



State Budget Conference Chairs

**Bump Issues
Senate Offer**

Conforming Language

**Thursday, April 29, 2010, 2:00 p.m.
212 Knott Building
Webster Hall**

**GOVERNMENT OPERATIONS AND GENERAL GOVERNMENT
BUMP ISSUES - CONFORMING BILLS**

House Bill 5611 - Department of Management Services				
		House	Senate	
1	Establishes DMS as a Governor and Cabinet Agency	House Offer	House Modified	Places the Department of Management Services under the Governor and the Cabinet with the authority to appoint <u>by majority approval</u> an executive director, with confirmation by the Senate.

Bill No.

D R A F T

LEGISLATIVE ACTION

Senate

.
.
.
.
.
.

House

The Conference Committee on CS/HB 5611 recommended the following:

Conference Committee Amendment to Amendment

Delete line(s) 9-15

and insert:

(1) The head of the Department of Management Services is the Governor and Cabinet, who shall appoint an executive director, ~~Secretary of Management Services, who shall be appointed by the Governor,~~ subject to confirmation by the Senate, and who shall serve at the pleasure of the Governor and Cabinet.

CONFORMING BILLS FOR FULL APPROPRIATIONS COUNCIL

1	HB 5801 - Tax Amnesty/DOR Auditors/Fiscally Constrained Counties		No Senate bill
2	<ul style="list-style-type: none"> • Creates a structured state tax amnesty program to be administered by Department of Revenue (DOR). the program will provide taxpayers the opportunity to pay overdue taxes without late penalties, with reduced interest charges and with avoidance of criminal prosecution for failure to timely pay tax. The bill includes an appropriation of \$1,234,000 from the GR Fund to the DOR for the implementation and administration of the amnesty program. • Provides DOR with additional tools to increase the effectiveness and efficiency of administration and enforcement of current tax laws when the amnesty program has ended. • Authorizes 25 audit and collection services staff for DOR funded by a \$1,445,000 recurring and \$96,925 nonrecurring GR appropriation. • Clarifies the method for calculating impacts on ad valorem tax revenue for fiscally constrained counties resulting from revisions of Article VII of the state Constitution. 	House	
3		Senate - New	<ul style="list-style-type: none"> • Revises the distributions to trust funds from the phosphate severance tax for 2010-11. • Revises the distributions to trust funds from the phosphate severance tax beginning in 2011-12 and provides for a distribution to the Minerals Lands Trust Fund beginning in 2011-12. • Eliminates a tax rate reduction from \$1.945 to \$1.51 the timing of which was contingent upon the collection of \$60 M from a \$1.34 surcharge. • Reduces the phosphate severance tax rate from \$1.945 to \$1.71 in 2010-11. • Reduces the phosphate severance tax rate to \$1.61 per ton in 2011-12.

LEGISLATIVE ACTION

Senate

.
.
.
.
.
.

House

The Conference Committee on CS/HB 5801, 1st Eng. recommended the following:

Senate Conference Committee Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. (1) No later than July 1, 2010, the Department of Revenue shall develop and implement an amnesty program for taxpayers subject to the state and local taxes imposed by chapters 125, 175, 185, 198, 199, 201, 202, 203, 206, 211, 212, 220, 221, 252, 336, 376, 403, 624, 627, 629, and 681, Florida Statutes.

(2) The amnesty program shall be a one-time opportunity for

13 eligible taxpayers to satisfy their tax liabilities under the
14 revenue laws of this state and thereby avoid criminal
15 prosecution, penalties, and interest as provided in subsections
16 (5), (6), and (7). Any taxpayer that has entered into a
17 settlement of liability for state or local option taxes before
18 July 1, 2010, whether or not full and complete payment of the
19 settlement amount has been made, is not eligible to participate
20 in the amnesty program.

21 (3) The amnesty program shall be in effect for a 3-month
22 period beginning on July 1, 2010, and ending on September 30,
23 2010. The amnesty program shall apply only to tax liabilities
24 due prior to July 1, 2010. In order to participate in the
25 amnesty program, eligible taxpayers must file the forms and
26 other documentation specified by the Department of Revenue,
27 including, but not limited to, returns and amended returns, and
28 must make full payment of tax due, the interest due as provided
29 in subsections (5) and (6), and the administrative collection
30 processing fee imposed pursuant to s. 213.24, Florida Statutes.

31 (4) The administrative collection processing fee imposed
32 pursuant to s. 213.24, Florida Statutes, shall be calculated on
33 the tax, penalty, and interest due before the reductions allowed
34 by the amnesty program.

35 (5) A taxpayer may participate in the amnesty program
36 whether or not the taxpayer is under audit, inquiry,
37 examination, or civil investigation initiated by the Department
38 of Revenue, regardless of whether the amount due is included in
39 a proposed assessment or an assessment, bill, notice, or demand
40 for payment issued by the Department of Revenue, and without
41 regard to whether the amount due is subject to a pending

42 administrative or judicial proceeding. If any of the
43 circumstances set forth in this subsection apply, the taxpayer
44 shall pay the full amount of the tax due and 75 percent of the
45 amount of interest due. When the department has issued a notice
46 of intent to conduct an audit to a taxpayer but has not
47 commenced the audit, the taxpayer may apply to the department
48 during the amnesty program for approval to have the audit
49 converted to the certified audits program authorized by s.
50 213.285, Florida Statutes. When a taxpayer has been approved
51 during the amnesty program to have an audit converted to the
52 certified audits program, payment of any liability determined as
53 a result of this participation in the certified audits program
54 must be made during the period the amnesty program is in effect.
55 A taxpayer that is participating in the certified audits program
56 authorized by s. 213.285, Florida Statutes, is eligible for the
57 interest and penalty compromises authorized by the amnesty
58 program or the certified audits program, but not both.

59 (6) If the circumstances set forth in subsection (5) do not
60 apply and the initial contact with the Department of Revenue is
61 made by the taxpayer pursuant to the amnesty program, the
62 taxpayer shall pay the full amount of the tax due and 50 percent
63 of the amount of interest due.

64 (7) Penalties may not be imposed on any tax paid pursuant
65 to the amnesty program, and the Department of Revenue may not
66 initiate a criminal investigation against or refer for
67 prosecution any taxpayer participating in the amnesty program
68 with respect to the failure to timely pay the tax disclosed in
69 the amnesty program.

70 (8) Participation in the amnesty program is conditioned

71 upon the taxpayer's express waiver of rights to contest taxes
72 being reported pursuant to the amnesty program. If the taxes
73 reported pursuant to the amnesty program are the subject of a
74 pending informal protest under s. 213.21, Florida Statutes, or
75 of administrative or judicial proceedings that have not become
76 final as of the date payment of the taxes is made pursuant to
77 the amnesty program, participation in the amnesty program is
78 conditioned upon the taxpayer's withdrawal of such informal
79 protest or dismissal of such administrative or judicial
80 proceeding. Participation in the amnesty program is also
81 conditioned upon the taxpayer's express agreement to waive any
82 right to claim a refund or to protest or initiate an
83 administrative or judicial proceeding to review any denial of a
84 refund claim for any refund of tax or interest paid under the
85 amnesty program except as provided in this subsection. A refund
86 of any penalty or interest paid prior to July 1, 2010, may not
87 be made. Any credit or refund of tax or interest paid as a
88 result of participation in the amnesty program is strictly
89 limited to amounts determined by the Department of Revenue to
90 have been paid in error.

91 (9) In lieu of making full payment, as provided in
92 subsection (3), a taxpayer may request in writing to make
93 stipulated payments under a stipulated payment agreement. To be
94 eligible to make stipulated payments, the taxpayer must sign the
95 agreement to participate in the amnesty program, make a request
96 for stipulated payments, and sign a stipulated payment
97 agreement. The taxpayer shall make a minimum down payment of
98 12.5 percent of the outstanding amount due under the amnesty,
99 pay the remaining balance in up to seven additional monthly

100 installments, and meet each payment term detailed on the
101 amortization schedule provided by the department. Interest on
102 the balance shall accrue pursuant to s. 213.235, Florida
103 Statutes. If a taxpayer fails to make a monthly installment
104 payment or is delinquent, the agreement to participate in the
105 amnesty program and the stipulated payment agreement are void
106 and the full amount of the original liability, including any
107 interest and penalty, are due and payable.

108 (10) A taxpayer under criminal investigation, indictment,
109 information, or prosecution regarding a revenue law of this
110 state is not eligible to participate in the amnesty program. A
111 taxpayer under pretrial intervention or a diversion program,
112 probation, or community control or in a work camp, jail, state
113 prison, or another correctional system regarding a revenue law
114 of this state is not eligible to participate in the amnesty
115 program.

116 (11) With or without an audit, the Department of Revenue
117 may issue a notice or demand for payment with respect to any tax
118 or interest that the department determines to be due with any
119 return filed under the tax amnesty program, and such notice and
120 demand is prima facie correct in any administrative, judicial,
121 or quasi-judicial proceeding.

122 (12) The Department of Revenue may, on the basis of fraud,
123 misrepresentation, or mutual mistake of fact, rescind a grant of
124 amnesty, including any amnesty granted as a result of
125 participation in the certified audit program during the period
126 the amnesty program is in effect. Any taxpayer that files under
127 the amnesty program false or fraudulent returns, forms, or
128 documentation or attempts in any manner to defeat or evade a tax

129 is subject to applicable penalties and criminal prosecution.

130 (13) Any local option tax administered by a local
131 government that imposed the tax pursuant to a statute permitting
132 self-administration is excluded from the amnesty program unless
133 the local government notifies the Department of Revenue by June
134 1, 2010, that it chooses to participate in the amnesty program.

135 (14) The executive director of the Department of Revenue
136 may adopt emergency rules under ss. 120.536(1) and 120.54(4),
137 Florida Statutes, to implement the amnesty program. Such rules
138 may provide forms, procedures, terms, conditions, and methods of
139 payment appropriate for fair and effective administration of the
140 amnesty program and to ensure taxpayers' ongoing commitment to
141 proper remittance of taxes to the state. Notwithstanding any
142 other law, the emergency rules shall remain in effect until 6
143 months after the date of adoption of the rule or the date of
144 final resolution of all amnesty applications filed pursuant to
145 this section, whichever is later.

146 Section 2. The sum of \$1,234,000 in nonrecurring funds is
147 appropriated from the General Revenue Fund to the Department of
148 Revenue for the purpose of administering the amnesty program
149 created by this act. Funds remaining unexpended or unencumbered
150 from this appropriation as of June 30, 2010, shall revert and be
151 reappropriated for the same purpose in the 2010-2011 fiscal
152 year.

153 Section 3. Subsection (11) of section 211.3103, Florida
154 Statutes, is amended to read:

155 211.3103 Levy of tax on severance of phosphate rock; rate,
156 basis, and distribution of tax.—

157 (11)(a) Beginning July 1, 2008, there is hereby levied a

158 surcharge of \$1.38 per ton severed in addition to the excise tax
159 levied by this section. The surcharge shall be levied until the
160 last day of the calendar quarter in which the total revenue
161 generated by the surcharge equals \$60 million. Revenues derived
162 from the surcharge shall be deposited into the Nonmandatory Land
163 Reclamation Trust Fund and shall be exempt from the general
164 revenue service charge provided in s. 215.20. Revenues derived
165 from the surcharge shall be used to augment funds appropriated
166 for the rehabilitation, management, and closure of the Piney
167 Point and Mulberry sites and for approved reclamation of
168 nonmandatory lands in accordance with chapter 378. A minimum of
169 75 percent of the revenues from the surcharge shall be dedicated
170 to the Piney Point and Mulberry sites.

