

20091696er

1
2 An act relating to education; amending s. 413.30,
3 F.S.; providing requirements of the Division of
4 Vocational Rehabilitation for the provision of vehicle
5 modifications for eligible persons; 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; amending s. 1001.706,
15 F.S.; prohibiting the Board of Governors from entering
16 into an employment contract that requires the board to
17 pay an employee an amount from state funds in excess
18 of 1 year of the employee's annual salary for
19 termination, buy-out, or any other type of contract
20 settlement; providing that the payment of leave and
21 benefits accrued by the employee before the contract
22 terminates is not prohibited; amending s. 1001.74,
23 F.S.; prohibiting a university board of trustees from
24 entering into an employment contract that requires the
25 university to pay an employee an amount from state
26 funds in excess of 1 year of the employee's annual
27 salary for termination, buy-out, or any other type of
28 contract settlement; providing that the payment of
29 leave and benefits accrued by the employee before the

20091696er

30 contract terminates is not prohibited; amending s.
31 1004.445, F.S.; revising provisions relating to the
32 Johnnie B. Byrd, Sr., Alzheimer's Center and Research
33 Institute; establishing the institute within the
34 University of South Florida; providing a mission for
35 the institute; creating a board of directors to
36 oversee the management and operation of the institute;
37 providing for membership and terms; providing for the
38 transfer of unexpended balances, records, functions,
39 facilities, and assets of the institute from the not-
40 for-profit corporation to the University of South
41 Florida; amending s. 1009.21, F.S.; revising
42 definitions; defining the terms "initial enrollment"
43 and "nonresident for tuition purposes"; revising
44 provisions relating to the qualifications as a
45 resident for tuition purposes; requiring certain
46 documentation to demonstrate state residency;
47 providing eligibility requirements for
48 reclassification of status; requiring institutions to
49 establish residency appeal committees; amending s.
50 1009.23, F.S.; deleting the requirement that a
51 community college board of trustees use a specified
52 portion of tuition and fees for safety and security
53 purposes; revising terminology; amending s. 1009.24,
54 F.S.; revising maximum annual adjustments to out-of-
55 state fees or tuition for graduate programs at state
56 universities; revising provisions relating to the
57 differential out-of-state fee; amending s. 1009.27,
58 F.S.; revising provisions relating to deferment of

20091696er

59 fees for certain veterans; creating s. 1009.286, F.S.;
60 providing requirements for additional payment by state
61 university students for certain credit hours exceeding
62 degree program completion requirements; providing
63 criteria for calculating credit hours; providing
64 exceptions; requiring state universities and community
65 colleges to implement a process for notifying students
66 of certain information; amending s. 1009.40, F.S.;
67 deleting a cross-reference to conform; amending s.
68 1009.53, F.S., relating to the Florida Bright Futures
69 Scholarship Program; revising provisions relating to a
70 refund to the Department of Education of funds
71 received by a postsecondary educational institutions
72 for certain courses; prohibiting the use of funds for
73 certain purposes; requiring that the Department of
74 Education and institutions notify eligible recipients
75 of such policies; amending s. 1009.532, F.S.; revising
76 the requirements for student eligibility to renew a
77 scholarship under the Florida Bright Futures
78 Scholarship Program; providing criteria for such
79 student to restore the award; requiring that the
80 department and institutions notify eligible recipients
81 of such policies; amending s. 1009.534, F.S.; revising
82 provisions relating to the Florida Academic Scholars
83 Award; providing for award amounts to be specified in
84 the General Appropriations Act; amending s. 1009.535,
85 F.S., relating to the Florida Medallion Scholars
86 Award; providing for award amounts to be specified in
87 the General Appropriations Act; amending s. 1009.536,

20091696er

88 F.S.; deleting a provision that allows a Florida Gold
89 Seal Scholar to apply for a Florida Medallion Scholars
90 award; providing for award amounts to be specified in
91 the General Appropriations Act; amending s. 1009.54,
92 F.S.; revising provisions relating to the Critical
93 Teacher Shortage program; amending s. 1009.55, F.S.;
94 revising eligibility for the Rosewood Family
95 Scholarship Program to direct descendants; deleting
96 obsolete language; amending ss. 1009.57, 1009.58,
97 1009.59, 1009.60, and 1009.605, F.S.; revising
98 provisions relating to the Florida Teacher Scholarship
99 and Forgivable Loan Program, the Critical Teacher
100 Shortage Student Loan Forgiveness Program, the
101 minority teacher education scholars program, and the
102 Florida Fund for Minority Teachers, Inc.; requiring
103 that the amount of scholarships awarded under such
104 programs be prorated based on available appropriations
105 and not exceed specified amounts; amending s.
106 1009.701, F.S.; requiring that an applicant under the
107 First Generation Matching Grant Program meet the same
108 eligibility requirements required under the Florida
109 Public Student Assistance Grant Program; repealing ss.
110 1009.76 and 1009.765, F.S., relating to Ethics in
111 Business scholarships; amending s. 1009.94, F.S.;
112 providing reporting requirements for postsecondary
113 institutions participating in certain state student
114 financial assistance programs; amending s. 1009.98,
115 F.S.; revising provisions relating to the prepaid
116 community college and university plans; authorizing

20091696er

117 the Florida Prepaid College Board to offer an advance
118 payment contract covering certain fees for such plans;
119 providing definitions regarding payments on behalf of
120 qualified beneficiaries of an advance payment
121 contract; providing the amounts of fees to be paid by
122 the board; providing an exemption for certain
123 qualified beneficiaries from paying any tuition
124 differential fee; requiring that the board pay state
125 universities the actual amount assessed for
126 registration fees, tuition differential fees, local
127 fees, and dormitory fees for certain advanced payment
128 contracts; creating s. 1011.521, F.S.; authorizing
129 appropriations to private colleges and universities
130 for specified uses; providing reporting requirements
131 and restrictions on expenditures; amending s. 1011.83,
132 F.S.; revising provisions relating to financial
133 support of community colleges; providing for state
134 funding of baccalaureate degree programs in the
135 General Appropriations Act; amending ss. 1011.32,
136 1011.85, and 1011.94, F.S.; requiring that donors be
137 notified of a delay in the availability of state
138 matching funds for the Community College Facility
139 Enhancement Challenge Grant Program, the Dr. Philip
140 Benjamin Matching Grant Program for Community
141 Colleges, and the University Major Gifts Program;
142 amending s. 1012.83, F.S.; conforming provisions
143 relating to contracts with community college
144 administrative and instructional staff to changes made
145 by the act; amending s. 1013.79, F.S.; providing that

20091696er

146 a university may expend funds from private sources for
147 site preparation, planning, and construction;
148 requiring that donors be notified of a delay in the
149 availability of state matching funds for the
150 University Facility Enhancement Challenge Grant
151 Program; providing an exemption for a specified
152 university from requirements relating to student fees;
153 prohibiting a state university from enacting any
154 policy that requires students to have health insurance
155 coverage, unless the policy was enacted before a
156 specified date; providing for the future expiration of
157 such prohibition; providing effective dates.

158
159 Be It Enacted by the Legislature of the State of Florida:

160
161 Section 1. Subsection (7) of section 413.30, Florida
162 Statutes, is renumbered as subsection (8), and a new subsection
163 (7) is added to that section, to read:

164 413.30 Eligibility for vocational rehabilitation services.—

165 (7) If the division provides an eligible person with
166 vocational rehabilitation services in the form of vehicle
167 modifications, the division shall consider all options
168 available, including the purchase of a new, original equipment
169 manufacturer vehicle that complies with the Americans with
170 Disabilities Act for transportation vehicles. The division shall
171 make the decision on vocational rehabilitation services based on
172 the best interest of the client and cost-effectiveness.

