By Senator Galvano

21-00140H-17

A bill to be entitled

An act relating to higher education; providing a short
title; amending s. 1001.66, F.S.; revising
requirements for the performance-based metrics used to
award Florida College System institutions with
performance-based incentives; amending s. 1001.67,
F.S.; revising the Distinguished Florida College
System Institution Program excellence standards
requirements; amending s. 1001.7065, F.S.; revising
the preeminent state research universities program
graduation rate requirements and funding
distributions; deleting the authority for such
universities to stipulate a special course requirement
for incoming students; requiring the Board of
Governors to establish certain standards by a
specified date; amending s. 1001.92, F.S.; requiring
certain performance-based metrics to include specified
graduation rates; amending s. 1007.23, F.S.; requiring
each Florida Community College System institution to
execute at least one “2+2” Targeted Pathway
articulation agreement by a specified time; providing
requirements and student eligibility for the
agreements; requiring the State Board of Community
Colleges and the Board of Governors to collaborate to
eliminate barriers for the agreements; amending s.
1007.27, F.S.; requiring school districts to notify
students about certain lists and equivalencies;
amending s. 1008.30, F.S.; providing that certain
state universities may continue to provide
developmental education instruction; amending ss.
1009.22 and 1009.23, F.S.; revising the prohibition on
the inclusion of a technology fee in the Florida
Be It Enacted by the Legislature of the State of Florida:

Section 1. This act shall be cited as the “Florida Excellence in Higher Education Act of 2017.”

Section 2. Subsection (1) of section 1001.66, Florida Statutes, is amended to read:

1001.66 Florida College System Performance-Based Incentive.—
(1) The following performance-based metrics must be used in awarding a Florida College System Performance-Based Incentive shall be awarded to a Florida College System institution:

   (a) The distinguished college performance measures and respective excellence standards specified in s. 1001.67(1);

   (b) A graduation rate for first-time-in-college students enrolled in an associate of arts degree program who graduate with a baccalaureate degree in 4 years after initially enrolling in an associates of arts degree program; and

   (c) One performance-based metric on college affordability adopted by the State Board of Education. The performance-based metrics must include retention rates; program completion and graduation rates; postgraduation employment, salaries, and continuing education for workforce education and baccalaureate programs, with wage thresholds that reflect the added value of the certificate or degree; and outcome measures appropriate for associate of arts degree recipients.

The state board shall adopt benchmarks to evaluate each institution’s performance on the metrics to measure the institution’s achievement of institutional excellence or need for improvement and the minimum requirements for eligibility to receive performance funding.

Section 3. Subsection (1) of section 1001.67, Florida Statutes, is amended to read:

1001.67 Distinguished Florida College System Institution Program.—A collaborative partnership is established between the State Board of Education and the Legislature to recognize the
excellence of Florida’s highest-performing Florida College System institutions.

(1) EXCELLENCE STANDARDS.—The following excellence standards are established for the program:

(a) A 100 percent-of-normal-time completion rate of 50 percent or higher, as calculated by the Division of Florida Colleges.

(b) A 100 percent-of-normal-time completion rate for Pell Grant recipients of 40 percent or higher, as calculated by the Division of Florida Colleges.

(c) A retention rate of 70 percent or higher, as calculated by the Division of Florida Colleges.

(d) A continuing education, or transfer, rate of 72 percent or higher for students graduating with an associate of arts degree, as reported by the Florida Education and Training Placement Information Program (FETPIP).

(e) A licensure passage rate on the National Council Licensure Examination for Registered Nurses (NCLEX-RN) of 90 percent or higher for first-time exam takers, as reported by the Board of Nursing.

(f) A job placement or continuing education or job placement rate of 88 percent or higher for workforce programs, as reported by FETPIP, with wage thresholds that reflect the added value of the applicable certificate or degree. This paragraph does not apply to associate of arts degrees.

(g) An excess hours rate of 40 percent or lower for a time-to-degree for students graduating with an associate of arts degree recipients who graduate with 72 or more credit hours, as calculated by the Division of Florida Colleges of 2.25 years or
less for first-time-in-college students with accelerated college credits, as reported by the Southern Regional Education Board.

Section 4. Paragraph (d) of subsection (2), paragraph (c) of subsection (5), and subsections (6), (7), and (8) of section 1001.7065, Florida Statutes, are amended to read:

1001.7065 Preeminent state research universities program.—

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

(d) A 4-year 6-year graduation rate of 50 70 percent or higher for full-time, first-time-in-college students, as calculated by the Board of Governors reported annually to the IPEDS.

