

THE FLORIDA SENATE
2018 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/SB 4 — Higher Education

by Appropriations Committee; Senators Galvano, Perry, Young, Bradley, Stewart, Stargel, Simpson, Steube, Passidomo, Bean, Baxley, Hukill, Benacquisto, and Mayfield

The bill (Chapter 2018-4, L.O.F.) establishes the “Florida Excellence in Higher Education Act of 2018” to expand merit-based and need-based financial aid funding available to students; modify university performance expectations to incentivize and reward state university performance excellence and recognition in academics, instruction, research, and community accomplishments and achievements; and expand and enhance policy and funding tools for state universities to recruit and retain the very best faculty, enrich professional and graduate school strength and viability, and bring aging infrastructure and research laboratories into the 21st century.

Additionally, the bill modifies requirements relating to state university direct support organizations, establishes a process for the termination of separate accreditation for the St. Petersburg and Sarasota/Manatee campuses of the University of South Florida, and creates the "Campus Free Expression Act" which addresses the issue of free speech on the campuses of public postsecondary institutions.

Student Financial Aid and Tuition Assistance

The bill expands student financial aid and tuition assistance programs to help to address financial insecurity concerns of students and their families. Specifically the bill:

- Modifies Bright Futures Scholarship Program awards to:
 - Increase the Florida Academic Scholars (FAS) award amount to cover 100 percent of public postsecondary education institution tuition and specified fees, plus \$300 per fall and spring academic semester or the equivalent for textbooks, beginning in the 2017-2018 academic year.
 - Increase the Florida Medallion Scholars (FMS) award amount to cover 75 percent of public postsecondary education institution tuition and specified fees, beginning in the fall 2018 semester.
 - Provide summer funding for Florida Bright Futures Scholarship awards for FAS awards, beginning in the 2018 summer term, and for FMS awards, beginning in the 2019 summer term; and authorizes summer funding for other Bright Futures awards if funded by the Legislature.
 - Remove the prohibition on the inclusion of the technology fee and tuition differential in a Bright Futures Scholarship award.
- Expands the Benacquisto Scholarship Program to attract qualified students from out-of-state who physically reside on or near the postsecondary education institution in which they enroll; who earn a high school diploma or the equivalent, comparable to Florida; who are accepted and enroll in a baccalaureate degree program in the 2018-2019 academic year or thereafter; and who meet the specified requirement to qualify for the scholarship. The bill exempts such student from the payment of out-of-state fees and

specifies that the award amount for such students is equal to the institutional cost of attendance for a Florida resident less the student's National Merit Scholarship.

- Creates the Florida Farmworker Scholarship Program for farmworkers and the children of farmworkers, who meet the specified scholarship eligibility criteria. The bill requires the Department of Education (DOE) to award up to 50 scholarships annually and the recipient may receive an award for a maximum of 100 percent of the credit hours or clock hours required to complete up to 90 credit hours of a program that terminates in a career certificate. The recipient is eligible for an award equal to 100 percent of tuition and specified fees at a public postsecondary education institution in Florida. Undocumented immigrants are not eligible for the award.
- Expands the First Generation Matching Grant Program by revising the state to private match requirements from a 1:1 match to a 2:1 match, and codifies the inclusion of Florida College System institutions as eligible program participants.
- Specifies that a Florida Prepaid College Program plan, purchased prior to July 1, 2024, is only obligated to pay for the credit hours taken by the qualified beneficiary at a state university.
- Renames the William L. Boyd, IV, Florida Resident Access Grant (FRAG) Program as the William L. Boyd, IV, Effective Access to Student Education (EASE) Grant Program.

Institutional Accountability

The bill strengthens institutional accountability by modifying state university performance and accountability metrics and standards to promote on-time student graduation. Specifically, the bill:

- Modifies the State University System (SUS) Performance-Based Incentive to:
 - Specify that the performance-based metric for graduation rate must be a 4-year graduation rate.
 - Specify that the access metric is the access rate based on the percentage of undergraduate Pell Grant recipients who receive the award in the fall term; and require the access rate benchmarks and scores to be differentiated to reflect varying access rate levels among the universities, and provide that the scoring system may not include bonus points.
- Modifies the Preeminent State Research Universities Program to:
 - Revise the metric related to the 6-year graduation rate of 70 percent or higher for full-time, first-time-in-college (FTIC) students to a 4-year rate of 60 percent or higher. However, for the Board of Governors' (BOG's) 2018 determination of preeminence and emerging preeminence status and the related distribution of 2018-2019 appropriation for the program, any state university meeting the current 6-year graduation rate of 70 percent or higher by October 1, 2017, as reported to the Integrated Postsecondary Education Data System (IPEDS) and confirmed by the BOG, is considered to have satisfied this graduation rate metric.
 - Eliminate the authority for the preeminent state research universities to require FTIC students to take a six-credit set of unique courses.