171 (b) Beginning July 1, 2008, the excise tax rate shall be
172 \$1.945 per ton severed and the base rate adjustment provided in
173 subsection (6) shall not apply.

174 (c) 1. Beginning July 1 of the 2010-2011 fiscal year
175 ~~following the date on which the amount of revenues collected~~
176 ~~from the surcharge equals or exceeds \$60 million,~~ the tax rate
177 shall be the base rate of \$1.71 ~~\$1.51~~ per ton severed.

178 2. Beginning July 1 of the 2011-2012 fiscal year, the tax
179 rate shall be the base rate of \$1.61 per ton severed. and

180 3. The base rate adjustment provided in subsection (6)
181 shall not apply until the conditions of paragraph (d) are met.

182 (d) Beginning July 1 of the fiscal year following the date
183 on which a taxpayer's surcharge offset equals or exceeds the
184 total amount of surcharge remitted by such taxpayer under
185 paragraph (a), and each year thereafter, the excise tax rate
186 levied on such taxpayer shall be adjusted as provided in

subsection (6). The surcharge offset for each taxpayer is an amount calculated by the department equal to the cumulative difference between the amount of excise tax that would have been collected under subsections (5) and (6) and the excise tax collected under subparagraphs (c)1. and 2. ~~paragraph (c)~~ from such taxpayer.

(e) Beginning July 1 of the 2010-2011 fiscal year ~~after the revenues from the surcharge equal \$60 million~~, the proceeds of all taxes, interest, and penalties imposed under this section shall be exempt from the general revenue service charge provided in s. 215.20, and shall be paid into the State Treasury as follows:

1. To the credit of the Conservation and Recreation Lands Trust Fund, 21.9 ~~25.5~~ percent.

2. To the credit of the General Revenue Fund of the state, 37.1 ~~37~~ percent.

3. For payment to counties in proportion to the number of tons of phosphate rock produced from a phosphate rock matrix located within such political boundary, 12 ~~13.6~~ percent. The department shall distribute this portion of the proceeds annually based on production information reported by the producers on the annual returns for the taxable year. Any such proceeds received by a county shall be used only for phosphate-related expenses.

4. For payment to counties that have been designated a rural area of critical economic concern pursuant to s. 288.0656 in proportion to the number of tons of phosphate rock produced from a phosphate rock matrix located within such political boundary, 9.4 ~~10.7~~ percent. The department shall distribute this

216 portion of the proceeds annually based on production information
217 reported by the producers on the annual returns for the taxable
218 year. Payments under this subparagraph shall be made to the
219 counties unless the Legislature by special act creates a local
220 authority to promote and direct the economic development of the
221 county. If such authority exists, payments shall be made to that
222 authority.

223 5. To the credit of the Nonmandatory Land Reclamation Trust
224 Fund, 5.8 ~~6.6~~ percent.

225 6. To the credit of the Phosphate Research Trust Fund in
226 the Division of Universities of the Department of Education, 5.8
227 ~~6.6~~ percent.

228 7. To the credit of the Minerals Trust Fund, 8.0 percent.

229 (f) Beginning July 1 of the 2011-2012 fiscal year, the
230 proceeds of all taxes, interest, and penalties imposed under
231 this section are exempt from the general revenue service charge
232 provided in s. 215.20, and such proceeds shall be paid into the
233 State Treasury as follows:

234 1. To the credit of the Conservation and Recreation Lands
235 Trust Fund, 25.5 percent.

236 2. To the credit of the General Revenue Fund of the state,
237 35.7 percent.

238 3. For payment to counties in proportion to the number of
239 tons of phosphate rock produced from a phosphate rock matrix
240 located within such political boundary, 12.8 percent. The
241 department shall distribute this portion of the proceeds
242 annually based on production information reported by the
243 producers on the annual returns for the taxable year. Any such
244 proceeds received by a county shall be used only for phosphate-

related expenses.

4. For payment to counties that have been designated a rural area of critical economic concern pursuant to s. 288.0656 in proportion to the number of tons of phosphate rock produced from a phosphate rock matrix located within such political boundary, 10.0 percent. The department shall distribute this portion of the proceeds annually based on production information reported by the producers on the annual returns for the taxable year. Payments under this subparagraph shall be made to the counties unless the Legislature by special act creates a local authority to promote and direct the economic development of the county. If such authority exists, payments shall be made to that authority.

5. To the credit of the Nonmandatory Land Reclamation Trust Fund, 6.2 percent.

6. To the credit of the Phosphate Research Trust Fund in the Division of Universities of the Department of Education, 6.2 percent.

7. To the credit of the Minerals Trust Fund, 3.6 percent.

(g)(f) For purposes of this section, "phosphate-related expenses" means those expenses that provide for infrastructure or services in support of the phosphate industry, reclamation or restoration of phosphate lands, community infrastructure on such reclaimed lands, and similar expenses directly related to support of the industry.

Section 4. Effective July 1, 2010, paragraph (d) of subsection (8) of section 213.053, Florida Statutes, is amended, and subsections (20) and (21) are added to that section, to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

(d) Names, addresses, ~~and~~ sales tax registration information, and information relating to a public lodging establishment or a public food service establishment having an outstanding tax warrant, notice of lien, or judgment lien certificate to the Division of Hotels and Restaurants of the Department of Business and Professional Regulation in the conduct of its official duties.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

(20) (a) The department may publish a list of taxpayers against whom the department has filed a warrant, notice of lien, or judgment lien certificate. The list may include the name and address of each taxpayer; the amounts and types of delinquent taxes, fees, or surcharges, penalties, or interest; and the employer identification number or other taxpayer identification number.

(b) The department shall update the list at least monthly to reflect payments for resolution of deficiencies and to otherwise add or remove taxpayers from the list.

(c) The department may adopt rules to administer this

subsection.

(21) The department may disclose information relating to taxpayers against whom the department has filed a warrant, notice of lien, or judgment lien certificate. Such information includes the name and address of the taxpayer, the actions taken, the amounts and types of liabilities, and the amount of any collections made.

Section 5. Effective July 1, 2010, section 213.50, Florida Statutes, is amended to read:

213.50 Failure to comply; revocation of corporate charter or license to operate a public lodging establishment or public food service establishment; refusal to reinstate charter or license.-

(1) Any corporation of this state which has an outstanding tax warrant that has existed for more than 3 consecutive months is subject to the revocation of its charter as provided in s. 607.1420.

(2) A request for reinstatement of a corporate charter may not be granted by the Division of Corporations of the Department of State if an outstanding tax warrant has existed for that corporation for more than 3 consecutive months.

(3) (a) The Division of Hotels and Restaurants of the Department of Business and Professional Regulation may suspend a license to operate a public lodging establishment or a public food service establishment if a tax warrant has been outstanding against the licenseholder for more than 3 months.

(b) The division may deny an application to renew a license to operate a public lodging establishment or a public food service establishment if a tax warrant has been outstanding

against the licenseholder for more than 3 months.

Section 6. Effective July 1, 2010, section 213.692, Florida Statutes, is created to read:

213.692 Integrated enforcement authority.—

(1) If the department files a warrant, notice of lien, or judgment lien certificate against the property of a taxpayer, the department may also revoke all certificates of registration, permits, or licenses issued by the department to that taxpayer.

(a) Before the department may revoke the certificates of registration, permits, or licenses, the department must schedule an informal conference that the taxpayer is required to attend. At the conference, the taxpayer may present evidence regarding the department's intended action or enter into a compliance agreement. The department must provide written notice to the taxpayer of the department's intended action and the time, date, and place of the conference. The department shall issue an administrative complaint to revoke the certificates of registration, permits, or licenses if the taxpayer does not attend the conference, enter into a compliance agreement, or comply with the compliance agreement.

(b) The department may not issue a certificate of registration, permit, or license to a taxpayer whose certificate of registration, permit, or license has been revoked unless:

1. The outstanding liabilities of the taxpayer have been satisfied; or

2. The department enters into a written agreement with the taxpayer regarding any outstanding liabilities and, as part of such agreement, agrees to issue a certificate of registration, permit, or license.

(c) The department shall require a cash deposit, bond, or other security as a condition of issuing a new certificate of registration pursuant to the requirements of s. 212.14(4).

(2) If the department files a warrant or a judgment lien certificate in connection with a jeopardy assessment, the department must comply with the procedures in s. 213.732 before or in conjunction with those provided in this section.

(3) The department may adopt rules to administer this section.

Section 7. Effective July 1, 2010, the Department of Revenue is authorized to adopt emergency rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to administer s. 213.692, Florida Statutes. The emergency rules shall remain in effect for 6 months after adoption and may be renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.

Section 8. Section 213.758, Florida Statutes, is created to read:

213.758 Transfer of tax liabilities.—

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

(a) "Involuntary transfer" means a transfer of a business or stock of goods made without the consent of the transferor, including, but not limited to, a transfer:

1. That occurs due to the foreclosure of a security interest issued to a person who is not an insider as defined in s. 726.102;

2. That results from an eminent domain or condemnation action;

3. Pursuant to chapter 61, chapter 702, or the United

States Bankruptcy Code;

4. To a financial institution, as defined in s. 655.005, if
the transfer is made to satisfy the transferor's debt to the
financial institution; or

5. To a third party to the extent that the proceeds are
used to satisfy the transferor's indebtedness to a financial
institution as defined in s. 655.005. If the third party
receives assets worth more than the indebtedness, the transfer
of the excess may not be deemed an involuntary transfer.

(b) "Transfer" means every mode, direct or indirect, with
or without consideration, of disposing of or parting with a
business or stock of goods, and includes, but is not limited to,
assigning, conveying, demising, gifting, granting, or selling.

(2) A taxpayer who is liable for any tax, interest,
penalty, surcharge, or fee administered by the department
pursuant to chapter 443 or described in s. 72.011(1), excluding
corporate income tax, and who quits a business without the
benefit of a purchaser, successor, or assignee, or without
transferring the business or stock of goods to a transferee,
must file a final return and make full payment within 15 days
after quitting the business. A taxpayer who fails to file a
final return and make payment may not engage in any business in
this state until the final return has been filed and all taxes,
interest, or penalties due have been paid. The Department of
Legal Affairs may seek an injunction at the request of the
department to prevent further business activity until such tax,
interest, or penalties are paid. A temporary injunction
enjoining further business activity may be granted by a court
without notice.

419 (3) A taxpayer who is liable for taxes, interest, or
420 penalties levied under chapter 443 or any of the chapters
421 specified in s. 213.05, excluding corporate income tax, who
422 transfers the taxpayer's business or stock of goods, must file a
423 final return and make full payment within 15 days after the date
424 of transfer.