(5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM SUPPORT.—

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

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

2. Each designated emerging preeminent state research university that meets the criteria in paragraph (b) shall receive an amount of funding that is equal to one-fourth one-half of the total increased amount awarded to each designated
preeminent state research university.

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

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

   (7)(8) PROGRAMS OF EXCELLENCE THROUGHOUT THE STATE UNIVERSITY SYSTEM.—The Board of Governors shall is encouraged to establish standards and measures whereby individual undergraduate, graduate, and professional degree programs in state universities which that objectively reflect national excellence can be identified and make recommendations to the Legislature by September 1, 2017, as to how any such programs could be enhanced and promoted.

Section 5. Subsection (1) of section 1001.92, Florida Statutes, is amended to read:
1001.92 State University System Performance-Based Incentive.—

(1) A State University System Performance-Based Incentive shall be awarded to state universities using performance-based metrics adopted by the Board of Governors of the State University System. The performance-based metrics must include 4-year graduation rates; retention rates; postgraduation education rates; degree production; affordability; postgraduation employment and salaries, including wage thresholds that reflect the added value of a baccalaureate degree; access; and other metrics approved by the board in a formally noticed meeting. The board shall adopt benchmarks to evaluate each state university’s performance on the metrics to measure the state university’s achievement of institutional excellence or need for improvement and minimum requirements for eligibility to receive performance funding.

Section 6. Subsection (7) is added to section 1007.23, Florida Statutes, to read:

1007.23 Statewide articulation agreement.—

(7) To strengthen Florida’s “2+2” system of articulation and improve student retention and on-time graduation, by the 2018-2019 academic year, each Florida Community College System institution shall execute at least one “2+2” targeted pathway articulation agreement with one or more state universities to establish “2+2” targeted pathway programs. The agreement must provide students who graduate with an associate in arts degree and who meet specified requirements guaranteed access to the state university and a degree program at that university, in accordance with the terms of the “2+2” targeted pathway.
articulation agreement.

(a) To participate in a “2+2” targeted pathway program, a student must:
1. Enroll in the program before completing 30 credit hours, including, but not limited to, college credits earned through articulated acceleration mechanisms pursuant to s. 1007.27;
2. Complete an associate in arts degree; and
3. Meet the university’s transfer requirements.

(b) A state university that executes a “2+2” targeted pathway articulation agreement must meet the following requirements in order to implement a “2+2” targeted pathway program in collaboration with its partner Florida Community College System institution:
1. Establish a 4-year on-time graduation plan for a baccalaureate degree program, including, but not limited to, a plan for students to complete associate in arts degree programs, general education courses, common prerequisite courses, and elective courses;
2. Advise students enrolled in the program about the university’s transfer and degree program requirements; and
3. Provide students who meet the requirements under this paragraph with access to academic advisors and campus events and with guaranteed admittance to the state university and a degree program of the state university, in accordance with the terms of the agreement.

(c) To assist the state universities and Florida Community College institutions with implementing the “2+2” targeted pathway programs effectively, the State Board of Community Colleges and the Board of Governors shall collaborate to
Section 7. Subsection (2) of section 1007.27, Florida Statutes, is amended to read:

1007.27 Articulated acceleration mechanisms.—
(2) (a) The Department of Education shall annually identify and publish the minimum scores, maximum credit, and course or courses for which credit is to be awarded for each College Level Examination Program (CLEP) subject examination, College Board Advanced Placement Program examination, Advanced International Certificate of Education examination, International Baccalaureate examination, Excelsior College subject examination, Defense Activity for Non-Traditional Education Support (DANTES) subject standardized test, and Defense Language Proficiency Test (DLPT). The department shall use student performance data in subsequent postsecondary courses to determine the appropriate examination scores and courses for which credit is to be granted. Minimum scores may vary by subject area based on available performance data. In addition, the department shall identify such courses in the general education core curriculum of each state university and Florida College System institution.

(b) Each district school board shall notify students who enroll in articulated acceleration mechanism courses or take examinations pursuant to this section of the credit-by-examination equivalency list adopted by rule by the State Board of Education and the dual enrollment course and high school subject area equivalencies approved by the state board pursuant to s. 1007.271(9).
Section 8. Paragraph (c) of subsection (5) of section 1008.30, Florida Statutes, is amended to read:

1008.30 Common placement testing for public postsecondary education.—

(5) (c) A university board of trustees may contract with a Florida College System institution board of trustees for the Florida College System institution to provide developmental education on the state university campus. Any state university in which the percentage of incoming students requiring developmental education equals or exceeds the average percentage of such students for the Florida College System may offer developmental education without contracting with a Florida College System institution; however, any state university offering college-preparatory instruction as of January 1, 1996, may continue to provide developmental education instruction pursuant to s. 1008.02(1) such services.