173 Section 2. Subsection (47) is added to section 1001.64,
174 Florida Statutes, to read:

20091696er

175 1001.64 Community college boards of trustees; powers and
176 duties.—

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

185 Section 3. Paragraph (d) is added to subsection (5) of
186 section 1001.706, Florida Statutes, to read:

187 1001.706 Powers and duties of the Board of Governors.—

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

189 (d) The Board of Governors may not enter into an employment
190 contract that requires the board to pay an employee an amount
191 from state funds in excess of 1 year of the employee's annual
192 salary for termination, buy-out, or any other type of contract
193 settlement. This paragraph does not prohibit the payment of
194 leave and benefits accrued by the employee in accordance with
195 the board's leave and benefits policies before the contract
196 terminates.

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

199 1001.74 Powers and duties of university boards of
200 trustees.—

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

202 (d) A board of trustees may not enter into an employment
203 contract that requires the university to pay an employee an

20091696er

204 amount from state funds in excess of 1 year of the employee's
205 annual salary for termination, buy-out, or any other type of
206 contract settlement. This paragraph does not prohibit the
207 payment of leave and benefits accrued by the employee in
208 accordance with the university's leave and benefits policies
209 before the contract terminates.

210 Section 5. Section 1004.445, Florida Statutes, is amended
211 to read:

212 (Substantial rewording of section. See
213 s. 1004.445, F.S., for present text.)

214 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and
215 Research Institute.—

216 (1) CREATION AND MISSION.—The Johnnie B. Byrd, Sr.,
217 Alzheimer's Center and Research Institute is established within
218 the University of South Florida. The institute has a statewide
219 mission to advance research, education, treatment, prevention,
220 and the early detection of Alzheimer's disease and is
221 responsible for distributing peer-reviewed competitive grant
222 funds for Alzheimer's disease research.

223 (2) BOARD OF DIRECTORS.—The board of directors for the
224 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute
225 is created to oversee the management and operation of the
226 institute. The board of directors shall consist of seven members
227 who shall serve at the pleasure of the entity that appoints
228 them. A board member's term shall expire after 4 years, but the
229 member may be reappointed to a subsequent 4-year term. The
230 Governor, the President of the Senate, and the Speaker of the
231 House of Representatives shall each appoint one person to serve
232 on the board of directors. The Board of Trustees of the

20091696er

233 University of South Florida shall appoint four persons to serve
234 on the board of directors. Trustees are eligible for appointment
235 to the board of directors. The chair of the board of directors
236 shall be elected by a majority vote from among the membership of
237 the board. Members of the board of directors may not receive a
238 salary. The board of directors may organize and appoint an
239 advisory council of concerned citizens to assist the institute
240 in carrying out its duties.

241 (3) CHIEF EXECUTIVE OFFICER.—The institute shall be
242 administered by a chief executive officer who shall be appointed
243 by and serve at the pleasure of the president of the University
244 of South Florida or the president's designee. The chief
245 executive officer shall prepare an annual report for the
246 institute which describes the expenditure of all of the
247 institute's funds and provides information regarding research
248 that has been conducted or funded by the institute, including
249 the expected and actual results of the research.

250 (4) BUDGET.—The institute's budget shall include the moneys
251 appropriated in the General Appropriations Act, donated, or
252 otherwise provided to the institute from private, local, state,
253 and federal sources, as well as technical and professional
254 income generated or derived from practice activities at the
255 institute. Any appropriation to the institute shall be expended
256 for the purposes specified in this section, including conducting
257 and supporting research and related clinical services, awarding
258 institutional grants and investigator-initiated research grants
259 to other persons within the state through a peer-reviewed
260 competitive process, developing and operating integrated data
261 projects, providing assistance to the memory disorder clinics

20091696er

262 established in s. 430.502, and providing for the operation of
263 the institute.

264 Section 6. On or before July 1, 2009, the board of
265 directors of the not-for-profit corporation created as an
266 instrumentality of the state pursuant to s. 1004.445, Florida
267 Statutes, shall transfer all unexpended balances, records,
268 functions, facilities, and assets of the Johnnie B. Byrd, Sr.,
269 Alzheimer's Center and Research Institute to the University of
270 South Florida under the oversight of the board of directors of
271 the Johnnie B. Byrd, Sr., Alzheimer's Center and Research
272 Institute, as created in this act.

273 Section 7. Subsection (11) is redesignated as subsection
274 (12), subsections (1), (2), (3), (4), and (6) and paragraph (d)
275 of subsection (10) of section 1009.21, Florida Statutes, are
276 amended, and a new subsection (11) is added to that section, to
277 read:

278 1009.21 Determination of resident status for tuition
279 purposes.—Students shall be classified as residents or
280 nonresidents for the purpose of assessing tuition in community
281 colleges and state universities.

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

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

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

289 (c) ~~(b)~~ The term "Institution of higher education" means any
290 public community college as defined in s. 1000.21(3) or state

20091696er

291 university as defined in s. 1000.21(6).

292 (d)~~(e)~~ A "Legal resident" or "resident" means ~~is~~ a person
293 who has maintained his or her residence in this state for the
294 preceding year, has purchased a home which is occupied by him or
295 her as his or her residence, or has established a domicile in
296 this state pursuant to s. 222.17.

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

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

301 (g)~~(e)~~ A "Resident for tuition purposes" means ~~is~~ a person
302 who qualifies as provided in this section ~~subsection (2)~~ for the
303 in-state tuition rate; ~~a "nonresident for tuition purposes" is a~~
304 ~~person who does not qualify for the in-state tuition rate.~~

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

306 1. A person or, if that person is a dependent child, his or
307 her parent or parents must have established legal residence in
308 this state and must have maintained legal residence in this
309 state for at least 12 consecutive months immediately prior to
310 his or her initial enrollment in an institution of higher
311 education ~~qualification.~~

312 2. Every applicant for admission to an institution of
313 higher education shall be required to make a statement as to his
314 or her length of residence in the state and, further, shall
315 establish that his or her presence or, if the applicant is a
316 dependent child, the presence of his or her parent or parents in
317 the state currently is, and during the requisite 12-month
318 qualifying period was, for the purpose of maintaining a bona
319 fide domicile, rather than for the purpose of maintaining a mere

20091696er

320 temporary residence or abode incident to enrollment in an
321 institution of higher education.

322 (b) However, with respect to a dependent child living with
323 an adult relative other than the child's parent, such child may
324 qualify as a resident for tuition purposes if the adult relative
325 is a legal resident who has maintained legal residence in this
326 state for at least 12 consecutive months immediately prior to
327 the child's initial enrollment in an institution of higher
328 education ~~qualification~~, provided the child has resided
329 continuously with such relative for the 5 years immediately
330 prior to the child's initial enrollment in an institution of
331 higher education ~~qualification~~, during which time the adult
332 relative has exercised day-to-day care, supervision, and control
333 of the child.

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

340 (3) (a) An individual shall not be classified as a resident
341 for tuition purposes and, thus, shall not be eligible to receive
342 the in-state tuition rate until he or she has provided such
343 evidence related to legal residence and its duration or, if
344 that individual is a dependent child, evidence of his or her
345 parent's legal residence and its duration, as may be required
346 by law and by officials of the institution of higher education
347 from which he or she seeks the in-state tuition rate.

