liabilities of the trust fund. The board shall annually evaluate
1027 or cause to be evaluated the actuarial soundness of the trust
1028 fund.

1029 3. "Fiscal year" means the fiscal year of the state
1030 pursuant to s. 215.01.

1031 (b) Effective with the 2009-2010 academic year and
1032 thereafter, and notwithstanding the provisions of s. 1009.24,
1033 the amount paid by the board to any state university on behalf
1034 of a qualified beneficiary of an advance payment contract whose
1035 contract was purchased before July 1, 2009, shall be:

1036 1. As to registration fees, if the actuarial reserve is
1037 less than 5 percent of the expected liabilities of the trust
1038 fund, the board shall pay the state universities 5.5 percent
1039 above the amount assessed for registration fees in the preceding
1040 fiscal year. If the actuarial reserve is between 5 percent and 6
1041 percent of the expected liabilities of the trust fund, the board
1042 shall pay the state universities 6 percent above the amount



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1043 assessed for registration fees in the preceding fiscal year. If
1044 the actuarial reserve is between 6 percent and 7.5 percent of
1045 the expected liabilities of the trust fund, the board shall pay
1046 the state universities 6.5 percent above the amount assessed for
1047 registration fees in the preceding fiscal year. If the actuarial
1048 reserve is equal to or greater than 7.5 percent of the expected
1049 liabilities of the trust fund, the board shall pay the state
1050 universities 7 percent above the amount assessed for
1051 registration fees in the preceding fiscal year, whichever is
1052 greater.

1053 2. As to the tuition differential fee, if the actuarial
1054 reserve is less than 5 percent of the expected liabilities of
1055 the trust fund, the board shall pay the state universities 5.5
1056 percent above the base rate for the tuition differential fee in
1057 the preceding fiscal year. If the actuarial reserve is between 5
1058 percent and 6 percent of the expected liabilities of the trust
1059 fund, the board shall pay the state universities 6 percent above
1060 the base rate for the tuition differential fee in the preceding
1061 fiscal year. If the actuarial reserve is between 6 percent and
1062 7.5 percent of the expected liabilities of the trust fund, the
1063 board shall pay the state universities 6.5 percent above the
1064 amount assessed for registration fees in the preceding fiscal
1065 year. If the actuarial reserve is equal to or greater than 7.5
1066 percent of the expected liabilities of the trust fund, the board
1067 shall pay the state universities 7 percent above the base rate
1068 for the tuition differential fee in the preceding fiscal year.

1069 3. Qualified beneficiaries of advance payment contracts
1070 purchased before July 1, 2007, are exempt from paying any
1071 tuition differential fee.



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1072 (c) The board shall pay state universities the actual
1073 amount assessed in accordance with law for registration fees and
1074 the tuition differential for advance payment contracts purchased
1075 on or after July 1, 2009.

1076 Section 22. Subsection (5) of section 1011.32, Florida
1077 Statutes, is amended to read:

1078 1011.32 Community College Facility Enhancement Challenge
1079 Grant Program.—

1080 (5) A project may not be initiated unless all private funds
1081 for planning, construction, and equipping the facility have been
1082 received and deposited in the direct-support organization's
1083 matching account for this purpose and the state's share for the
1084 minimum amount of funds needed to begin the project has been
1085 appropriated by the Legislature. However, this requirement does
1086 not preclude the community college or direct-support
1087 organization from expending available funds from private sources
1088 to develop a prospectus, including preliminary architectural
1089 schematics or models, for use in its efforts to raise private
1090 funds for a facility and for site preparation, planning, and
1091 construction. Such facilities are not eligible to be submitted
1092 for state support for operations until the state matching funds
1093 have been provided. The Legislature may appropriate the state's
1094 matching funds in one or more fiscal years for the planning,
1095 construction, and equipping of an eligible facility. Each
1096 community college shall notify all donors of private funds of a
1097 substantial delay in the availability of state matching funds
1098 for this program. However, these requirements shall not preclude
1099 the community college or direct-support organization from
1100 expending available funds from private sources to develop a