425 (4)(a) A transferee, or a group of transferees acting in
426 concert, of more than 50 percent of a business or stock of goods
427 is liable for any tax, interest, or penalties owed by the
428 transferor unless:

429 1. The transferor provides a receipt or certificate from
430 the department to the transferee showing that the transferor is
431 not liable for taxes, interest, or penalties from the operation
432 of the business; and

433 2. The department finds that the transferor is not liable
434 for taxes, interest, or penalties after an audit of the
435 transferor's books and records. The audit may be requested by
436 the transferee or the transferor. The department may charge a
437 fee for the cost of the audit if it has not issued a notice of
438 intent to audit by the time the request for the audit is
439 received.

440 (b) A transferee may withhold a portion of the
441 consideration for a business or stock of goods to pay the taxes,
442 interest, or penalties owed to the state from the operation of
443 the business. The transferee shall pay the withheld
444 consideration to the state within 30 days after the date of the
445 transfer. If the consideration withheld is less than the
446 transferor's liability, the transferor remains liable for the
447 deficiency.

448 (c) A transferee who acquires the business or stock of
449 goods and fails to pay the taxes, interest, or penalties due may
450 not engage in any business in the state until the taxes,
451 interest, or penalties are paid. The Department of Legal Affairs
452 may seek an injunction at the request of the department to
453 prevent further business activity until such tax, interest, or
454 penalties are paid. A temporary injunction enjoining further
455 business activity may be granted by a court without notice.

456 (5) The transferee, or transferees acting in concert, of
457 more than 50 percent of a business or stock of goods are jointly
458 and severally liable with the transferor for the payment of the
459 taxes, interest, or penalties owed to the state from the
460 operation of the business by the transferor.

461 (6) The maximum liability of a transferee pursuant to this
462 section is equal to the fair market value of the property
463 transferred or the total purchase price, whichever is greater.

464 (7) After notice by the department of transferee liability
465 under this section, the transferee has 60 days within which to
466 file an action as provided in chapter 72.

467 (8) This section does not impose liability on a transferee
468 of a business or stock of goods pursuant to an involuntary
469 transfer.

470 (9) The department may adopt rules necessary to administer
471 and enforce this section.

472 Section 9. Notwithstanding section 25 of chapter 2009-82,
473 Laws of Florida, subsection (3) of section 218.12, Florida
474 Statutes, as created by section 24 of chapter 2009-82, Laws of
475 Florida, shall not expire July 1, 2010, but is reenacted and
476 amended to read:

218.12 Appropriations to offset reductions in ad valorem tax revenue in fiscally constrained counties.-

(3) In determining the reductions in ad valorem tax revenues occurring as a result of the implementation of the revisions to Art. VII of the State Constitution approved in the special election held on January 29, 2008, the value of assessments reduced pursuant to s. 4(d)(8)a., Art. VII of the State Constitution shall include only the reduction in taxable value for homesteads established January 1 of the year in which the determination is being made, ~~2009~~.

Section 10. For the 2010-2011 fiscal year, 25 full-time equivalent positions, with associated salary rate of \$817,448, are authorized. Also for the 2010-2011 fiscal year, the sums of \$1,445,100 in recurring funds and \$96,925 in nonrecurring funds from the General Revenue Fund are appropriated to the Department of Revenue for the purpose of conducting audits and tax collection services in the department.

Section 11. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to taxation; directing the Department of Revenue to develop and implement an amnesty program for taxpayers subject to the state and local taxes imposed by chapters 125, 175, 185, 198, 199, 201, 202,

203, 206, 211, 212, 220, 221, 252, 336, 376, 403, 624,
627, 629, and 681, F.S., and required to be paid to
the Department of Revenue; providing time periods;
providing program guidelines; providing for eligible
participants; providing for waiver of penalties and
interest under specified circumstances; providing for
emergency rules; providing an appropriation; amending
s. 211.3103, F.S.; revising the rate and distribution
of taxes on the severance of phosphate rock; amending
s. 213.053, F.S.; providing that the department may
release confidential taxpayer information relating to
a corporation having an outstanding tax warrant to the
Department of Business and Professional Regulation;
authorizing the department to publish a list of
taxpayers against whom it has filed a warrant, notice
of lien, or judgment lien certificate; requiring the
department to update the list at least monthly;
authorizing the department to adopt rules; authorizing
the department to provide confidential taxpayer
information relating to collections from taxpayers
against whom it has taken a collection action;
amending s. 213.50, F.S.; authorizing the Division of
Hotels and Restaurants of the Department of Business
and Professional Regulation to suspend or deny the
renewal of a license to operate a public lodging
establishment or public food service establishment
under certain circumstances; creating s. 213.692,
F.S.; authorizing the Department of Revenue to revoke
all certificates of registration, permits, or licenses

535 issued to a taxpayer against whose property the
536 department has filed a warrant, notice of lien, or
537 judgment lien certificate; requiring the scheduling of
538 an informal conference before revocation of the
539 certificates of registration, permits, or licenses;
540 prohibiting the Department of Revenue from issuing a
541 certificate of registration, permit, or license to a
542 taxpayer whose certificate of registration, permit, or
543 license has been revoked; providing exceptions;
544 requiring security as a condition of issuing a new
545 certificate of registration to a person whose
546 certificate of registration, permit, or license has
547 been revoked after the filing of a warrant, notice of
548 lien, or judgment lien certificate; authorizing the
549 department to adopt rules, including emergency rules;
550 creating s. 213.758, F.S.; defining terms; providing
551 for the transfer of tax liabilities to the transferee
552 of a business or a stock of goods under certain
553 circumstances; providing exceptions; requiring a
554 taxpayer who quits a business to file a final tax
555 return; authorizing the Department of Legal Affairs to
556 seek injunctions to prevent business activities until
557 taxes are paid; requiring the transferor of a business
558 or stock of goods to file a final tax return and make
559 a full tax payment after a transfer; authorizing a
560 transferee of a business or stock of goods to withhold
561 a portion of the consideration for the transfer for
562 the payment of certain taxes; authorizing the
563 Department of Legal Affairs to seek an injunction to

564 prevent business activities by a transferee until the
565 taxes are paid; providing that the transferees are
566 jointly and severally liable with the transferor for
567 the payment of taxes, interest, or penalties under
568 certain circumstances; limiting the transferee's
569 liability to the value or purchase price of the
570 transferred property; specifying a time period within
571 which a transferee may file certain actions; providing
572 no liability to a transferee for a an involuntary
573 transfer; authorizing the Department of Revenue to
574 adopt rules; reenacting and amending s. 218.12, F.S.;
575 making permanent a methodology for determining the
576 value of assessments for certain homesteads for
577 certain purposes; authorizing full-time equivalent
578 positions and providing an appropriation for the
579 purpose of conducting audits and tax collection
580 services in the Department of Revenue; providing
581 effective dates.

**PreK-12 and Higher Education Appropriations
Senate Bump Offer - 2010-2011 Conforming Bill Remaining Issues**

PreK-12 Education Conforming Bill (HB 5101):

	Issue	SENATE BUMP OFFER – 4-29-10
1	Charter School Class Size Requirements	1002.33 Charter Schools.- (16) EXEMPTION FROM STATUES.- (b) Additionally, a charter school shall be in compliance with following statutes: <u>3. Section 1003.03, relating to the maximum class size, except the calculation for compliance pursuant to s. 1003.03 shall be the average at the school level.</u>
2	System of Charter Schools Administrative Fee – Clarification	<u>b. Has all schools located in the same municipality in the same county;</u>

Higher Education Conforming Bill (HB 5201):

	Issue	SENATE BUMP OFFER – 4-29-10
1	Higher Education Energy Conservation Goals	Encourages each Florida college and state university to reduce its campus-wide energy consumption by 10 percent and requires a report by January 1, 2011.
2	University of South Florida Polytechnic Pharmacy	Authorize the doctor of pharmacy degree at USF and physically locate the program at the new campus of the USF Polytechnic. USF is authorized to develop and implement the program within existing facilities only until the construction of a pharmacy facility on the new campus of the USF Polytechnic is completed.

HOUSE AMENDMENT

Bill No. HB 5201, 1st Eng. (2010)

Amendment No.

CHAMBER ACTION

Senate

House

.

The Conference Committee on HB 5201 offered the following:

Conference Committee Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 295.02, Florida Statutes, is amended to read:

295.02 Use of funds; age, etc.—

(1) Sums appropriated and expended to carry out the provisions of s. 295.01(1) may ~~shall~~ be used to pay tuition and registration fees, board, and room rent and to buy books and supplies for the children of deceased or disabled veterans or servicemembers, as defined and limited in s. 295.01, s. 295.016, s. 295.017, s. 295.018, s. 295.0185, s. 295.019, or s. 295.0195, or of parents classified as prisoners of war or missing in action, as defined and limited in s. 295.015, who are between

Amendment No.

the ages of 16 and 22 years and who are in attendance at an eligible postsecondary education ~~a state-supported institution as defined in s. 295.04 of higher learning, including a community college or career center~~. Any child having entered upon a course of training or education under the provisions of this chapter, consisting of a course of not more than 4 years, and arriving at the age of 22 years before the completion of such course may continue the course and receive all benefits of the provisions of this chapter until the course is completed.

(2) Sums appropriated and expended to carry out the provisions of s. 295.01(2) may ~~shall~~ be used to pay tuition and registration fees, board, and room rent and to buy books and supplies for the spouses of deceased or disabled veterans or servicemembers, as defined and limited in s. 295.01, who are enrolled at an eligible postsecondary education ~~a state-supported institution as defined in s. 295.04 of higher learning, including a community college or career center~~.

(3) Notwithstanding the benefits-disbursement provision in s. 295.04, such funds shall be applicable for up to 110 percent of the number of required credit hours of an initial baccalaureate degree or certificate program for which the student ~~spouse~~ is enrolled.

~~(4)~~ (3) The Department of Education shall administer this educational program subject to regulations of the department.

Section 2. Section 295.04, Florida Statutes, is amended to read:

295.04 Appropriation; benefits.—

Amendment No.

43 (1) The sum necessary for the purposes of this chapter
44 shall be appropriated in the General Appropriations Act for each
45 fiscal year, provided that no student shall receive an amount in
46 excess of tuition and registration fees.

47 (2) As used in this section, the term "eligible
48 postsecondary education institution" means an institution
49 described in s. 1009.533.

50 (3) (a) A student who is enrolled in a public eligible
51 postsecondary education institution is eligible for an award
52 equal to the amount required to pay tuition and registration
53 fees or the amount specified in the General Appropriations Act.

54 (b) A student enrolled in a nonpublic eligible
55 postsecondary education institution is eligible for an award
56 equal to the amount that would be required to pay for the
57 average tuition and registration fees of a public postsecondary
58 education institution at the comparable level or the amount
59 specified in the General Appropriations Act.

60 (4) Only students in good standing in their respective
61 institutions shall receive the benefits under this section
62 ~~thereof, and no student shall receive such benefits for more~~
63 ~~than 12 quarters, 8 semesters, or 8 trimesters.~~

64 Section 3. Paragraph (a) of subsection (6) of section
65 440.491, Florida Statutes, is amended to read:

66 440.491 Reemployment of injured workers; rehabilitation.—

67 (6) TRAINING AND EDUCATION.—

68 (a) Upon referral of an injured employee by the carrier,
69 or upon the request of an injured employee, the department shall

Amendment No.