348 (b) Except as otherwise provided in this section, evidence

20091696er

349 of legal residence and its duration shall include clear and
350 convincing documentation that residency in this state was for a
351 minimum of 12 consecutive months prior to a student's initial
352 enrollment in an institution of higher education.

353 (c) Each institution of higher education shall
354 affirmatively determine that an applicant who has been granted
355 admission to that institution as a Florida resident meets the
356 residency requirements of this section at the time of initial
357 enrollment. The residency determination must be documented by
358 the submission of written or electronic verification that
359 includes two or more of the documents identified in this
360 paragraph. No single piece of evidence shall be conclusive.

361 1. The documents must include at least one of the
362 following:

363 a. A Florida voter's registration card.

364 b. A Florida driver's license.

365 c. A State of Florida identification card.

366 d. A Florida vehicle registration.

367 e. Proof of a permanent home in Florida which is occupied
368 as a primary residence by the individual or by the individual's
369 parent if the individual is a dependent child.

370 f. Proof of a homestead exemption in Florida.

371 g. Transcripts from a Florida high school for multiple
372 years if the Florida high school diploma or GED was earned
373 within the last 12 months.

374 h. Proof of permanent full-time employment in Florida for
375 at least 30 hours per week for a 12-month period.

376 2. The documents may include one or more of the following:

377 a. A declaration of domicile in Florida.

20091696er

378 b. A Florida professional or occupational license.

379 c. Florida incorporation.

380 d. A document evidencing family ties in Florida.

381 e. Proof of membership in a Florida-based charitable or
382 professional organization.

383 f. Any other documentation that supports the student's
384 request for resident status, including, but not limited to,
385 utility bills and proof of 12 consecutive months of payments; a
386 lease agreement and proof of 12 consecutive months of payments;
387 or an official state, federal, or court document evidencing
388 legal ties to Florida.

389 (4) With respect to a dependent child, the legal residence
390 of the dependent child's ~~such individual's~~ parent or parents is
391 prima facie evidence of the dependent child's ~~individual's~~ legal
392 residence, which evidence may be reinforced or rebutted,
393 relative to the age and general circumstances of the dependent
394 child ~~individual~~, by the other evidence of legal residence
395 required of or presented by the dependent child ~~individual~~.
396 However, the legal residence of a dependent child's ~~an~~
397 ~~individual whose~~ parent or parents who are domiciled outside
398 this state is not prima facie evidence of the dependent child's
399 ~~individual's~~ legal residence if that dependent child ~~individual~~
400 has lived in this state for 5 consecutive years prior to
401 enrolling or reregistering at the institution of higher
402 education at which resident status for tuition purposes is
403 sought.

404 (6) (a) Except as otherwise provided in this section, a
405 person who is classified as a nonresident for tuition purposes
406 may become eligible for reclassification as a resident for

20091696er

407 tuition purposes if that person or, if that person is a
408 dependent child, his or her parent presents clear and convincing
409 documentation that supports permanent legal residency in this
410 state for at least 12 consecutive months rather than temporary
411 residency for the purpose of pursuing an education, such as
412 documentation of full-time permanent employment for the prior 12
413 months or the purchase of a home in this state and residence
414 therein for the prior 12 months while not enrolled in an
415 institution of higher education.

416 (b) If a person who is a dependent child and his or her
417 parent move to this state while such child is a high school
418 student and the child graduates from a high school in this
419 state, the child may become eligible for reclassification as a
420 resident for tuition purposes when the parent submits evidence
421 that the parent qualifies for permanent residency.

422 (c) If a person who is a dependent child and his or her
423 parent move to this state after such child graduates from high
424 school, the child may become eligible for reclassification as a
425 resident for tuition purposes after the parent submits evidence
426 that he or she has established legal residence in the state and
427 has maintained legal residence in the state for at least 12
428 consecutive months.

429 (d) A person who is classified as a nonresident for tuition
430 purposes and who marries a legal resident of the state or
431 marries a person who becomes a legal resident of the state may,
432 upon becoming a legal resident of the state, become eligible for
433 reclassification as a resident for tuition purposes upon
434 submitting evidence of his or her own legal residency in the
435 state, evidence of his or her marriage to a person who is a

20091696er

436 legal resident of the state, and evidence of the spouse's legal
437 residence in the state for at least 12 consecutive months
438 immediately preceding the application for reclassification. Any
439 ~~nonresident person, irrespective of sex, who marries a legal~~
440 ~~resident of this state or marries a person who later becomes a~~
441 ~~legal resident may, upon becoming a legal resident of this~~
442 ~~state, accede to the benefit of the spouse's immediately~~
443 ~~precedent duration as a legal resident for purposes of~~
444 ~~satisfying the 12-month durational requirement of this section.~~

445 (10) The following persons shall be classified as residents
446 for tuition purposes:

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

451 (11) Each institution of higher education shall establish a
452 residency appeal committee comprised of at least three members
453 to consider student appeals of residency determinations, in
454 accordance with the institution's official appeal process. The
455 residency appeal committee must render to the student the final
456 residency determination in writing. The institution must advise
457 the student of the reasons for the determination.

458 Section 8. Subsection (4) and paragraph (b) of subsection
459 (16) of section 1009.23, Florida Statutes, are amended to read:
460 1009.23 Community college student fees.—

461 (4) Each community college board of trustees shall
462 establish tuition and out-of-state fees, which may vary no more
463 than 10 percent below and 15 percent above the combined total of
464 the standard tuition and fees established in subsection (3) ~~7~~

20091696er

465 ~~provided that any amount from 10 to 15 percent above the~~
466 ~~standard tuition and fees established in subsection (3) shall be~~
467 ~~used only to support safety and security purposes. In order to~~
468 ~~assess an additional amount for safety and security purposes, a~~
469 ~~community college board of trustees must provide written~~
470 ~~justification to the State Board of Education based on criteria~~
471 ~~approved by the board of trustees, including, but not limited~~
472 ~~to, criteria such as local crime data and information, and~~
473 ~~strategies for the implementation of local safety plans. Should~~
474 ~~a college decide to increase the tuition and fees, the funds~~
475 ~~raised by increasing the tuition and fees must be expended~~
476 ~~solely for additional safety and security purposes and shall not~~
477 ~~supplant funding expended in the 1998-1999 budget for safety and~~
478 ~~security purposes.~~

479 (16)

480 (b) The amount of the distance learning course user fee may
481 not exceed the additional costs of the services provided which
482 are attributable to the development and delivery of the distance
483 learning course. If a community college assesses the distance
484 learning course user fee, the institution may not assess any
485 other fees to cover the additional costs. By September 1 of each
486 year, each board of trustees shall report to the Division of
487 Community Colleges the total amount of revenue generated by the
488 distance learning course user fee for the prior fiscal ~~academic~~
489 year and how the revenue was expended.

490 Section 9. Paragraph (c) of subsection (4) and subsection
491 (5) of section 1009.24, Florida Statutes, are amended to read:

492 1009.24 State university student fees.-

493 (4)

20091696er

494 (c) The Board of Governors, or the board's designee, may
495 establish tuition for graduate and professional programs, and
496 out-of-state fees for all programs. Except as otherwise provided
497 in this section, the sum of tuition and out-of-state fees
498 assessed to nonresident students must be sufficient to offset
499 the full instructional cost of serving such students. However,
500 adjustments to out-of-state fees or tuition for graduate
501 programs and pursuant to this section may not exceed 10 percent
502 in any year, and adjustments to out-of-state fees or tuition for
503 professional programs may not exceed 15 percent in any year.