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

1009.22 Workforce education postsecondary student fees.—

(7) Each district school board and Florida College System institution board of trustees is authorized to establish a separate fee for technology, not to exceed 5 percent of tuition per credit hour or credit-hour equivalent for resident students and not to exceed 5 percent of tuition and the out-of-state fee per credit hour or credit-hour equivalent for nonresident students. Revenues generated from the technology fee shall be used to enhance instructional technology resources for students and faculty and may not be included in any award under

CODING: Words stricken are deletions; words underlined are additions.
the Florida Bright Futures Scholarship Program, except as
authorized for the Florida Academic Scholars award under s.
1009.534. Fifty percent of technology fee revenues may be
pledged by a Florida College System institution board of
debt, including lease-purchase agreements, not to exceed the
useful life of the asset being financed. Revenues generated from
the technology fee may not be bonded.

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

1009.23 Florida College System institution student fees.—
(10) Each Florida College System institution board of
trustees is authorized to establish a separate fee for
technology, which may not exceed 5 percent of tuition per credit
hour or credit-hour equivalent for resident students and may not
exceed 5 percent of tuition and the out-of-state fee per credit
hour or credit-hour equivalent for nonresident students.
Revenues generated from the technology fee shall be used to
enhance instructional technology resources for students and
faculty. The technology fee may apply to both college credit and
developmental education and may not be included in any
award under the Florida Bright Futures Scholarship Program,
ext except as authorized for the Florida Academic Scholars award
under s. 1009.534. Fifty percent of technology fee revenues may
be pledged by a Florida College System institution board of
debt, including lease-purchase agreements, not to exceed the
useful life of the asset being financed. Revenues generated from
the technology fee may not be bonded.

Page 11 of 22

CODING: Words stricken are deletions; words underlined are additions.
Section 11. Subsection (13), paragraph (a) of subsection (15), and paragraph (b) of subsection (16) of section 1009.24, Florida Statutes, are amended to read:

1009.24 State university student fees.—

(13) Each university board of trustees may establish a technology fee of up to 5 percent of the tuition per credit hour. The revenue from this fee shall be used to enhance instructional technology resources for students and faculty. The technology fee may not be included in an any award under the Florida Bright Futures Scholarship Program established pursuant to ss. 1009.53-1009.538, except as authorized for the Florida Academic Scholars award under s. 1009.534.

(15)(a) The Board of Governors may approve:

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

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

3. A proposal from a university board of trustees to implement flexible tuition policies, such as undergraduate or graduate block tuition, block tuition differential, or market tuition rates for graduate-level online courses or graduate-level courses offered through a university’s continuing education program. A block tuition policy for resident undergraduate students or undergraduate-level courses shall be adopted by each university board of trustees for implementation by the fall 2018 academic semester and must be based on the per-credit-hour undergraduate tuition established...
under subsection (4). A block tuition policy for nonresident undergraduate students must be adopted by each university board of trustees for implementation by the fall 2018 academic semester and must be based on the per-credit-hour undergraduate tuition and out-of-state fee established under subsection (4). Flexible tuition policies, including block tuition, may not increase the state’s fiscal liability or obligation.

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

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

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

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

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

a. An increase in the 4-year graduation rate for full-time, first-time-in-college students, as calculated by the Board of Governors reported annually to the Integrated Postsecondary Education Data System.

b. An increase in the total annual research expenditures.

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

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

5. The tuition differential shall not be included in any award under the Florida Bright Futures Scholarship Program established pursuant to ss. 1009.53-1009.538, except as authorized for the Florida Academic Scholars award under s. 1009.534.

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

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

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

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

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

1009.534 Florida Academic Scholars award.—

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

Section 13. Subsection (2) of section 1009.701, Florida Statutes, is amended to read:

1009.701 First Generation Matching Grant Program.—
(2) Funds appropriated by the Legislature for the program shall be allocated by the Office of Student Financial Assistance to match private contributions at a ratio of $2 of state funds to $1 of private contributions dollar-for-dollar basis. Contributions made to a state university and pledged for the purposes of this section are eligible for state matching funds appropriated for this program and are not eligible for any other state matching grant program. Pledged contributions are not eligible for matching prior to the actual collection of the total funds. The Office of Student Financial Assistance shall reserve a proportionate allocation of the total appropriated funds for each state university on the basis of full-time equivalent enrollment. Funds that remain unmatched as of December 1 shall be reallocated to state universities that have remaining unmatched private contributions for the program on the basis of full-time equivalent enrollment.