70 conduct a training and education screening to determine whether
71 it should refer the employee for a vocational evaluation and, if
72 appropriate, approve training and education or other vocational
73 services for the employee. The department may not approve formal
74 training and education programs unless it determines, after
75 consideration of the reemployment assessment, pertinent
76 reemployment status reviews or reports, and such other relevant
77 factors as it prescribes by rule, that the reemployment plan is
78 likely to result in return to suitable gainful employment. The
79 department is authorized to expend moneys from the Workers'
80 Compensation Administration Trust Fund, established by s.
81 440.50, to secure appropriate training and education at a
82 Florida public community college as designated in s. 1000.21(3)
83 or at a career center established under s. 1001.44, or to secure
84 other vocational services when necessary to satisfy the
85 recommendation of a vocational evaluator. As used in this
86 paragraph, "appropriate training and education" includes
87 securing a general education diploma (GED), if necessary. The
88 department shall establish training and education standards
89 pertaining to employee eligibility, course curricula and
90 duration, and associated costs. For purposes of this subsection,
91 training and education services may be secured from additional
92 providers if:

93 1. The injured employee currently holds an associate
94 degree and requests to earn a bachelor's degree not offered by a
95 Florida public college located within 50 miles from his or her
96 customary residence;

Amendment No.

2. The injured employee's enrollment in an education or training program in a Florida public college or career center would be significantly delayed; or

3. The most appropriate training and education program is available only through a provider other than a Florida public college or career center or at a Florida public college or career center located more than 50 miles from the injured employee's customary residence.

Section 4. Subsection (4) of section 1004.085, Florida Statutes, is amended to read:

1004.085 Textbook affordability.—

(4) ~~By March 1, 2009,~~ The State Board of Education and the Board of Governors each shall adopt policies, procedures, and guidelines for implementation by community colleges and state universities, respectively, that further efforts to minimize the cost of textbooks for students attending such institutions while maintaining the quality of education and academic freedom. The policies, procedures, and guidelines shall provide for the following:

(a) That textbook adoptions are made with sufficient lead time to bookstores so as to confirm availability of the requested materials and, where possible, ensure maximum availability of used books.

(b) That, in the textbook adoption process, the intent to use all items ordered, particularly each individual item sold as part of a bundled package, is confirmed by the course instructor or the academic department offering the course before the

Amendment No.

adoption is finalized.

(c) That a course instructor or the academic department offering the course determines, before a textbook is adopted, the extent to which a new edition differs significantly and substantively from earlier versions and the value of changing to a new edition or the extent to which an open-access textbook may exist and be used.

(d) That the establishment of policies shall address the availability of required textbooks to students otherwise unable to afford the cost, including consideration of the extent to which an open-access textbook may be used.

(e) That course instructors and academic departments are encouraged to participate in the development, adaptation, and review of open-access textbooks and, in particular, open-access textbooks for high-demand general education courses.

Section 5. Paragraph (b) of subsection (2) of section 1004.091, Florida Statutes, is amended to read:

1004.091 Florida Distance Learning Consortium.—

(2) The Florida Distance Learning Consortium shall:

(b) Develop, in consultation with the Florida College System and the State University System, a plan to be submitted to the Board of Governors, the State Board of Education, the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December ~~March~~ 1, 2010, for implementing. ~~The plan must address the implementation of a streamlined, automated, online registration process for undergraduate students who have been admitted to a public~~

Amendment No.

151 postsecondary educational institution and who wish to enroll in
152 a course listed in the Florida Higher Education Distance
153 Learning Catalog, including courses offered by an institution
154 that is not the student's degree-granting or home institution.
155 The plan must describe how such a registration process can be
156 implemented by the 2011-2012 academic year as an alternative to
157 the standard registration process of each institution. The plan
158 must also address:

159 1. Fiscal and substantive policy changes needed to address
160 administrative, academic, and programmatic policies and
161 procedures. Policy areas that the plan must address include, but
162 need not be limited to, student financial aid issues, variations
163 in fees, admission and readmission, registration-prioritization
164 issues, transfer of credit, and graduation requirements, with
165 specific attention given to creating recommended guidelines that
166 address students who attend more than one institution in pursuit
167 of a degree.

168 2. A method for the expedited transfer of distance
169 learning course credit awarded by an institution offering a
170 distance learning course to a student's degree-granting or home
171 institution upon the student's successful completion of the
172 distance learning course.

173 3. Compliance with applicable technology security
174 standards and guidelines to ensure the secure transmission of
175 student information.

176 Section 6. Paragraph (c) is added to subsection (7) of
177 section 1004.65, Florida Statutes, to read:

Amendment No.

1004.65 Florida colleges; governance, mission, and responsibilities.—

(7) Funding for Florida colleges shall reflect their mission as follows:

(c) The resources of a Florida college, including staff, faculty, land, and facilities, shall not be used to support the establishment of a new independent nonpublic educational institution. If any institution uses resources for such purpose, the Division of Florida Colleges shall notify the President of the Senate and the Speaker of the House of Representatives.

Section 7. Paragraph (a) of subsection (3) of section 1006.59, Florida Statutes, is amended to read:

1006.59 The Historically Black College and University Library Improvement Program.—

(3) Each institution shall submit to the State Board of Education a plan for enhancing its library through the following activities:

(a) Each institution shall increase the number of volumes by purchasing replacement books and new titles. Funds shall not be used to purchase periodicals ~~or nonprint media~~. The goal of these purchases is to meet the needs of students and faculty in disciplines that have recently been added to the curriculum, in traditional academic fields that have been expanded, or in academic fields in which rapid changes in technology result in accelerated obsolescence of related library holdings.

Section 8. Section 1006.72, Florida Statutes, is created to read:

Amendment No.

205 1006.72 Licensing electronic library resources.-

206 (1) FINDINGS.-The Legislature finds that the most cost-
207 efficient and cost-effective means of licensing electronic
208 library resources requires that Florida colleges and state
209 universities collaborate with school districts and public
210 libraries in the identification and acquisition of such
211 resources needed by more than one sector.

212 (2) PROCESS TO IDENTIFY RESOURCES.-Library staff from
213 Florida colleges, state universities, school districts, and
214 public libraries shall implement a process that annually
215 identifies the electronic library resources for each of the core
216 categories established in this section. To the extent possible,
217 the Florida Center for Library Automation, the College Center
218 for Library Automation, and the Division of Library and
219 Information Services within the Department of State shall
220 jointly coordinate this annual process.

221 (3) STATEWIDE CORE RESOURCES.-For purposes of licensing
222 electronic library resources of the Florida Electronic Library,
223 library representatives from public libraries, school districts,
224 Florida colleges, and state universities shall identify the
225 statewide core resources that will be available to all students,
226 teachers, and citizens of the state.

227 (4) POSTSECONDARY EDUCATION CORE RESOURCES.-For purposes
228 of licensing electronic library resources required by both the
229 Florida Center for Library Automation and the College Center for
230 Library Automation from funds appropriated to the centers,
231 Florida college and state university library staff shall

Amendment No.

identify the postsecondary education core resources that will be available to all public postsecondary education students.

(5) FOUR-YEAR DEGREE CORE RESOURCES.—For purposes of licensing electronic library resources beyond the postsecondary education core resources by the Florida Center for Library Automation from funds appropriated to the center, state university library staff, in consultation with Florida college library staff, shall identify the 4-year degree core resources that will be available to all 4-year degree-seeking students in the State University System and the Florida College System. The Florida Center for Library Automation shall include in the negotiated pricing model any Florida college interested in licensing a resource.

(6) TWO-YEAR DEGREE CORE RESOURCES.—For purposes of licensing electronic library resources beyond the postsecondary education core resources by the College Center for Library Automation from funds appropriated to the center, Florida college library staff shall identify the 2-year degree core resources that will be available to all Florida college students. The College Center for Library Automation shall include in the negotiated pricing model any state university interested in licensing a resource.

Section 9. Section 1009.21, Florida Statutes, is amended to read:

1009.21 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition in

Amendment No.

259 postsecondary educational programs offered by charter technical
260 career centers or career centers operated by school districts,
261 in community colleges, and in state universities.

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

263 (a) "Dependent child" means any person, whether or not
264 living with his or her parent, who is eligible to be claimed by
265 his or her parent as a dependent under the federal income tax
266 code.

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

269 (c) "Institution of higher education" means any charter
270 technical career center as defined in s. 1002.34, career center
271 operated by a school district as defined in s. 1001.44,
272 community college as defined in s. 1000.21(3), or state
273 university as defined in s. 1000.21(6).

274 (d) "Legal resident" or "resident" means a person who has
275 maintained his or her residence in this state for the preceding
276 year, has purchased a home which is occupied by him or her as
277 his or her residence, or has established a domicile in this
278 state pursuant to s. 222.17.

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

281 (f) "Parent" means the natural or adoptive parent or legal
282 guardian of a dependent child.

283 (g) "Resident for tuition purposes" means a person who
284 qualifies as provided in this section for the in-state tuition
285 rate.

Amendment No.

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

287 1. A person or, if that person is a dependent child, his
288 or her parent or parents must have established legal residence
289 in this state and must have maintained legal residence in this
290 state for at least 12 consecutive months immediately prior to
291 his or her initial enrollment in an institution of higher
292 education.

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

303 (b) However, with respect to a dependent child living with
304 an adult relative other than the child's parent, such child may
305 qualify as a resident for tuition purposes if the adult relative
306 is a legal resident who has maintained legal residence in this
307 state for at least 12 consecutive months immediately prior to
308 the child's initial enrollment in an institution of higher
309 education, provided the child has resided continuously with such
310 relative for the 5 years immediately prior to the child's
311 initial enrollment in an institution of higher education, during
312 which time the adult relative has exercised day-to-day care,

Amendment No.

313 supervision, and control of the child.

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

320 (3) (a) An individual shall not be classified as a resident
321 for tuition purposes and, thus, shall not be eligible to receive
322 the in-state tuition rate until he or she has provided such
323 evidence related to legal residence and its duration or, if that
324 individual is a dependent child, evidence of his or her parent's
325 legal residence and its duration, as may be required by law and
326 by officials of the institution of higher education from which
327 he or she seeks the in-state tuition rate.

328 (b) Except as otherwise provided in this section, evidence
329 of legal residence and its duration shall include clear and
330 convincing documentation that residency in this state was for a
331 minimum of 12 consecutive months prior to a student's initial
332 enrollment in an institution of higher education.

333 (c) Each institution of higher education shall
334 affirmatively determine that an applicant who has been granted
335 admission to that institution as a Florida resident meets the
336 residency requirements of this section at the time of initial
337 enrollment. The residency determination must be documented by
338 the submission of written or electronic verification that
339 includes two or more of the documents identified in this

Amendment No.

paragraph. No single piece of evidence shall be conclusive.