504 (5) A university ~~that has a service area that borders~~
505 ~~another state~~ may implement a plan for a differential out-of-
506 state fee for the following:-

507 (a) A student from another state that borders the service
508 area of the university.

509 (b) A graduate student who has been determined to be a
510 nonresident for tuition purposes pursuant to s. 1009.21 and has
511 a .25 full-time equivalent appointment or greater as a graduate
512 assistant, graduate research assistant, graduate teaching
513 assistant, graduate research associate, or graduate teaching
514 associate.

515 (c) A graduate student who has been determined to be a
516 nonresident for tuition purposes pursuant to s. 1009.21 and is
517 receiving a full fellowship.

518 Section 10. Subsection (2) of section 1009.27, Florida
519 Statutes, is amended to read:

520 1009.27 Deferral of fees.—

521 (2) Any veteran or other eligible student who receives
522 benefits under chapter 30, chapter 31, chapter 32, chapter 33,

20091696er

523 chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106 of
524 Title 10, U.S.C., is entitled to one deferment each academic
525 year and an additional deferment each time there is a delay in
526 the receipt of benefits.

527 Section 11. Section 1009.286, Florida Statutes, is created
528 to read:

529 1009.286 Additional student payment for hours exceeding
530 baccalaureate degree program completion requirements at state
531 universities.-

532 (1) It is the intent of the Legislature to encourage each
533 undergraduate student who enrolls in a state university to
534 complete the student's respective baccalaureate degree program
535 in the most efficient way possible while providing for access to
536 additional college coursework. Therefore, the Legislature
537 intends to enact a policy that provides incentives for efficient
538 baccalaureate degree completion.

539 (2) State universities shall require a student to pay an
540 excess hour surcharge equal to 50 percent of the tuition rate
541 for each credit hour in excess of 120 percent of the number of
542 credit hours required to complete the baccalaureate degree
543 program in which the student is enrolled.

544 (3) Except as otherwise provided by law and for purposes of
545 this section, the following credit hours shall be included when
546 calculating the number of hours taken by a student:

547 (a) All credit hours for courses taken at the state
548 university from which the student is seeking a baccalaureate
549 degree, including:

550 1. Failed courses.

551 2. Courses that are dropped after the university's

20091696er

552 advertised last day of the drop and add period.

553 3. Courses from which a student withdraws, except as
554 provided in subsection (4).

555 4. Repeated courses, except repeated courses for which the
556 student has paid the full cost of instruction as provided in s.
557 1009.285.

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

561 (4) For purposes of this section, credit hours earned under
562 the following circumstances are not calculated as hours required
563 to earn a baccalaureate degree:

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

566 (b) Credit hours earned through internship programs.

567 (c) Credit hours required for certification,
568 recertification, or certificate programs.

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

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

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

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

575 (h) Credit hours earned in military science courses that
576 are part of the Reserve Officers' Training Corps (ROTC) program.

577 (5) Each state university and community college shall
578 implement a process for notifying students regarding the
579 provisions of this section. Notice must be provided by a state
580 university or a community college upon a student's initial

20091696er

581 enrollment in the institution. Such notice must be provided a
582 second time by a state university when a student has earned the
583 credit hours required to complete the baccalaureate degree
584 program in which the student is enrolled. The notice must
585 include a recommendation that each student who intends to earn
586 credit hours at the institution in excess of the credit hours
587 required for the baccalaureate degree program in which the
588 student is enrolled meet with his or her academic advisor.

589 (6) For purposes of this section, the term "state
590 university" includes the institutions identified in s.
591 1000.21(6) and the term "community college" includes the
592 institutions identified in s. 1000.21(3).

593 (7) The provisions of this section become effective for
594 students who enter a community college or a state university for
595 the first time in the 2009-2010 academic year and thereafter.

596 Section 12. Paragraph (a) of subsection (1) of section
597 1009.40, Florida Statutes, is amended to read:

598 1009.40 General requirements for student eligibility for
599 state financial aid awards and tuition assistance grants.—

600 (1)(a) The general requirements for eligibility of students
601 for state financial aid awards and tuition assistance grants
602 consist of the following:

603 1. Achievement of the academic requirements of and
604 acceptance at a state university or community college; a nursing
605 diploma school approved by the Florida Board of Nursing; a
606 Florida college, university, or community college which is
607 accredited by an accrediting agency recognized by the State
608 Board of Education; any Florida institution the credits of which
609 are acceptable for transfer to state universities; any career

20091696er

610 center; or any private career institution accredited by an
611 accrediting agency recognized by the State Board of Education.

612 2. Residency in this state for no less than 1 year
613 preceding the award of aid or a tuition assistance grant for a
614 program established pursuant to s. 1009.50, s. 1009.505, s.
615 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s.
616 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s.
617 1009.72, s. 1009.73, ~~s. 1009.76~~, s. 1009.77, s. 1009.89, or s.
618 1009.891. Residency in this state must be for purposes other
619 than to obtain an education. Resident status for purposes of
620 receiving state financial aid awards shall be determined in the
621 same manner as resident status for tuition purposes pursuant to
622 s. 1009.21.

623 3. Submission of certification attesting to the accuracy,
624 completeness, and correctness of information provided to
625 demonstrate a student's eligibility to receive state financial
626 aid awards or tuition assistance grants. Falsification of such
627 information shall result in the denial of any pending
628 application and revocation of any award or grant currently held
629 to the extent that no further payments shall be made.
630 Additionally, students who knowingly make false statements in
631 order to receive state financial aid awards or tuition
632 assistance grants commit a misdemeanor of the second degree
633 subject to the provisions of s. 837.06 and shall be required to
634 return all state financial aid awards or tuition assistance
635 grants wrongfully obtained.

636 Section 13. Paragraph (a) of subsection (5) of section
637 1009.53, Florida Statutes, is amended, and subsection (11) is
638 added to that section, to read:

20091696er

639 1009.53 Florida Bright Futures Scholarship Program.—

640 (5) The department shall issue awards from the scholarship
641 program annually. Annual awards may be for up to 45 semester
642 credit hours or the equivalent. Before the registration period
643 each semester, the department shall transmit payment for each
644 award to the president or director of the postsecondary
645 education institution, or his or her representative, except that
646 the department may withhold payment if the receiving institution
647 fails to report or to make refunds to the department as required
648 in this section.

649 (a) Within 30 days after the end of regular registration
650 each semester, the educational institution shall certify to the
651 department the eligibility status of each student who receives
652 an award. After the end of the drop and add period, an
653 institution is not required to reevaluate or revise a student's
654 eligibility status; however, an institution ~~but~~ must make a
655 refund to the department within 30 days after the end of the
656 semester of any funds received for courses dropped by a student
657 or courses from which a student has withdrawn after the end of
658 the drop and add period, unless the student has been granted an
659 exception by the department pursuant to subsection (11) if a
660 ~~student who receives an award disbursement terminates enrollment~~
661 ~~for any reason during an academic term and a refund is permitted~~
662 ~~by the institution's refund policy.~~

663 (11) Funds for any scholarship within the Florida Bright
664 Futures Scholarship Program may not be used to pay for courses
665 dropped by a student or courses from which a student has
666 withdrawn after the end of the drop and add period. However, a
667 student who receives an award under this program and

20091696er

668 subsequently drops one or more courses or withdraws from all
669 courses after the end of the drop and add period due to a
670 verifiable illness or other documented emergency may be granted
671 an exception pursuant to s. 1009.40(1)(b)4., unless the
672 institution's policy is to refund the cost of the courses. The
673 department shall notify eligible recipients of the provisions of
674 this subsection. Each institution shall notify award recipients
675 of the provisions of this subsection during the registration
676 process.