Section 14. Section 1009.89, Florida Statutes, is amended to read:

1009.89 The William L. Boyd, IV, Effective Access to Student Education Florida resident access grants.—

(1) The Legislature finds and declares that independent nonprofit colleges and universities eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Florida Resident Access Grant Program are an integral part of the higher education system in this state and that a significant number of state residents choose this form of higher education. The Legislature further finds that a strong and viable system of independent nonprofit colleges and universities reduces the tax burden on the citizens of the state. Because the William L.
BOYD, IV, Effective Access to Student Education Florida Resident Access Grant Program is not related to a student’s financial need or other criteria upon which financial aid programs are based, it is the intent of the Legislature that the William L. Boyd, IV, Effective Access to Student Education Florida Resident Access Grant Program not be considered a financial aid program but rather a tuition assistance program for its citizens.

(2) The William L. Boyd, IV, Effective Access to Student Education Florida Resident Access Grant Program shall be administered by the Department of Education. The State Board of Education shall adopt rules for the administration of the program.

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

(4) A person is eligible to receive such William L. Boyd, IV, Effective Access to Student Education Florida resident access grant if:

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

(b) 1. He or she is enrolled as a full-time undergraduate student at an eligible college or university;
   2. He or she is not enrolled in a program of study leading to a degree in theology or divinity; and
   3. He or she is making satisfactory academic progress as defined by the college or university in which he or she is enrolled.

(5)(a) Funding for the William L. Boyd, IV, Effective Access to Student Education Florida Resident Access Grant Program for eligible institutions shall be as provided in the General Appropriations Act. The William L. Boyd, IV, Effective Access to Student Education Florida resident access grant may be paid on a prorated basis in advance of the registration period. The department shall make such payments to the college or university in which the student is enrolled for credit to the student’s account for payment of tuition and fees. Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances or refunds within 60 days of the end of regular registration. A student is not eligible to receive the award for more than 9 semesters or 14 quarters, except as otherwise provided in s. 1009.40(3).
(b) If the combined amount of the William L. Boyd, IV, Effective Access to Student Education Florida resident access grant issued pursuant to this act and all other scholarships and grants for tuition or fees exceeds the amount charged to the student for tuition and fees, the department shall reduce the William L. Boyd, IV, Effective Access to Student Education Florida resident access grant issued pursuant to this act by an amount equal to such excess.

(6) If the number of eligible students exceeds the total authorized in the General Appropriations Act, an institution may use its own resources to assure that each eligible student receives the full benefit of the grant amount authorized.

Section 15. Subsections (2), (4), and (5) of section 1009.893, Florida Statutes, are amended to read:

1009.893 Benacquisto Scholarship Program.—

(2) The Benacquisto Scholarship Program is created to reward any Florida high school graduate who receives recognition as a National Merit Scholar or National Achievement Scholar and who initially enrolls in the 2014-2015 academic year or, later, in a baccalaureate degree program at an eligible Florida public or independent postsecondary educational institution.

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

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

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

a. The student completes a home education program according to s. 1002.41; or

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

2.(c) Be accepted by and enroll in a Florida public or independent postsecondary educational institution that is regionally accredited; and

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

(b) Beginning with the 2017-2018 academic year, a student who is not a resident of this state, as determined pursuant to s. 1009.40 and rules of the State Board of Education, must:

1. Physically reside in this state on or near the campus of the postsecondary educational institution in which the student is enrolled;

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

3. Be accepted by and enrolled full-time in a baccalaureate degree program at an eligible regionally accredited Florida public or independent postsecondary educational institution during the fall academic term following high school graduation.
(5)(a) 1. An eligible student who meets the requirements of paragraph (4)(a), who is a National Merit Scholar or National Achievement Scholar, and who attends a Florida public postsecondary educational institution shall receive a scholarship award equal to the institutional cost of attendance minus the sum of the student’s Florida Bright Futures Scholarship and National Merit Scholarship or National Achievement Scholarship.

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

(b) An eligible student who is a National Merit Scholar or National Achievement Scholar and who attends a Florida independent postsecondary educational institution shall receive a scholarship award equal to the highest cost of attendance for a resident of this state enrolled at a Florida public university, as reported by the Board of Governors of the State University System, minus the sum of the student’s Florida Bright Futures Scholarship and National Merit Scholarship or National Achievement Scholarship.

Section 16. The Division of Law Revision and Information is directed to prepare a reviser’s bill for the 2018 Regular Session to substitute the term “Effective Access to Student Education Grant Program” for “Florida Resident Access Grant Program” and the term “Effective Access to Student Education Grant Program” and the term “Effective Access to Student Education Grant Program”.
grant” for “Florida resident access grant” wherever those terms appear in the Florida Statutes.

Section 17. This act shall take effect July 1, 2017.