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1101 ~~prospectus, including preliminary architectural schematics~~
1102 ~~and/or models, for use in its efforts to raise private funds for~~
1103 ~~a facility. Additionally, any private sources of funds expended~~
1104 ~~for this purpose are eligible for state matching funds should~~
1105 ~~the project materialize as provided for in this section.~~

1106 Section 23. Subsection (4) of section 1011.83, Florida
1107 Statutes, is amended, and subsection (6) is added to that
1108 section, to read:

1109 1011.83 Financial support of community colleges.—

1110 (4) State ~~policy for funding~~ for baccalaureate degree
1111 programs approved pursuant to s. 1007.33 shall be as provided in
1112 the General Appropriations Act to limit state support for
1113 recurring operating purposes to no more than 85 percent of the
1114 amount of state expenditures for direct instruction per credit
1115 hour in upper-level state university programs. A community
1116 college may temporarily exceed this limit due to normal
1117 enrollment fluctuations or unforeseeable circumstances or while
1118 phasing in new programs. This subsection does not authorize the
1119 Department of Education to withhold legislative appropriations
1120 to any community college.

1121 (6) If a community college offers more than 25
1122 baccalaureate degree programs, the Board of Governors shall
1123 review the programs and determine whether such programs should
1124 be transferred to the Board of Governors' oversight.

1125 Section 24. Subsection (12) is added to section 1011.85,
1126 Florida Statutes, to read:

1127 1011.85 Dr. Philip Benjamin Matching Grant Program for
1128 Community Colleges.—

1129 (12) Each community college shall notify all donors of



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1130 private funds of a substantial delay in the availability of
1131 state matching funds for this program.

1132 Section 25. Subsection (7) is added to section 1011.94,
1133 Florida Statutes, to read:

1134 1011.94 University Major Gifts Program.—

1135 (7) Each university shall notify all donors of private
1136 funds of a substantial delay in the availability of state
1137 matching funds for this program.

1138 Section 26. Section 1012.83, Florida Statutes, is amended
1139 to read:

1140 1012.83 Contracts with administrative and instructional
1141 staff.—

1142 (1) Each person employed in an administrative or
1143 instructional capacity in a community college shall be entitled
1144 to a contract as provided by rules of the State Board of
1145 Education.

1146 (2) A community college board of trustees may not enter
1147 into an employment contract that requires the community college
1148 to pay an employee an amount from state funds in excess of 1
1149 year of the employee's annual salary for termination, buy-out,
1150 or any other type of contract settlement. This subsection does
1151 not prohibit the payment of leave and benefits accrued by the
1152 employee in accordance with the community college's leave and
1153 benefits policies before the contract terminates.

1154 Section 27. Subsection (5) of section 1013.79, Florida
1155 Statutes, is amended to read:

1156 1013.79 University Facility Enhancement Challenge Grant
1157 Program.—

1158 (5) A project may not be initiated unless all private funds



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1159 for planning, construction, and equipping the facility have been
1160 received and deposited in the separate university program
1161 account designated for this purpose. However, these requirements
1162 do not preclude the university from expending funds derived from
1163 private sources to develop a prospectus, including preliminary
1164 architectural schematics or models, for use in its efforts to
1165 raise private funds for a facility, and for site preparation,
1166 planning, and construction. Such facilities are not eligible to
1167 be submitted for state support for operations until the state
1168 matching funds have been provided and the state's share for the
1169 ~~minimum amount of funds needed to begin the project has been~~
1170 ~~appropriated by the Legislature.~~ The Board of Governors shall
1171 establish a method for validating the receipt and deposit of
1172 private matching funds. The Legislature may appropriate the
1173 state's matching funds in one or more fiscal years for the
1174 planning, construction, and equipping of an eligible facility.
1175 Each university shall notify all donors of private funds of a
1176 substantial delay in the availability of state matching funds
1177 for this program. However, these requirements shall not preclude
1178 ~~the university from expending available funds from private~~
1179 ~~sources to develop a prospectus, including preliminary~~
1180 ~~architectural schematics or models, for use in its efforts to~~
1181 ~~raise private funds for a facility. Additionally, any private~~
1182 ~~sources of funds expended for this purpose are eligible for~~
1183 ~~state matching funds should the project materialize as provided~~
1184 ~~for in this section.~~

1185 Section 28. This act shall take effect July 1, 2009.