677 Section 14. Paragraph (a) of subsection (1) of section
678 1009.532, Florida Statutes, is amended, and paragraph (c) is
679 added to that subsection to read:

680 1009.532 Florida Bright Futures Scholarship Program;
681 student eligibility requirements for renewal awards.—

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

685 (a) Effective for students funded in the 2009-2010 academic
686 year and thereafter, earn ~~Complete~~ at least 24 ~~12~~ semester
687 credit hours or the equivalent in the last academic year in
688 which the student earned a scholarship if the student was
689 enrolled full time, or a prorated number of credit hours as
690 determined by the Department of Education if the student was
691 enrolled less than full time for any part of the academic year.
692 If a student fails to earn the minimum number of hours required
693 to renew the scholarship, the student shall lose his or her
694 eligibility for renewal for a period equivalent to 1 academic
695 year. Such student is eligible to restore the award the
696 following academic year if the student earns the hours for which

20091696er

697 he or she was enrolled at the level defined by the department
698 and meets the grade point average for renewal. A student is
699 eligible for such restoration one time. The department shall
700 notify eligible recipients of the provisions of this paragraph.
701 Each institution shall notify award recipients of the provisions
702 of this paragraph during the registration process.

703 (c) Reimburse or make satisfactory arrangements to
704 reimburse the institution for the award amount received for
705 courses dropped after the end of the drop and add period or
706 courses from which the student withdraws after the end of the
707 drop and add period unless the student has received an exception
708 pursuant to s. 1009.53(11).

709 Section 15. Subsection (2) of section 1009.534, Florida
710 Statutes, is amended, and subsection (5) is added to that
711 section, to read:

712 1009.534 Florida Academic Scholars award.—

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

725 (5) Notwithstanding subsections (2) and (4), a Florida

20091696er

726 Academic Scholar is eligible for an award equal to the amount
727 specified in the General Appropriations Act for the 2009-2010
728 academic year. This subsection expires July 1, 2010.

729 Section 16. Subsection (4) is added to section 1009.535,
730 Florida Statutes, to read:

731 1009.535 Florida Medallion Scholars award.—

732 (4) Notwithstanding subsection (2), a Florida Medallion
733 Scholar is eligible for an award equal to the amount specified
734 in the General Appropriations Act for the 2009-2010 academic
735 year. This subsection expires July 1, 2010.

736 Section 17. Subsection (4) of section 1009.536, Florida
737 Statutes, is amended, and subsection (5) is added to that
738 section, to read:

739 1009.536 Florida Gold Seal Vocational Scholars award.—The
740 Florida Gold Seal Vocational Scholars award is created within
741 the Florida Bright Futures Scholarship Program to recognize and
742 reward academic achievement and career preparation by high
743 school students who wish to continue their education.

744 (4) A student may earn a Florida Gold Seal Vocational
745 Scholarship for 110 percent of the number of credit hours
746 required to complete the program, up to 90 credit hours or the
747 equivalent. ~~A Florida Gold Seal Scholar who has a cumulative~~
748 ~~grade point average of 2.75 in all postsecondary education work~~
749 ~~attempted may apply for a Florida Medallion Scholars award at~~
750 ~~any renewal period. All other provisions of that program apply,~~
751 ~~and the credit-hour limitation must be calculated by subtracting~~
752 ~~from the student's total eligibility the number of credit hours~~
753 ~~the student attempted while earning the Gold Seal Vocational~~
754 ~~Scholarship.~~

20091696er

755 (5) Notwithstanding subsection (2), a Florida Gold Seal
756 Vocational Scholar is eligible for an award equal to the amount
757 specified in the General Appropriations Act for the 2009-2010
758 academic year. This subsection expires July 1, 2010.

759 Section 18. Section 1009.54, Florida Statutes, is amended
760 to read:

761 1009.54 Critical Teacher Shortage Program.—There is created
762 the Critical Teacher Shortage Program. ~~Funds appropriated by the~~
763 ~~Legislature for the program shall be deposited in the State~~
764 ~~Student Financial Assistance Trust Fund.~~ The Chief Financial
765 Officer shall authorize expenditures ~~from the trust fund~~ upon
766 receipt of vouchers approved by the Department of Education for
767 the critical teacher shortage programs established in ~~s.~~
768 ~~1009.57, s. 1009.58, or s. 1009.59.~~ ~~The Chief Financial Officer~~
769 ~~shall also authorize expenditures from the trust fund for the~~
770 ~~“Chappie” James Most Promising Teacher Scholarship Loan Program~~
771 ~~and the Critical Teacher Shortage Scholarship Loan Program~~
772 ~~recipients who participated in these programs prior to July 1,~~
773 ~~1993, provided that such students continue to meet the renewal~~
774 ~~eligibility requirements that were in effect at the time that~~
775 ~~their original awards were made. Students who participated in~~
776 ~~the “Chappie” James Most Promising Teacher Scholarship Loan~~
777 ~~Program prior to July 1, 1993, shall not have their awards~~
778 ~~reduced as a result of the addition of new students to the~~
779 ~~program.~~ All scholarship loan repayments pursuant to s. 1009.57,
780 the “Chappie” James Most Promising Teacher Scholarship Loan
781 Program, and the Critical Teacher Shortage Scholarship Loan
782 Program shall be deposited into the State Student Financial
783 Assistance Trust Fund. Any remaining balance at the end of any

20091696er

784 fiscal year that has been allocated to the program shall remain
785 in the trust fund and be available for the individual programs
786 in future years.

787 Section 19. Subsection (1) and paragraph (c) of subsection
788 (2) of section 1009.55, Florida Statutes, are amended to read:
789 1009.55 Rosewood Family Scholarship Program.—

790 (1) There is created a Rosewood Family Scholarship Program
791 for ~~minority persons with preference given to the direct~~
792 ~~descendants of the Rosewood families, not to exceed 25~~
793 ~~scholarships per year. Funds appropriated by the Legislature for~~
794 ~~the program shall be deposited in the State Student Financial~~
795 ~~Assistance Trust Fund.~~

796 (2) The Rosewood Family Scholarship Program shall be
797 administered by the Department of Education. The State Board of
798 Education shall adopt rules for administering this program which
799 shall at a minimum provide for the following:

800 (c) The department shall rank eligible initial applicants
801 for the purposes of awarding scholarships ~~with preference being~~
802 ~~given to the direct descendants of the Rosewood families. The~~
803 ~~remaining applicants shall be ranked based on need as determined~~
804 by the Department of Education.

805 Section 20. Subsection (2) of section 1009.57, Florida
806 Statutes, is repealed, subsection (3) is renumbered as
807 subsection (2), and paragraphs (b) and (c) of the renumbered
808 subsection (2) of that section are amended, to read:

809 1009.57 Florida Teacher Scholarship and Forgivable Loan
810 Program.—

811 (2) ~~(3)~~

812 (b) An undergraduate forgivable loan may be awarded for 2

20091696er

813 undergraduate years, ~~not to exceed \$4,000 per year,~~ or for a
814 maximum of 3 years for programs requiring a fifth year of
815 instruction to obtain initial teaching certification. The amount
816 of the scholarship shall be prorated based on available
817 appropriations and may not exceed \$4,000 per year.