- Revise funding for emerging preeminent state research universities from one-half to one-fourth of the total increased funding to preeminent state research universities.
- Change from an encouragement to a requirement that the BOG establish standards and measures for programs of excellence throughout the SUS and specify that the programs include undergraduate, graduate, and professional degree programs, and require the BOG to make recommendations to the Legislature by September 1, 2018, regarding enhancing and promoting such programs.
- Modifies the duties of the state universities and the BOG to:
 - Require each state university to submit, as a part of the university's annual accountability plan, information on the effectiveness of such plan for improving 4-year graduation rates and the level of financial assistance to students.
 - Require, by June 1, 2018, each state university board of trustees (BOT) to submit a proposal to improve undergraduate 4-year graduation rates to the BOG for implementation beginning in the fall 2018 semester. The proposal must identify academic, financial, policy, and curricular incentives and disincentives for timely graduation; outline the implementation of a proactive financial aid program to enable full-time students with financial need to take at least 15 credit hours in the fall and spring semesters; and include assurances that there will be no increased cost to students.
 - Modify the requirements of the BOG's strategic plan to require each state university to use data-driven gap analyses to identify internship opportunities for students to benefit from mentorship by industry experts, earn industry certifications, and become employed in high-demand fields.
- Requires the BOG, in consultation with the state universities, to submit to the Legislature, by October 1, 2019, recommendations for future consideration on the most efficient process to achieve a complete performance-based continuous improvement model focused on outcomes that provides for the equitable distribution of performance funds. In addition to recommendations submitted by the BOG, the Legislature must review recommendations from an independent entity that consults with the BOG to receive input on behalf of the SUS. Implementation of any recommendations may not occur unless affirmatively enacted by the Legislature.
- Clarifies that developmental education instruction provided by eligible state universities must utilize the same instructional strategies that are specified in law.

State University Faculty, Program, and Infrastructure Investments

The bill establishes the World Class Faculty and Scholar Program and the State University Professional and Graduate Degree Excellence Program to elevate the national prominence of the state universities in Florida. Specifically, the bill:

- Establishes the World Class Faculty and Scholar Program to fund and support the efforts of state universities to recruit and retain exemplary faculty and research scholars.
Specifically, the bill:

- Authorizes state university investments in areas such as research-centric cluster hires, faculty research, and research commercialization efforts. The funds may not be used to construct buildings.
- Requires the BOG to provide, annually, by March 15, to the Governor and the Legislature a report summarizing the expenditures and the impact of such expenditures in elevating the national competitiveness of the universities.
- Establishes the State University Professional and Graduate Degree Excellence Program to fund as support the efforts of state universities to enhance the quality of professional and graduate schools and degree programs in medicine, law, and business, and expand the economic impact of state universities. Specifically, the bill:
 - Authorizes state university investments in quality improvement efforts, which may include, but are not limited to, targeted investment in faculty, students, research infrastructure and other strategic efforts to elevate the national and global prominence of state university medicine, law, and graduate level business programs. The funds may not be used to construct buildings.
 - Requires the BOG to provide, annually, by March 15, to the Governor and the Legislature a report summarizing the expenditures and the impact of such expenditures in elevating the national and global prominence of the state university medicine, law, and graduate-level business programs.

State University Direct Support Organizations

The bill modifies requirements relating to state university direct-support organizations (DSO) to:

- Require that the use of personal services by a state university DSO must comply with current law regarding limitation on compensation for state university administrators.
- Specify that the state university BOT may not permit the use of state funds for travel expenses by any university direct-support organization.
- Specify that records related to the expenditure of state funds, and financial records related to the expenditure of private funds for travel are not confidential.
- Require, rather than authorize, the chair of a university BOT to appoint at least one member of the DSO board of directors and executive committee, and requires the university BOT to approve all other appointments to the DSO.
- Prohibit a university DSO from giving to a political committee, without exception.
- Require BOT regulations for audit and oversight to include thresholds for approval of purchases, acquisitions, projects, and issuance of debt. No later than July 1, 2019, the transfer of a state appropriation by the BOT to any DSO may only include funds pledged for debt. Additionally, beginning July 1, 2019, and annually thereafter, each university BOT must report to Legislature the amount of state appropriations transferred to any DSO in the previous fiscal year, the purpose for which the funds were transferred, and the remaining balance of any funds transferred.
- Prohibit the transfer of funds to a DSO that does not provide equal employment opportunities.