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

- a. A Florida voter's registration card.
- b. A Florida driver's license.
- c. A State of Florida identification card.
- d. A Florida vehicle registration.
- e. Proof of a permanent home in Florida which is occupied as a primary residence by the individual or by the individual's parent if the individual is a dependent child.

f. Proof of a homestead exemption in Florida.

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

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

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

- a. A declaration of domicile in Florida.
- b. A Florida professional or occupational license.
- c. Florida incorporation.
- d. A document evidencing family ties in Florida.
- e. Proof of membership in a Florida-based charitable or professional organization.

f. Any other documentation that supports the student's request for resident status, including, but not limited to, utility bills and proof of 12 consecutive months of payments; a lease agreement and proof of 12 consecutive months of payments;

Amendment No.

or an official state, federal, or court document evidencing legal ties to Florida.

(4) With respect to a dependent child, the legal residence of the dependent child's parent or parents is prima facie evidence of the dependent child's legal residence, which evidence may be reinforced or rebutted, relative to the age and general circumstances of the dependent child, by the other evidence of legal residence required of or presented by the dependent child. However, the legal residence of a dependent child's parent or parents who are domiciled outside this state is not prima facie evidence of the dependent child's legal residence if that dependent child has lived in this state for 5 consecutive years prior to enrolling or reregistering at the institution of higher education at which resident status for tuition purposes is sought.

(5) In making a domiciliary determination related to the classification of a person as a resident or nonresident for tuition purposes, the domicile of a married person, irrespective of sex, shall be determined, as in the case of an unmarried person, by reference to all relevant evidence of domiciliary intent. For the purposes of this section:

(a) A person shall not be precluded from establishing or maintaining legal residence in this state and subsequently qualifying or continuing to qualify as a resident for tuition purposes solely by reason of marriage to a person domiciled outside this state, even when that person's spouse continues to be domiciled outside of this state, provided such person

Amendment No.

maintains his or her legal residence in this state.

(b) A person shall not be deemed to have established or maintained a legal residence in this state and subsequently to have qualified or continued to qualify as a resident for tuition purposes solely by reason of marriage to a person domiciled in this state.

(c) In determining the domicile of a married person, irrespective of sex, the fact of the marriage and the place of domicile of such person's spouse shall be deemed relevant evidence to be considered in ascertaining domiciliary intent.

(6) (a) Except as otherwise provided in this section, a person who is classified as a nonresident for tuition purposes may become eligible for reclassification as a resident for tuition purposes if that person or, if that person is a dependent child, his or her parent presents clear and convincing documentation that supports permanent legal residency in this state for at least 12 consecutive months rather than temporary residency for the purpose of pursuing an education, such as documentation of full-time permanent employment for the prior 12 months or the purchase of a home in this state and residence therein for the prior 12 months while not enrolled in an institution of higher education.

(b) If a person who is a dependent child and his or her parent move to this state while such child is a high school student and the child graduates from a high school in this state, the child may become eligible for reclassification as a resident for tuition purposes when the parent submits evidence

Amendment No.

that the parent qualifies for permanent residency.

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

(d) A person who is classified as a nonresident for tuition purposes and who marries a legal resident of the state or marries a person who becomes a legal resident of the state may, upon becoming a legal resident of the state, become eligible for reclassification as a resident for tuition purposes upon submitting evidence of his or her own legal residency in the state, evidence of his or her marriage to a person who is a legal resident of the state, and evidence of the spouse's legal residence in the state for at least 12 consecutive months immediately preceding the application for reclassification.

(7) A person shall not lose his or her resident status for tuition purposes solely by reason of serving, or, if such person is a dependent child, by reason of his or her parent's or parents' serving, in the Armed Forces outside this state.

(8) A person who has been properly classified as a resident for tuition purposes but who, while enrolled in an institution of higher education in this state, loses his or her resident tuition status because the person or, if he or she is a dependent child, the person's parent or parents establish

Amendment No.

domicile or legal residence elsewhere shall continue to enjoy the in-state tuition rate for a statutory grace period, which period shall be measured from the date on which the circumstances arose that culminated in the loss of resident tuition status and shall continue for 12 months. However, if the 12-month grace period ends during a semester or academic term for which such former resident is enrolled, such grace period shall be extended to the end of that semester or academic term.

(9) Any person who ceases to be enrolled at or who graduates from an institution of higher education while classified as a resident for tuition purposes and who subsequently abandons his or her domicile in this state shall be permitted to reenroll at an institution of higher education in this state as a resident for tuition purposes without the necessity of meeting the 12-month durational requirement of this section if that person has reestablished his or her domicile in this state within 12 months of such abandonment and continuously maintains the reestablished domicile during the period of enrollment. The benefit of this subsection shall not be accorded more than once to any one person.

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

(a) Active duty members of the Armed Services of the United States residing or stationed in this state, their spouses, and dependent children, and active drilling members of the Florida National Guard.

(b) Active duty members of the Armed Services of the

HOUSE AMENDMENT

Bill No. HB 5201, 1st Eng. (2010)

Amendment No.

475 United States and their spouses and dependents attending a
476 public community college or state university within 50 miles of
477 the military establishment where they are stationed, if such
478 military establishment is within a county contiguous to Florida.

479 (c) United States citizens living on the Isthmus of
480 Panama, who have completed 12 consecutive months of college work
481 at the Florida State University Panama Canal Branch, and their
482 spouses and dependent children.

483 (d) Full-time instructional and administrative personnel
484 employed by state public schools and institutions of higher
485 education and their spouses and dependent children.

486 (e) Students from Latin America and the Caribbean who
487 receive scholarships from the federal or state government. Any
488 student classified pursuant to this paragraph shall attend, on a
489 full-time basis, a Florida institution of higher education.

490 (f) Southern Regional Education Board's Academic Common
491 Market graduate students attending Florida's state universities.

492 (g) Full-time employees of state agencies or political
493 subdivisions of the state when the student fees are paid by the
494 state agency or political subdivision for the purpose of job-
495 related law enforcement or corrections training.

496 (h) McKnight Doctoral Fellows and Finalists who are United
497 States citizens.

498 (i) United States citizens living outside the United
499 States who are teaching at a Department of Defense Dependent
500 School or in an American International School and who enroll in
501 a graduate level education program which leads to a Florida

Amendment No.

teaching certificate.

(j) Active duty members of the Canadian military residing or stationed in this state under the North American Air Defense (NORAD) agreement, and their spouses and dependent children, attending a community college or state university within 50 miles of the military establishment where they are stationed.

(k) Active duty members of a foreign nation's military who are serving as liaison officers and are residing or stationed in this state, and their spouses and dependent children, attending a community college or state university within 50 miles of the military establishment where the foreign liaison officer is stationed.

(11) Once a student has been classified as a resident for tuition purposes, an institution of higher education to which the student transfers is not required to reevaluate the classification unless inconsistent information suggests that an erroneous classification was made or the student's situation has changed. However, the student must have attended the institution making the initial classification within the prior 12 months and the residency classification must be noted on the student's transcript. The Higher Education Coordinating Council shall consider issues related to residency determinations and make recommendations relating to efficiency and effectiveness of current law.

(12)~~(11)~~ Each institution of higher education shall establish a residency appeal committee comprised of at least three members to consider student appeals of residency

Amendment No.

determinations, in accordance with the institution's official appeal process. The residency appeal committee must render to the student the final residency determination in writing. The institution must advise the student of the reasons for the determination.

~~(13)~~ ~~(12)~~ The State Board of Education and the Board of Governors shall adopt rules to implement this section.

Section 10. Paragraphs (b) and (g) of subsection (3) and subsection (11) of section 1009.22, Florida Statutes, are amended to read:

1009.22 Workforce education postsecondary student fees.—

(3)

(b) Fees for continuing workforce education shall be locally determined by the district school board or community college board. ~~However, at least 50 percent of the Expenditures for the continuing workforce education program provided by the community college or school district must be fully supported by derived from fees.~~ Enrollments in continuing workforce education courses may not be counted for purposes of funding full-time equivalent enrollment.

(g) The State Board of Education may ~~shall~~ adopt, by rule, the definitions and procedures that district school boards and community college boards of trustees shall use in the calculation of cost borne by students.

(11) Any school district or community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state

HOUSE AMENDMENT

Bill No. HB 5201, 1st Eng. (2010)

Amendment No.

funding purposes shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from workforce education funds or the Community College Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, as necessary in rule, approved methods of student fee payment. Such methods must include, but need not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments.

Section 11. Paragraph (d) of subsection (4) and paragraph (a) of subsection (16) of section 1009.24, Florida Statutes, are amended to read:

1009.24 State university student fees.—

(4)

(d) The sum of the activity and service, health, and athletic fees a student is required to pay to register for a course shall not exceed 40 percent of the tuition established in law or in the General Appropriations Act. No university shall be required to lower any fee in effect on the effective date of this act in order to comply with this subsection. Within the 40 percent cap, universities may not increase the aggregate sum of activity and service, health, and athletic fees more than 5 percent per year, or the same percentage increase in tuition authorized under paragraph (b), whichever is greater, unless specifically authorized in law or in the General Appropriations Act. A university may increase its athletic fee to defray the costs associated with changing National Collegiate Athletic

HOUSE AMENDMENT

Bill No. HB 5201, 1st Eng. (2010)

Amendment No.

583 Association divisions. Any such increase in the athletic fee may
584 exceed both the 40 percent cap and the 5 percent cap imposed by
585 this subsection. Any such increase must be approved by the
586 athletic fee committee in the process outlined in subsection
587 (12) and cannot exceed \$2 per credit hour. Notwithstanding the
588 provisions of ss. 1009.534, 1009.535, and 1009.536, that portion
589 of any increase in an athletic fee pursuant to this subsection
590 that causes the sum of the activity and service, health, and
591 athletic fees to exceed the 40 percent cap or the annual
592 increase in such fees to exceed the 5 percent cap shall not be
593 included in calculating the amount a student receives for a
594 Florida Academic Scholars award, a Florida Medallion Scholars
595 award, or a Florida Gold Seal Vocational Scholars award.
596 Notwithstanding this paragraph and subject to approval by the
597 board of trustees, each state university is authorized to exceed
598 the 5-percent cap on the annual increase to the aggregate sum of
599 activity and service, health, and athletic fees for the 2010-
600 2011 fiscal year. Any such increase shall not exceed 15 percent
601 or the amount required to reach the 2009-2010 fiscal year
602 statewide average for the aggregate sum of activity and service,
603 health, and athletic fees at the main campuses, whichever is
604 greater. The aggregate sum of the activity and service, health,
605 and athletic fees shall not exceed 40 percent of tuition. Any
606 increase in the activity and service fee, health fee, or
607 athletic fee must be approved by the appropriate fee committee
608 pursuant to subsection (10), subsection (11), or subsection
609 (12).

Amendment No.

610 (16) Each university board of trustees may establish a
611 tuition differential for undergraduate courses upon receipt of
612 approval from the Board of Governors. The tuition differential
613 shall promote improvements in the quality of undergraduate
614 education and shall provide financial aid to undergraduate
615 students who exhibit financial need.