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

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

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

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

831 Section 21. Subsection (3) of section 1009.58, Florida
832 Statutes, is amended to read:

833 1009.58 Critical teacher shortage tuition reimbursement
834 program.—

835 (3) Participants may receive tuition reimbursement payments
836 for up to 9 semester hours, or the equivalent in quarter hours,
837 per year. The amount of the reimbursement per semester hour
838 shall be prorated based on available appropriations and may not,
839 ~~at a rate not to~~ exceed \$78 per semester hour, up to a total of
840 36 semester hours. All tuition reimbursements shall be
841 contingent on passing an approved course with a minimum grade of

20091696er

842 3.0 or its equivalent.

843 Section 22. Subsection (2) of section 1009.59, Florida
844 Statutes, is amended to read:

845 1009.59 Critical Teacher Shortage Student Loan Forgiveness
846 Program.—

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

850 (a) Up to \$2,500 a year for up to 4 years on behalf of
851 selected graduates of state-approved undergraduate postsecondary
852 teacher preparation programs, persons certified to teach
853 pursuant to any applicable teacher certification requirements,
854 or selected teacher preparation graduates from any state
855 participating in the Interstate Agreement on the Qualification
856 of Educational Personnel.

857 (b) Up to \$5,000 a year for up to 2 years on behalf of
858 selected graduates of state-approved graduate postsecondary
859 teacher preparation programs, persons with graduate degrees
860 certified to teach pursuant to any applicable teacher
861 certification requirements, or selected teacher preparation
862 graduates from any state participating in the Interstate
863 Agreement on the Qualification of Educational Personnel.

864 (c) All repayments shall be contingent on continued proof
865 of employment in the designated subject areas in this state and
866 shall be made directly to the holder of the loan. The state
867 shall not bear responsibility for the collection of any interest
868 charges or other remaining balance. In the event that designated
869 critical teacher shortage subject areas are changed by the State
870 Board of Education, a teacher shall continue to be eligible for

20091696er

871 loan forgiveness as long as he or she continues to teach in the
872 subject area for which the original loan repayment was made and
873 otherwise meets all conditions of eligibility.

874 Section 23. Subsections (1) and (3) of section 1009.60,
875 Florida Statutes, are amended to read:

876 1009.60 Minority teacher education scholars program.—There
877 is created the minority teacher education scholars program,
878 which is a collaborative performance-based scholarship program
879 for African-American, Hispanic-American, Asian-American, and
880 Native American students. The participants in the program
881 include Florida's community colleges and its public and private
882 universities that have teacher education programs.

883 (1) The minority teacher education scholars program shall
884 provide an annual scholarship in an amount that shall be
885 prorated based on available appropriations and may not exceed ~~of~~
886 \$4,000 for each approved minority teacher education scholar who
887 is enrolled in one of Florida's public or private universities
888 in the junior year and is admitted into a teacher education
889 program.

890 (3) The total amount appropriated annually for new
891 scholarships in the program must be divided by \$4,000 and by the
892 number of participating colleges and universities. Each
893 participating institution has access to the same number of
894 scholarships and may award all of them to eligible minority
895 students. If a college or university does not award all of its
896 scholarships by the date set by the program administration at
897 the Florida Fund for Minority Teachers, Inc., the remaining
898 scholarships must be transferred to another institution that has
899 eligible students. If the total amount appropriated for new

20091696er

900 scholarships is insufficient to award \$4,000 to each eligible
901 student, the amount of the scholarship shall be prorated based
902 on available appropriations.

903 Section 24. Subsection (2) of section 1009.605, Florida
904 Statutes, is amended to read:

905 1009.605 Florida Fund for Minority Teachers, Inc.—

906 (2) (a) The corporation shall submit an annual budget
907 projection to the Department of Education to be included in the
908 annual legislative budget request. The projection must be based
909 on the cost to award up to a 7-year plan that would be capable
910 of awarding the following schedule of scholarships:

911 ~~(a) In the initial year, 700 scholarships of \$4,000 each to~~
912 ~~scholars in the junior year of college.~~

913 ~~(b) In the second year, 350 scholarships to new scholars in~~
914 ~~their junior year and 700 renewal scholarships to the rising~~
915 ~~seniors.~~

916 ~~(c) In each succeeding year, 350 scholarships to new~~
917 ~~scholars in the junior year and up to 350 renewal scholarships~~
918 ~~to the 350 rising seniors.~~

919 (b) The corporation shall report to the Department of
920 Education, by the date established by the department, the
921 eligible students to whom scholarship moneys are disbursed each
922 academic term and any other information requested by the
923 department in accordance with s. 1009.94. By June 30 of each
924 fiscal year, the corporation shall remit to the department any
925 appropriated funds that were not distributed for scholarships,
926 less the 5 percent for administration, including administration
927 of the required training program, authorized pursuant to
928 subsection (3).

20091696er

929 Section 25. Paragraph (e) of subsection (5) of section
930 1009.701, Florida Statutes, is amended to read:

931 1009.701 First Generation Matching Grant Program.—

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

934 (e) Have met the eligibility requirements in s. 1009.50 for
935 demonstrated financial need for the Florida Public Student
936 Assistance Grant Program ~~by completing the Free Application for~~
937 ~~Federal Student Aid.~~

938 Section 26. Sections 1009.76 and 1009.765, Florida
939 Statutes, are repealed.

940 Section 27. Subsections (2) and (3) of section 1009.94,
941 Florida Statutes, are amended to read:

942 1009.94 Student financial assistance database.—

943 (2) For purposes of this section, financial assistance
944 includes:

945 (a) For all students, any scholarship, grant, loan, fee
946 waiver, tuition assistance payment, or other form of
947 compensation provided from state or federal funds.

948 (b) For students attending public institutions, any
949 scholarship, grant, loan, fee waiver, tuition assistance
950 payment, or other form of compensation supported by
951 institutional funds.

952 (c) Any financial assistance provided under s. 1009.50, s.
953 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s.
954 1009.55, s. 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s.
955 1009.63, s. 1009.68, s. 1009.70, s. 1009.701, s. 1009.72, s.
956 1009.73, s. 1009.74, s. 1009.77, s. 1009.89, or s. 1009.891.

957 (3) The database must include records on any student

20091696er

958 receiving any form of financial assistance as described in
959 subsection (2). Each institution ~~Institutions~~ participating in
960 any state financial assistance program shall annually report
961 ~~submit~~ such information to the Department of Education, by the
962 date and in a format prescribed by the department and consistent
963 with the provisions of s. 1002.22, the eligible students to whom
964 financial assistance is disbursed each academic term, the
965 eligibility requirements for recipients, and the aggregate
966 demographics of recipients.

967 Section 28. Paragraphs (a), (b), and (c) of subsection (2)
968 of section 1009.98, Florida Statutes, are amended, and
969 subsection (10) is added to that section, to read:

970 1009.98 Stanley G. Tate Florida Prepaid College Program.—

971 (2) PREPAID COLLEGE PLANS.—At a minimum, the board shall
972 make advance payment contracts available for two independent
973 plans to be known as the community college plan and the
974 university plan. The board may also make advance payment
975 contracts available for a dormitory residence plan. The board
976 may restrict the number of participants in the community college
977 plan, university plan, and dormitory residence plan,
978 respectively. However, any person denied participation solely on
979 the basis of such restriction shall be granted priority for
980 participation during the succeeding year.