University of South Florida

The bill establishes a process for the termination of separate accreditation for the St. Petersburg and Sarasota/Manatee campuses of the University of South Florida (USF). Specifically, the bill:

- Establishes the St. Petersburg and Sarasota/Manatee campuses of the USF, and requires each campus to have a campus board and a regional chancellor, each with specified duties. The USF BOT must, beginning July 2, 2020, include the chair of a campus board.
- Establishes the USF Consolidation Planning Study and Implementation Task Force (task force) to develop recommendations to improve service to students by phasing out separate accreditation for the St. Petersburg and Sarasota/Manatee campuses, and:
 - Establishes membership of the task force, and specifies appointments by the Governor, President of the Senate, Speaker of the House of Representatives, USF BOT, and chairs of the campus boards.
 - Requires the task force to submit, by February 15, 2019, a report to the USF BOT with recommendations on specified issues.
- Requires the USF BOT to adopt and submit a plan, by March 15, 2019, to the BOG that:
 - Establishes a timeline to terminate the separate accreditation for the St. Petersburg and Sarasota/Manatee campuses by June 30, 2020.
 - Minimizes disruption to USF students, to not impede students' ability to graduate in 4 years after initial FTIC enrollment.
 - Requires that, by July 1, 2020, the entirety of the USF, including all campuses and other component units of the university, operate under a single institutional accreditation from the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).
 - Requires data reporting after July 1, 2020, to be consolidated for all USF campuses, and requires the BOG to use the consolidated data for determining performance-based incentive and preeminent state research university program funding.
- Specifies that the following USF students may not be counted in the calculation of graduation rates or retention rates for performance-based incentive and preeminent state research university program funding determinations:
 - A student admitted to and initially enrolled before the spring 2020 semester as an FTIC student at the USF, St. Petersburg or the USF, Sarasota/Manatee campuses.
 - A student voluntarily disenrolled from all USF campuses before the date of termination of SACSCOC accreditation.
- Clarifies that the Florida Center for the Partnership for Arts Integrated Teaching, created within USF, must be physically headquartered at the USF, Sarasota/Manatee campus.
- Provides that the provisions related to the consolidation of accreditation of USF branch campuses, including the task force and the implementation plan, expires July 1, 2020.

Free Expression on Campus

The bill creates the "Campus Free Expression Act" (Act), which addresses the issue of free speech on the campuses of public postsecondary institutions (public institutions). Specifically, the bill:

- Defines the following terms: commercial speech; free speech zone; outdoor areas of campus; public institution of higher education; and material and substantial disruption.
- Provides examples of protected expressive activities, which does not include commercial speech.
- Authorizes a person to engage in an expressive activity in an outdoor area of campus freely, spontaneously, and contemporaneously as long as the person's conduct is lawful and does not materially and substantially disrupt the functioning of the public institution or infringe upon the rights of other individuals or organizations to engage in expressive activities.
- Specifies that the outdoor areas of campus are traditional public forums and authorizes a public institution to create and enforce restrictions that are reasonable and content-neutral on time, place, and manner of expression and that are narrowly tailored to a significant institutional interest. Restrictions must be clear and published and must provide for ample alternative means of expression.
- Specifies that a public institution may not designate any area of campus as a free-speech zone or otherwise create policies restricting expressive activities to a particular outdoor area of campus, except as authorized.
- Specifies that students, faculty, or staff of a public institution may not materially disrupt previously scheduled or reserved activities on campus occurring at the same time.
- Authorizes a person whose expressive rights are violated by an action prohibited under law to bring an action against a public institution in a court of competent jurisdiction to obtain declaratory and injunctive relief, reasonable court costs, and attorney fees.

Appropriations

The bill appropriates, for the 2018-2019 fiscal year, \$121,776,631 in recurring funds from the Educational Enhancement Trust Fund and \$1,736,404 in recurring funds from the General Revenue Fund to the Department of Education to implement this act. Of these funds:

- \$1,737,223 from the Educational Enhancement Trust Fund must be used for 2019 summer term awards for Florida Bright Futures Academic Scholars.
- \$28,416,515 from the Educational Enhancement Trust Fund must be used for 2019 summer term awards for Florida Bright Futures Medallion Scholars.
- \$91,622,893 from the Educational Enhancement Trust Fund must be used for Florida Bright Futures Scholarship Program awards.
- \$1,236,404 from the General Revenue Fund must be used for the Benacquisto Scholarship Program.
- \$500,000 from the General Revenue Fund must be used for the Florida Farmworker Student Scholarship Program.

These provisions became law upon approval by the Governor on March 11, 2018, except as otherwise provided.

Vote: Senate 33-5; House 84-28