616 (a) Seventy percent of the revenues from the tuition
617 differential shall be expended for purposes of undergraduate
618 education. Such expenditures may include, but are not limited
619 to, increasing course offerings, improving graduation rates,
620 increasing the percentage of undergraduate students who are
621 taught by faculty, decreasing student-faculty ratios, providing
622 salary increases for faculty who have a history of excellent
623 teaching in undergraduate courses, improving the efficiency of
624 the delivery of undergraduate education through academic
625 advisement and counseling, and reducing the percentage of
626 students who graduate with excess hours. This expenditure for
627 undergraduate education may not be used to pay the salaries of
628 graduate teaching assistants. Except as otherwise provided in
629 this subsection, the remaining 30 percent of the revenues from
630 the tuition differential, or the equivalent amount of revenue
631 from private sources, shall be expended to provide financial aid
632 to undergraduate students who exhibit financial need, including
633 students who are scholarship recipients under s. 1009.984, to
634 meet the cost of university attendance. This expenditure for
635 need-based financial aid shall not supplant the amount of need-
636 based aid provided to undergraduate students in the preceding

Amendment No.

fiscal year from financial aid fee revenues, the direct appropriation for financial assistance provided to state universities in the General Appropriations Act, or from private sources. The total amount of tuition differential waived under subparagraph (b)8. may be included in calculating the expenditures for need-based financial aid to undergraduate students required by this subsection.

Section 12. Subsection (2) of section 1009.531, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

1009.531 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(2)(a) For students graduating from high school prior to the 2010-2011 academic year, a student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 7 years following high school graduation. A student who applies for an award by high school graduation and who meets all other eligibility requirements, but who does not accept his or her award, may reapply during subsequent application periods up to 3 years after high school graduation. For a student who enlists in the United States Armed Forces immediately after completion of high school, the 3-year eligibility period for his or her initial award shall begin upon the date of separation from active duty. For a student who is receiving a Florida Bright Futures Scholarship and discontinues his or her education to enlist in the United States Armed Forces, the remainder of his or her 7-year renewal period shall

Amendment No.

commence upon the date of separation from active duty.

(b) For students graduating from high school in the 2010-2011 academic year and thereafter, a student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 5 years following high school graduation. A student who applies for an award by high school graduation and who meets all other eligibility requirements, but who does not accept his or her award, may reapply during subsequent application periods up to 3 years after high school graduation. For a student who enlists in the United States Armed Forces immediately after completion of high school, the 3-year eligibility period for his or her initial award and the 5-year renewal period shall begin upon the date of separation from active duty. For a student who is receiving a Florida Bright Futures Scholarship award and discontinues his or her education to enlist in the United States Armed Forces, the remainder of his or her 5-year renewal period shall commence upon the date of separation from active duty. If a course of study is not completed after 5 academic years, an exception of 1 year to the renewal timeframe may be granted due to a verifiable illness or other documented emergency pursuant to s. 1009.40(1)(b)4.

(6)(a) The State Board of Education shall publicize the examination score required for a student to be eligible for a Florida Academic Scholars award, pursuant to s. 1009.534(1)(a) or (b), as follows:

1. For high school students graduating in the 2010-2011

Amendment No.

and 2011-2012 academic years, the student must earn an SAT score of 1270 or a concordant ACT score of 28.

2. For high school students graduating in the 2012-2013 academic year, the student must earn an SAT score of 1280 which corresponds to the 88th SAT percentile rank or a concordant ACT score of 28.

3. For high school students graduating in the 2013-2014 academic year and thereafter, the student must earn an SAT score of 1290 which corresponds to the 89th SAT percentile rank or a concordant ACT score of 29.

(b) The State Board of Education shall publicize the examination score required for a student to be eligible for a Florida Medallion Scholars award, pursuant to s. 1009.535(1)(a) or (b), as follows:

1. For high school students graduating in the 2010-2011 academic year, the student must earn an SAT score of 970 or a concordant ACT score of 20 or the student in a home education program whose parent cannot document a college-preparatory curriculum must earn an SAT score of 1070 or a concordant ACT score of 23.

2. For high school students graduating in the 2011-2012 academic year, the student must earn an SAT score of 980 which corresponds to the 44th SAT percentile rank or a concordant ACT score of 21 or the student in a home education program whose parent cannot document a college-preparatory curriculum must earn an SAT score of 1070 or a concordant ACT score of 23.

3. For high school students graduating in the 2012-2013

Amendment No.

718 academic year, the student must earn an SAT score of 1020 which
719 corresponds to the 50th SAT percentile rank or a concordant ACT
720 score of 22 or the student in a home education program whose
721 parent cannot document a college-preparatory curriculum must
722 earn an SAT score of 1070 or a concordant ACT score of 23.

723 4. For high school students graduating in the 2013-2014
724 academic year and thereafter, the student must earn an SAT score
725 of 1050 which corresponds to the 56th SAT percentile rank or a
726 concordant ACT score of 23 or the student in a home education
727 program whose parent cannot document a college-preparatory
728 curriculum must earn an SAT score of 1100 or a concordant ACT
729 score of 24.

730 (c) The SAT percentile ranks and corresponding SAT scores
731 specified in paragraphs (a) and (b) are based on the SAT
732 percentile ranks for 2009 college-bound seniors in critical
733 reading and mathematics as reported by the College Board. The
734 next highest SAT score is used when the percentile ranks do not
735 directly correspond.

736 Section 13. Section 1009.532, Florida Statutes, is amended
737 to read:

738 1009.532 Florida Bright Futures Scholarship Program;
739 student eligibility requirements for renewal awards.—

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

743 (a) Effective for students funded in the 2009-2010
744 academic year and thereafter, earn at least 24 semester credit

HOUSE AMENDMENT

Bill No. HB 5201, 1st Eng. (2010)

Amendment No.

745 hours or the equivalent in the last academic year in which the
746 student earned a scholarship if the student was enrolled full
747 time, or a prorated number of credit hours as determined by the
748 Department of Education if the student was enrolled less than
749 full time for any part of the academic year. For students
750 initially eligible prior to the 2010-2011 academic term, if a
751 student fails to earn the minimum number of hours required to
752 renew the scholarship, the student shall lose his or her
753 eligibility for renewal for a period equivalent to 1 academic
754 year. Such student is eligible to restore the award the
755 following academic year if the student earns the hours for which
756 he or she was enrolled at the level defined by the department
757 and meets the grade point average for renewal. A student is
758 eligible for such restoration one time. The department shall
759 notify eligible recipients of the provisions of this paragraph.
760 Each institution shall notify award recipients of the provisions
761 of this paragraph during the registration process.

762 (b) Maintain the cumulative grade point average required
763 by the scholarship program, except that:

764 1. If a recipient's grades fall beneath the average
765 required to renew a Florida Academic Scholarship, but are
766 sufficient to renew a Florida Medallion Scholarship or a Florida
767 Gold Seal Vocational Scholarship, the Department of Education
768 may grant a renewal from one of those other scholarship
769 programs, if the student meets the renewal eligibility
770 requirements;

771 2. For students initially eligible prior to the 2010-2011

Amendment No.

772 academic term, if, at any time during the eligibility period, a
773 student's grades are insufficient to renew the scholarship, the
774 student may restore eligibility by improving the grade point
775 average to the required level. A student is eligible for such a
776 restoration one time. The Legislature encourages education
777 institutions to assist students to calculate whether or not it
778 is possible to raise the grade point average during the summer
779 term. If the institution determines that it is possible, the
780 education institution may so inform the department, which may
781 reserve the student's award if funds are available. The renewal,
782 however, must not be granted until the student achieves the
783 required cumulative grade point average. If the summer term is
784 not sufficient to raise the grade point average to the required
785 renewal level, the student's next opportunity for renewal is the
786 fall semester of the following academic year; or

787 3. For students initially eligible in the 2010-2011
788 academic term and thereafter, if at any time during a student's
789 first academic year the student's grades are insufficient to
790 renew the scholarship, the student may restore eligibility by
791 improving the grade point average to the required level. A
792 student is eligible for such a restoration one time. The
793 Legislature encourages education institutions to assist students
794 to calculate whether or not it is possible to raise the grade
795 point average during the summer term. If the education
796 institution determines that it is possible, the institution may
797 so inform the department, which may reserve the student's award
798 if funds are available. The renewal, however, must not be

Amendment No.

799 granted until the student achieves the required cumulative grade
800 point average. If the summer term is not sufficient to raise the
801 grade point average to the required renewal level, the student's
802 next opportunity for renewal is the fall semester of the
803 following academic year. ~~If a student is receiving a Florida~~
804 ~~Bright Futures Scholarship, is a servicemember of the Florida~~
805 ~~National Guard or United States Reserves while attending a~~
806 ~~postsecondary institution, is called to active duty or state~~
807 ~~active duty, as defined in s. 250.01, prior to completing his or~~
808 ~~her degree, and meets all other requirements for the~~
809 ~~scholarship, the student shall be eligible to continue the~~
810 ~~scholarship for 2 years after completing active duty or state~~
811 ~~active duty.~~

812 (c) Reimburse or make satisfactory arrangements to
813 reimburse the institution for the award amount received for
814 courses dropped after the end of the drop and add period or
815 courses from which the student withdraws after the end of the
816 drop and add period unless the student has received an exception
817 pursuant to s. 1009.53(11).

818 (2) For students initially eligible in the 2010-2011
819 academic term and thereafter, and unless otherwise provided in
820 this section, if a student does not meet the requirements for
821 renewal of a scholarship because of lack of completion of
822 sufficient credit hours or insufficient grades, the scholarship
823 shall be renewed only if the student failed to complete
824 sufficient credit hours or to meet sufficient grade requirements
825 due to verifiable illness or other documented emergency, in

Amendment No.

which case the student may be granted an exception from academic requirements pursuant to s. 1009.40(1)(b)4.

~~(3)(2)~~ A student who is initially eligible prior to the 2010-2011 academic year and is enrolled in a program that terminates in an associate degree or a baccalaureate degree may receive an award for a maximum of 110 percent of the number of credit hours required to complete the program. A student who is enrolled in a program that terminates in a career certificate may receive an award for a maximum of 110 percent of the credit hours or clock hours required to complete the program up to 90 credit hours. For a student who is initially eligible in the 2010-2011 academic term and thereafter, the student may receive an award for a maximum of 100 percent of the number of credit hours required to complete an associate degree program or a baccalaureate degree program, or the student may receive an award for a maximum of 100 percent of the credit hours or clock hours required to complete up to 90 credit hours of a program that terminates in a career certificate. A student who transfers from one of these program levels to another becomes eligible for the higher of the two credit hour limits.

Section 14. Subsections (1) and (5) of section 1009.534, Florida Statutes, are amended to read:

1009.534 Florida Academic Scholars award.—

(1) A student is eligible for a Florida Academic Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

HOUSE AMENDMENT

Bill No. HB 5201, 1st Eng. (2010)

Amendment No.

(a) Has achieved a 3.5 weighted grade point average as calculated pursuant to s. 1009.531, or its equivalent, in high school courses that are designated by the State Board of Education as college-preparatory academic courses; and has attained at least the score pursuant to s. 1009.531(6)(a) ~~identified by rules of the State Board of Education~~ on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program; ~~or~~

(b) Has attended a home education program according to s. 1002.41 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma or has completed the Advanced International Certificate of Education curriculum but failed to earn the Advanced International Certificate of Education Diploma, and has attained at least the score pursuant to s. 1009.531(6)(a) ~~identified by rules of the State Board of Education~~ on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program; ~~or~~

(c) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office or an Advanced International Certificate of Education Diploma from the University of Cambridge International Examinations Office; ~~or~~

HOUSE AMENDMENT

Bill No. HB 5201, 1st Eng. (2010)

Amendment No.