981 (a)1. Through the community college plan, the advance
982 payment contract may ~~shall~~ provide prepaid registration fees for
983 a specified number of undergraduate semester credit hours not to
984 exceed the average number of hours required for the conference
985 of an associate degree. Qualified beneficiaries shall bear the
986 cost of any laboratory fees associated with enrollment in

20091696er

987 specific courses. Each qualified beneficiary shall be classified
988 as a resident for tuition purposes, pursuant to s. 1009.21,
989 regardless of his or her actual legal residence.

990 2. Effective July 1, 1998, the board may provide advance
991 payment contracts for additional fees delineated in s. 1009.23,
992 not to exceed the average number of hours required for the
993 conference of an associate degree, in conjunction with advance
994 payment contracts for registration fees. Community college plan
995 contracts purchased prior to July 1, 1998, shall be limited to
996 the payment of registration fees as defined in s. 1009.97.

997 3. Effective July 1, 2009, the board may offer an advance
998 payment contract for the community college plan covering prepaid
999 registration fees and the fees authorized in s. 1009.23. Such a
1000 contract may be offered in specific increments for use toward an
1001 associate degree. The total number of hours purchased for a
1002 qualified beneficiary may not exceed the average number of hours
1003 required for the conference of an associate degree.

1004 (b)1. Through the university plan, the advance payment
1005 contract may ~~shall~~ provide prepaid registration fees for a
1006 specified number of undergraduate semester credit hours not to
1007 exceed the average number of hours required for the conference
1008 of a baccalaureate degree. Qualified beneficiaries shall bear
1009 the cost of any laboratory fees associated with enrollment in
1010 specific courses. Each qualified beneficiary shall be classified
1011 as a resident for tuition purposes pursuant to s. 1009.21,
1012 regardless of his or her actual legal residence.

1013 2. Effective July 1, 1998, the board may provide advance
1014 payment contracts for additional fees delineated in s.
1015 1009.24(9)-(12), for a specified number of undergraduate

20091696er

1016 semester credit hours not to exceed the average number of hours
1017 required for the conference of a baccalaureate degree, in
1018 conjunction with advance payment contracts for registration
1019 fees. Such contracts shall provide prepaid coverage for the sum
1020 of such fees, to a maximum of 45 percent of the cost of
1021 registration fees. University plan contracts purchased prior to
1022 July 1, 1998, shall be limited to the payment of registration
1023 fees as defined in s. 1009.97.

1024 3. Effective July 1, 2007, the board may provide advance
1025 payment contracts for the tuition differential authorized in s.
1026 1009.24(16) for a specified number of undergraduate semester
1027 credit hours, which may not exceed the average number of hours
1028 required for the conference of a baccalaureate degree, in
1029 conjunction with advance payment contracts for registration
1030 fees.

1031 4. Effective July 1, 2009, the board may offer an advance
1032 payment contract for the university plan covering prepaid
1033 registration fees, the fees authorized in s. 1009.24(9)-(12),
1034 and the tuition differential authorized in s. 1009.24(16). Such
1035 a contract may be offered in specific increments for use toward
1036 a baccalaureate degree. The total number of hours purchased for
1037 a qualified beneficiary may not exceed the average number of
1038 hours required for the conference of a baccalaureate degree.

1039 (c) The cost of participation in contracts authorized under
1040 paragraph (a) or paragraph (b) shall be based primarily on the
1041 current and projected ~~registration~~ fees included in the plan
1042 within the Florida ~~Community~~ College System or the State
1043 University System, respectively, the number of credit hours or
1044 semesters included in the plan, and the number of years expected

20091696er

1045 to elapse between the purchase of the plan on behalf of a
1046 qualified beneficiary and the exercise of the benefits provided
1047 in the plan by such beneficiary.

1048 (10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.—

1049 (a) As used in this subsection, the term:

1050 1. "Actuarial reserve" means the amount by which the
1051 expected value of the assets exceed the expected value of the
1052 liabilities of the trust fund.

1053 2. "Dormitory fees" means the fees included under advance
1054 payment contracts pursuant to s. 1009.98(2)(d).

1055 3. "Fiscal year" means the fiscal year of the state
1056 pursuant to s. 215.01.

1057 4. "Local fees" means the fees covered by an advance
1058 payment contract provided pursuant to subparagraph (2)(b)2.

1059 5. "Tuition differential" means the fee covered by advance
1060 payment contracts sold pursuant to subparagraph (2)(b)3. The
1061 base rate for the tuition differential fee for the 2012-2013
1062 fiscal year is established at \$37.03 per credit hour. The base
1063 rate for the tuition differential in subsequent years is the
1064 amount paid by the board for the tuition differential for the
1065 preceding year adjusted pursuant to subparagraph (b)2.

1066 (b) Effective with the 2009-2010 academic year and
1067 thereafter, and notwithstanding the provisions of s. 1009.24,
1068 the amount paid by the board to any state university on behalf
1069 of a qualified beneficiary of an advance payment contract whose
1070 contract was purchased before July 1, 2009, shall be:

1071 1. As to registration fees, if the actuarial reserve is
1072 less than 5 percent of the expected liabilities of the trust
1073 fund, the board shall pay the state universities 5.5 percent

20091696er

1074 above the amount assessed for registration fees in the preceding
1075 fiscal year. If the actuarial reserve is between 5 percent and 6
1076 percent of the expected liabilities of the trust fund, the board
1077 shall pay the state universities 6 percent above the amount
1078 assessed for registration fees in the preceding fiscal year. If
1079 the actuarial reserve is between 6 percent and 7.5 percent of
1080 the expected liabilities of the trust fund, the board shall pay
1081 the state universities 6.5 percent above the amount assessed for
1082 registration fees in the preceding fiscal year. If the actuarial
1083 reserve is equal to or greater than 7.5 percent of the expected
1084 liabilities of the trust fund, the board shall pay the state
1085 universities 7 percent above the amount assessed for
1086 registration fees in the preceding fiscal year, whichever is
1087 greater.

1088 2. As to the tuition differential, if the actuarial reserve
1089 is less than 5 percent of the expected liabilities of the trust
1090 fund, the board shall pay the state universities 5.5 percent
1091 above the base rate for the tuition differential fee in the
1092 preceding fiscal year. If the actuarial reserve is between 5
1093 percent and 6 percent of the expected liabilities of the trust
1094 fund, the board shall pay the state universities 6 percent above
1095 the base rate for the tuition differential fee in the preceding
1096 fiscal year. If the actuarial reserve is between 6 percent and
1097 7.5 percent of the expected liabilities of the trust fund, the
1098 board shall pay the state universities 6.5 percent above the
1099 base rate for the tuition differential fee in the preceding
1100 fiscal year. If the actuarial reserve is equal to or greater
1101 than 7.5 percent of the expected liabilities of the trust fund,
1102 the board shall pay the state universities 7 percent above the

20091696er

1103 base rate for the tuition differential fee in the preceding
1104 fiscal year.

1105 3. As to local fees, the board shall pay the state
1106 universities 5 percent above the amount assessed for local fees
1107 in the preceding fiscal year.

1108 4. As to dormitory fees, the board shall pay the state
1109 universities 6 percent above the amount assessed for dormitory
1110 fees in the preceding fiscal year.

1111 5. Qualified beneficiaries of advance payment contracts
1112 purchased before July 1, 2007, are exempt from paying any
1113 tuition differential fee.

1114 (c) The board shall pay state universities the actual
1115 amount assessed in accordance with law for registration fees,
1116 the tuition differential, local fees, and dormitory fees for
1117 advance payment contracts purchased on or after July 1, 2009.

1118 (d) The board shall annually evaluate or cause to be
1119 evaluated the actuarial soundness of the trust fund.

1120 Section 29. Effective upon this act becoming a law,
1121 subsection (5) of section 1011.32, Florida Statutes, is amended
1122 to read:

1123 1011.32 Community College Facility Enhancement Challenge
1124 Grant Program.—

1125 (5) A project may not be initiated unless all private funds
1126 for planning, construction, and equipping the facility have been
1127 received and deposited in the direct-support organization's
1128 matching account for this purpose ~~and the state's share for the~~
1129 ~~minimum amount of funds needed to begin the project has been~~
1130 ~~appropriated by the Legislature.~~ However, this requirement does
1131 not preclude the community college or direct-support

20091696er

1132 organization from expending available funds from private sources
1133 to develop a prospectus, including preliminary architectural
1134 schematics or models, for use in its efforts to raise private
1135 funds for a facility and for site preparation, planning, and
1136 construction. The Legislature may appropriate the state's
1137 matching funds in one or more fiscal years for the planning,
1138 construction, and equipping of an eligible facility. Each
1139 community college shall notify all donors of private funds of a
1140 substantial delay in the availability of state matching funds
1141 for this program. ~~However, these requirements shall not preclude~~
1142 ~~the community college or direct support organization from~~
1143 ~~expending available funds from private sources to develop a~~
1144 ~~prospectus, including preliminary architectural schematics~~
1145 ~~and/or models, for use in its efforts to raise private funds for~~
1146 ~~a facility. Additionally, any private sources of funds expended~~
1147 ~~for this purpose are eligible for state matching funds should~~
1148 ~~the project materialize as provided for in this section.~~

1149 Section 30. Section 1011.521, Florida Statutes, is created
1150 to read:

1151 1011.521 Appropriation to private colleges and
1152 universities.-

1153 (1) Subject to the provisions of this section, the
1154 Legislature may provide an annual appropriation to support
1155 Florida private colleges and universities. Such appropriations
1156 may be used to provide access to Florida residents seeking a
1157 postsecondary education, to fulfill the state's need for
1158 graduates in specific disciplines, and to support medical
1159 research.

1160 (2) Each institution receiving an appropriation under this

20091696er

1161 section shall submit a proposed expenditure plan to the
1162 Department of Education by the date and in the format
1163 established by the department.

1164 (3) By September 1 of each fiscal year, each institution
1165 receiving an appropriation under this section shall submit a
1166 report to the Department of Education detailing expenditures of
1167 the funds received under this section in the preceding fiscal
1168 year. Any funds used to provide financial assistance to students
1169 shall be reported to the department in accordance with s.
1170 1009.94.

1171 (4) An institution may not expend any of the funds received
1172 under this section for the construction of any buildings.

1173 Section 31. Subsection (4) of section 1011.83, Florida
1174 Statutes, is amended to read:

1175 1011.83 Financial support of community colleges.-

1176 (4) State ~~policy for funding for~~ baccalaureate degree
1177 programs approved pursuant to s. 1007.33 shall be as provided in
1178 the General Appropriations Act to limit state support for
1179 ~~recurring operating purposes to no more than 85 percent of the~~
1180 ~~amount of state expenditures for direct instruction per credit~~
1181 ~~hour in upper-level state university programs. A community~~
1182 ~~college may temporarily exceed this limit due to normal~~
1183 ~~enrollment fluctuations or unforeseeable circumstances or while~~
1184 ~~phasing in new programs. This subsection does not authorize the~~
1185 ~~Department of Education to withhold legislative appropriations~~
1186 ~~to any community college.~~

1187 Section 32. Subsection (12) is added to section 1011.85,
1188 Florida Statutes, to read:

1189 1011.85 Dr. Philip Benjamin Matching Grant Program for

20091696er

1190 Community Colleges.—

1191 (12) Each community college shall notify all donors of
1192 private funds of a substantial delay in the availability of
1193 state matching funds for this program.

1194 Section 33. Subsection (7) is added to section 1011.94,
1195 Florida Statutes, to read:

1196 1011.94 University Major Gifts Program.—

1197 (7) Each university shall notify all donors of private
1198 funds of a substantial delay in the availability of state
1199 matching funds for this program.

1200 Section 34. Section 1012.83, Florida Statutes, is amended
1201 to read:

1202 1012.83 Contracts with administrative and instructional
1203 staff.—

1204 (1) Each person employed in an administrative or
1205 instructional capacity in a community college shall be entitled
1206 to a contract as provided by rules of the State Board of
1207 Education.

1208 (2) A community college board of trustees may not enter
1209 into an employment contract that requires the community college
1210 to pay an employee an amount from appropriated state funds in
1211 excess of 1 year of the employee's annual salary for
1212 termination, buy-out, or any other type of contract settlement.
1213 This subsection does not prohibit the payment of leave and
1214 benefits accrued by the employee in accordance with the
1215 community college's leave and benefits policies before the
1216 contract terminates.

1217 Section 35. Effective upon this act becoming a law,
1218 subsection (5) of section 1013.79, Florida Statutes, is amended

20091696er

1219 to read:

1220 1013.79 University Facility Enhancement Challenge Grant
1221 Program.—

1222 (5) A project may not be initiated unless all private funds
1223 for planning, construction, and equipping the facility have been
1224 received and deposited in the separate university program
1225 account designated for this purpose. However, these requirements
1226 do not preclude the university from expending funds derived from
1227 private sources to develop a prospectus, including preliminary
1228 architectural schematics or models, for use in its efforts to
1229 raise private funds for a facility, and for site preparation,
1230 planning, and construction ~~and the state's share for the minimum~~
1231 ~~amount of funds needed to begin the project has been~~
1232 ~~appropriated by the Legislature.~~ The Board of Governors shall
1233 establish a method for validating the receipt and deposit of
1234 private matching funds. The Legislature may appropriate the
1235 state's matching funds in one or more fiscal years for the
1236 planning, construction, and equipping of an eligible facility.
1237 Each university shall notify all donors of private funds of a
1238 substantial delay in the availability of state matching funds
1239 for this program. ~~However, these requirements shall not preclude~~
1240 ~~the university from expending available funds from private~~
1241 ~~sources to develop a prospectus, including preliminary~~
1242 ~~architectural schematics or models, for use in its efforts to~~
1243 ~~raise private funds for a facility.~~ Additionally, any private
1244 sources of funds expended for this purpose are eligible for
1245 state matching funds should the project materialize as provided
1246 for in this section.

1247 Section 36. Notwithstanding s. 1009.24(4)(d), Florida

20091696er

1248 Statutes, Florida State University is authorized to exceed the 5
1249 percent cap on annual increases to the aggregate sum of activity
1250 and service, health, and athletic fees for the 2009-2010 fiscal
1251 year for the purpose of increasing the health fee. Revenue
1252 generated by the increase in the health fee shall be used to
1253 construct a health service center. Any increase in the health
1254 fee must be approved by the health committee pursuant to s.
1255 1009.24(11), Florida Statutes.

1256 Section 37. A state university may not enact any policy
1257 that requires students to have health insurance coverage, unless
1258 such policy was in place before May 5, 2009. This section
1259 expires July 1, 2010.

1260 Section 38. Except as otherwise expressly provided in this
1261 act and except for this section, which shall take effect upon
1262 becoming a law, this act shall take effect July 1, 2009.