(d) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist; or

(e) Has been recognized by the National Hispanic Recognition Program as a scholar recipient. A student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

(5) Notwithstanding subsections (2) and (4), a Florida Academic Scholar is eligible for an award equal to the amount specified in the General Appropriations Act ~~for the 2009-2010 academic year. This subsection expires July 1, 2010.~~

Section 15. Section 1009.5341, Florida Statutes, is created to read:

1009.5341 Florida Bright Futures Scholarship awards for graduate study.—Florida Bright Futures Scholarship recipients who graduate in the 2010-2011 academic year and thereafter with a baccalaureate degree in 7 semesters, or the equivalent or fewer hours, and wish to pursue graduate study may apply the unused portion of their Florida Academic Scholars award or Florida Medallion Scholars award toward 1 semester of graduate study, not to exceed 15 semester hours paid at the undergraduate rate.

Amendment No.

A baccalaureate degree may include, but is not limited to,
college credits earned through articulated acceleration
mechanisms pursuant to s. 1007.27.

Section 16. Subsections (1) and (4) of section 1009.535,
Florida Statutes, are amended to read:

1009.535 Florida Medallion Scholars award.—

(1) A student is eligible for a Florida Medallion Scholars
award if the student meets the general eligibility requirements
for the Florida Bright Futures Scholarship Program and the
student:

(a) Has achieved a weighted grade point average of 3.0 as
calculated pursuant to s. 1009.531, or the equivalent, in high
school courses that are designated by the State Board of
Education as college-preparatory academic courses; and has
attained at least the score pursuant to s. 1009.531(6)(b)
~~identified by rules of the State Board of Education~~ on the
combined verbal and quantitative parts of the Scholastic
Aptitude Test, the Scholastic Assessment Test, or the recentered
Scholastic Assessment Test of the College Entrance Examination,
or an equivalent score on the ACT Assessment Program; ~~or~~

(b) ~~Has attended a home education program according to s.~~
~~1002.41 during grades 11 and 12 or has completed the~~
International Baccalaureate curriculum but failed to earn the
International Baccalaureate Diploma or has completed the
Advanced International Certificate of Education curriculum but
failed to earn the Advanced International Certificate of
Education Diploma, and has attained at least the score pursuant

Amendment No.

934 ~~to s. 1009.531(6)(b) identified by rules of the State Board of~~
935 ~~Education~~ on the combined verbal and quantitative parts of the
936 Scholastic Aptitude Test, the Scholastic Assessment Test, or the
937 recentered Scholastic Assessment Test of the College Entrance
938 Examination, or an equivalent score on the ACT Assessment
939 Program; ~~or~~

940 (c) Has attended a home education program according to s.
941 1002.41 during grades 11 and 12 and has attained at least the
942 score pursuant to s. 1009.531(6)(b) on the combined verbal and
943 quantitative parts of the Scholastic Aptitude Test, the
944 Scholastic Assessment Test, or the recentered Scholastic
945 Assessment Test of the College Entrance Examination, or an
946 equivalent score on the ACT Assessment Program, if the student's
947 parent cannot document a college-preparatory curriculum as
948 described in paragraph (a);

949 (d) ~~(e)~~ Has been recognized by the merit or achievement
950 program of the National Merit Scholarship Corporation as a
951 scholar or finalist but has not completed a program of community
952 service as provided in s. 1009.534; or

953 (e) ~~(d)~~ Has been recognized by the National Hispanic
954 Recognition Program as a scholar, but has not completed a
955 program of community service as provided in s. 1009.534.

956 (4) Notwithstanding subsection (2), a Florida Medallion
957 Scholar is eligible for an award equal to the amount specified
958 in the General Appropriations Act ~~for the 2009-2010 academic~~
959 ~~year. This subsection expires July 1, 2010.~~

960 Section 17. Subsections (4) and (5) of section 1009.536,

Amendment No.

Florida Statutes, are amended to read:

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

(4) A student may earn a Florida Gold Seal Vocational Scholarship for 110 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent. For a student who is initially eligible in the 2010-2011 academic term and thereafter, the student may earn a Florida Gold Seal Vocational Scholarship for 100 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent.

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

Section 18. Sections 1009.537 and 1009.5385, Florida Statutes, are repealed.

Section 19. Subsections (2), (3), and (4) of section 1009.72, Florida Statutes, are amended to read:

1009.72 Jose Marti Scholarship Challenge Grant Program.—

(2) ~~Funds appropriated by the Legislature for the program shall be deposited in the State Student Financial Assistance Trust Fund. The Chief Financial Officer shall authorize expenditures from the trust fund upon receipt of vouchers~~

HOUSE AMENDMENT

Bill No. HB 5201, 1st Eng. (2010)

Amendment No.

988 ~~approved by the Department of Education.~~ All moneys collected
989 from private sources for the purposes of this section shall be
990 deposited into the State Student Financial Assistance Trust
991 Fund. Any balance in the trust fund at the end of any fiscal
992 year which ~~that~~ has been allocated to the program shall remain
993 therein and shall be available for carrying out the purposes of
994 the program. All funds deposited into the trust fund for the
995 program shall be invested pursuant to s. 17.61. Interest income
996 accruing to that portion of the funds which are allocated to the
997 program in the trust fund and not matched shall increase the
998 total funds available for the program.

999 (3) The Legislature may appropriate funds ~~shall designate~~
1000 ~~funds to be transferred to the trust fund for the program from~~
1001 ~~the General Revenue Fund. Such funds shall be divided into~~
1002 ~~challenge grants to be administered by the Department of~~
1003 ~~Education. All appropriated funds deposited into the trust fund~~
1004 ~~for the program shall be invested pursuant to the provisions of~~
1005 ~~s. 17.61. Interest income accruing to that portion of the funds~~
1006 ~~that are allocated to the program in the trust fund and not~~
1007 ~~matched shall increase the total funds available for the~~
1008 ~~program.~~

1009 (4) The amounts ~~amount~~ appropriated ~~to the trust fund~~ for
1010 the program shall be allocated by the department on the basis of
1011 one \$5,000 challenge grant for each \$2,500 raised from private
1012 sources. Matching funds shall be generated through contributions
1013 made after July 1, 1986, and pledged for the purposes of this
1014 section. Pledged contributions shall not be eligible for

Amendment No.

1015 matching prior to the actual collection of the total funds.

1016 Section 20. Subsections (2), (3), and (4) of section
1017 1009.73, Florida Statutes, are amended to read:

1018 1009.73 Mary McLeod Bethune Scholarship Program.—

1019 (2) ~~Funds appropriated by the Legislature for the program~~
1020 ~~shall be deposited in the State Student Financial Assistance~~
1021 ~~Trust Fund. The Chief Financial Officer shall authorize~~
1022 ~~expenditures from the trust fund upon receipt of vouchers~~
1023 ~~approved by the Department of Education.~~ The Department of
1024 Education shall receive all moneys collected from private
1025 sources for the purposes of this section and shall deposit such
1026 moneys into the State Student Financial Assistance Trust Fund.
1027 Notwithstanding the provisions of s. 216.301 and pursuant to s.
1028 216.351, any balance in the trust fund at the end of any fiscal
1029 year which ~~that~~ has been allocated to the program shall remain
1030 in the trust fund and shall be available for carrying out the
1031 purposes of the program. All moneys deposited into the trust
1032 fund for the program shall be invested pursuant to s. 17.61.
1033 Interest income accruing to that portion of the funds which are
1034 allocated to the program in the trust fund and not matched shall
1035 increase the total funds available for the program.

1036 (3) The Legislature may appropriate funds ~~shall~~
1037 ~~appropriate moneys to the trust fund~~ for the program from the
1038 General Revenue Fund. Such moneys shall be applied to
1039 scholarships to be administered by the Department of Education.
1040 ~~All moneys deposited into the trust fund for the program shall~~
1041 ~~be invested pursuant to the provisions of s. 17.61. Interest~~

Amendment No.

~~income accruing to the program shall be expended to increase the total moneys available for scholarships.~~

(4) The moneys ~~in the trust fund~~ for the program shall be allocated by the department among the institutions of higher education listed in subsection (1) on the basis of one \$2,000 challenge grant for each \$1,000 raised from private sources. Matching funds shall be generated through contributions made after July 1, 1990, and pledged for the purposes of this section. Pledged contributions shall not be eligible for matching prior to the actual collection of the total funds. The department shall allocate to each of those institutions a proportionate share of the contributions received on behalf of those institutions and a share of the appropriations and matching funds generated by such institution.

Section 21. Subsection (2) of section 1010.87, Florida Statutes, is amended to read:

1010.87 Workers' Compensation Administration Trust Fund within the Department of Education.—

(2) Funds appropriated by nonoperating transfer from the Department of Financial Services Workers' Compensation Administration Trust Fund which remain unencumbered as of June 30 or undisbursed as of September 30 shall revert to the Department of Financial Services Workers' Compensation Administration Trust Fund. ~~Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying~~

HOUSE AMENDMENT

Bill No. HB 5201, 1st Eng. (2010)

Amendment No.

~~out the purposes of the trust fund.~~

Section 22. Subsection (8) of section 1011.32, Florida Statutes, is amended to read:

1011.32 Community College Facility Enhancement Challenge Grant Program.—

(8) By October 15 ~~September 1~~ of each year, the State Board of Education shall transmit to the Legislature a list of projects which meet all eligibility requirements to participate in the Community College Facility Enhancement Challenge Grant Program and a budget request which includes the recommended schedule necessary to complete each project.

Section 23. Paragraph (e) of subsection (2) of section 1011.52, Florida Statutes, is amended to read:

1011.52 Appropriation to first accredited medical school.—

(2) In order for a medical school to qualify under the provisions of this section and to be entitled to the benefits herein, such medical school:

(e) Must enter into an annual operating agreement each fiscal year with a government-owned hospital that is located in the same county as the medical school and that is a statutory teaching hospital as defined in s. 408.07(45). The annual operating agreement shall provide for the medical school to maintain the same level of affiliation with the hospital, including the level of services to indigent and charity care patients served by the hospital, which was in place in the prior fiscal year. Documentation of the operating agreement shall be submitted annually to the Department of Education prior to the

Amendment No.

1096 payment of moneys from the annual appropriation.

1097 Section 24. Paragraph (a) of subsection (5) of section
1098 1011.80, Florida Statutes, is amended to read:

1099 1011.80 Funds for operation of workforce education
1100 programs.—

1101 (5) State funding and student fees for workforce education
1102 instruction shall be established as follows:

1103 (a) Expenditures for the continuing workforce education
1104 programs provided by the community colleges or school districts
1105 must be fully supported by fees. Enrollments in continuing
1106 workforce education courses shall not be counted for purposes of
1107 funding full-time equivalent enrollment. For a continuing
1108 workforce education course, state funding shall equal 50 percent
1109 of the cost of instruction, with student fees, business support,
1110 quick-response training funds, or other means making up the
1111 remaining 50 percent.

1112 Section 25. Section 1011.83, Florida Statutes, is amended
1113 to read:

1114 1011.83 Financial support of community colleges.—

1115 (1) Each community college that has been approved by the
1116 Department of Education and meets the requirements of law and
1117 rules of the State Board of Education shall participate in the
1118 Community College Program Fund. However, funds to support
1119 workforce education programs conducted by community colleges
1120 shall be provided pursuant to s. 1011.80.

1121 (2) ~~Funding for baccalaureate degree programs approved~~
1122 ~~pursuant to s. 1007.33 shall be specified in the General~~

Amendment No.

1123 ~~Appropriations Act.~~ A student in a baccalaureate degree program
1124 approved pursuant to s. 1007.33 who is not classified as a
1125 resident for tuition purposes pursuant to s. 1009.21 may not be
1126 included in calculations of full-time equivalent enrollments for
1127 state funding purposes.

1128 ~~(3) Funds specifically appropriated by the Legislature for~~
1129 ~~baccalaureate degree programs approved pursuant to s. 1007.33~~
1130 ~~may be used only for such programs. A community college shall~~
1131 ~~fund the nonrecurring costs related to the initiation of a new~~
1132 ~~baccalaureate degree program under s. 1007.33 without new state~~
1133 ~~appropriations unless special grant funds are appropriated in~~
1134 ~~the General Appropriations Act. A new baccalaureate degree~~
1135 ~~program may not accept students without a recurring legislative~~
1136 ~~appropriation for this purpose.~~

1137 ~~(4) State funding for baccalaureate degree programs~~
1138 ~~approved pursuant to s. 1007.33 shall be as provided in the~~
1139 ~~General Appropriations Act.~~

1140 ~~(5) A community college that grants baccalaureate degrees~~
1141 ~~shall maintain reporting and funding distinctions between any~~
1142 ~~baccalaureate degree program approved under s. 1007.33 and any~~
1143 ~~other baccalaureate degree programs involving traditional~~
1144 ~~concurrent-use partnerships.~~

1145 Section 26. Paragraph (a) of subsection (3) of section
1146 1011.84, Florida Statutes, is amended, and paragraph (g) is
1147 added to that subsection, to read:

1148 1011.84 Procedure for determining state financial support
1149 and annual apportionment of state funds to each community

HOUSE AMENDMENT

Bill No. HB 5201, 1st Eng. (2010)

Amendment No.

college district.—The procedure for determining state financial support and the annual apportionment to each community college district authorized to operate a community college under the provisions of s. 1001.61 shall be as follows:

(3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

(a) By December 15 of each year, the Department of Education shall estimate the annual enrollment of each community college for the current fiscal year and for the 3 ~~6~~ subsequent fiscal years. These estimates shall be based upon prior years' enrollments, upon the initial fall term enrollments for the current fiscal year for each college, and upon each college's estimated current enrollment and demographic changes in the respective community college districts. Upper-division enrollment shall be estimated separately from lower-division enrollment.

(g) Expenditures for upper-division enrollment in a community college that grants baccalaureate degrees shall be reported separately from expenditures for lower-division enrollment, in accordance with law and State Board of Education rule.

Section 27. Section 1012.885, Florida Statutes, is created to read:

1012.885 Remuneration of community college presidents; limitations.—

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

(a) "Appropriated state funds" means funds appropriated from the General Revenue Fund or funds appropriated from state

Amendment No.

trust funds.

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

(c) "Remuneration" means salary, bonuses, and cash-equivalent compensation paid to a community college president by his or her employer for work performed, excluding health insurance benefits and retirement benefits.

(2) LIMITATION ON COMPENSATION.—Notwithstanding any other law, resolution, or rule to the contrary, a community college president may not receive more than \$225,000 in remuneration annually from appropriated state funds. Only compensation, as defined in s. 121.021(22), provided to a community college president may be used in calculating benefits under chapter 121.

(3) EXCEPTIONS.—This section does not prohibit any party from providing cash or cash-equivalent compensation from funds that are not appropriated state funds to a community college president in excess of the limit in subsection (2). If a party is unable or unwilling to fulfill an obligation to provide cash or cash-equivalent compensation to a community college president as permitted under this subsection, appropriated state funds may not be used to fulfill such obligation.

Section 28. Subsection (8) of section 1013.79, Florida Statutes, is amended to read:

1013.79 University Facility Enhancement Challenge Grant Program.—

(8) By October 15 of each year, the Board of Governors shall transmit to the Legislature a list of projects that meet

Amendment No.

all eligibility requirements to participate in the Alec P. Courtelis University Facility Enhancement Challenge Grant Program and a budget request that includes the recommended schedule necessary to complete each project.

Section 29. (1) The Office of Program Policy Analysis and Government Accountability shall conduct a review of the public school adult workforce education programs and the community college and state college workforce education programs for the purpose of identifying and analyzing the positive and negative aspects of merging the school district programs with the community college and state college programs. Questions addressed by the review shall include:

(a) What types of workforce education programs are offered by school districts and Florida College System institutions and are there differences between the two systems?

(b) What types of students do school districts and Florida College System institutions serve in their workforce education programs and are there differences between the two systems?

(c) What are the student outcomes for workforce education programs offered by school districts and Florida College System institutions and are there differences between the two systems?

(d) How much does Florida spend on workforce education programs and what are the funding sources for these programs?

(e) How is workforce education funding allocated to school districts and Florida College System institutions and how does this compare to other states?

(f) How do individual school districts and Florida College

Amendment No.

System institutions operate their workforce education programs?

(g) What types of instructional settings, facilities, locations, and faculty do school districts and Florida College System institutions use to deliver workforce education programs?

(h) How do other states structure their workforce education programs?

(2) The Office of Program Policy Analysis and Government Accountability shall submit the results of its review to the President of the Senate and the Speaker of the House of Representatives by December 1, 2010.

Section 30. The Office of Program Policy Analysis and Government Accountability shall conduct a review of postsecondary educational opportunities for individuals with developmental disabilities. The review shall include, at a minimum, the following issues: opportunities for postsecondary education and vocational training; transitioning from school to the workforce; best practices for providing such postsecondary education and training services, including any notable public-private partnerships; and the feasibility and cost of establishing a residential vocational institution to provide postsecondary education and vocational training for individuals with developmental disabilities. The Office of Program Policy Analysis and Government Accountability shall submit the findings of its review to the President of the Senate and the Speaker of the House of Representatives no later than February 1, 2011.

Section 31. There is appropriated \$25,000,000 in nonrecurring funds from the General Revenue Fund for the 2010-

Amendment No.

1258 2011 fiscal year for the Florida Bright Futures Scholarship
1259 Program. The funding is contingent upon Florida being eligible
1260 to receive federal funds, based on the state's Federal Medical
1261 Assistance Percentage (FMAP), in excess of the February 2010
1262 official Social Services Estimating Conference estimate.

1263 Section 32. This act shall take effect July 1, 2010.
1264
1265

1266 -----
1267 **T I T L E A M E N D M E N T**

1268 Remove the entire title and insert:

1269 A bill to be entitled

1270 An act relating to postsecondary education funding;
1271 amending s. 295.02, F.S.; revising provisions relating to
1272 the use of funds to pay postsecondary education expenses
1273 for children and spouses of certain members of the
1274 military; amending s. 295.04, F.S.; providing a
1275 definition; providing educational benefit award amounts
1276 for students at public and nonpublic eligible
1277 postsecondary education institutions; amending s. 440.491,
1278 F.S.; revising provisions relating to the training and
1279 education of injured employees; providing that training
1280 and education services may be secured from additional
1281 providers under certain circumstances; amending s.
1282 1004.085, F.S.; revising provisions relating to textbook
1283 affordability and the policies, procedures, and guidelines
1284 adopted by the State Board of Education and the Board of

HOUSE AMENDMENT

Bill No. HB 5201, 1st Eng. (2010)

Amendment No.

1285 Governors; requiring policies that encourage the use of
1286 open-access textbooks; amending s. 1004.091, F.S.;
1287 revising provisions relating to the duties of the Florida
1288 Distance Learning Consortium; extending the deadline for
1289 the consortium to develop a plan for implementing an
1290 online registration process for undergraduate students to
1291 enroll in a course listed in the Florida Higher Education
1292 Distance Learning Catalog; requiring the plan to address
1293 specified policy areas; amending s. 1004.65, F.S.;
1294 restricting the use of resources of a Florida college;
1295 amending s. 1006.59, F.S.; deleting a provision that
1296 prohibits institutions participating in the Historically
1297 Black College and University Library Improvement Program
1298 from using funds to purchase nonprint media; creating s.
1299 1006.72, F.S.; providing requirements for licensing
1300 electronic library resources; requiring a process to
1301 annually identify electronic library resources for
1302 specified core categories; providing requirements for
1303 statewide, postsecondary education, 4-year degree, and 2-
1304 year degree core resources; amending s. 1009.21, F.S.;
1305 revising provisions relating to the determination of
1306 resident status for tuition purposes to include students
1307 in postsecondary educational programs offered by charter
1308 technical career centers or career centers operated by
1309 school districts; revising a definition to conform to
1310 changes made by the act; providing requirements for
1311 recognition of the classification of a student as a

HOUSE AMENDMENT

Bill No. HB 5201, 1st Eng. (2010)

Amendment No.

1312 resident for tuition purposes by an institution of higher
1313 education to which a student transfers; providing
1314 requirements of the Higher Education Coordinating Council
1315 relating to residency determinations; amending s. 1009.22,
1316 F.S.; revising provisions relating to workforce education
1317 postsecondary student fees; providing that enrollments in
1318 continuing workforce education courses may not be counted
1319 for purposes of funding full-time equivalent enrollment;
1320 authorizing, rather than requiring, certain rulemaking;
1321 amending s. 1009.24, F.S.; revising provisions relating to
1322 state university student fee increases; authorizing each
1323 state university to exceed the cap on the increase to
1324 specified fees for the 2010-2011 fiscal year; providing
1325 restrictions; authorizing certain calculations for
1326 expenditures for need-based financial aid; amending s.
1327 1009.531, F.S.; revising the renewal period during which a
1328 student is eligible to receive a Florida Bright Futures
1329 Scholarship award after high school graduation; requiring
1330 that the State Board of Education base the eligibility of
1331 students to receive a Florida Academic Scholars award or a
1332 Florida Medallion Scholars award on specified SAT scores
1333 and corresponding 2009 SAT percentile ranks; amending s.
1334 1009.532, F.S.; specifying circumstances under which a
1335 Florida Bright Futures Scholarship award may be restored
1336 or renewed despite insufficient grades or credit hours;
1337 reducing the maximum number of credit hours for which
1338 students may receive a scholarship award; amending s.

HOUSE AMENDMENT

Bill No. HB 5201, 1st Eng. (2010)

Amendment No.

1339 1009.534, F.S., relating to the Florida Academic Scholars
1340 award; conforming provisions to changes made by the act;
1341 removing the scheduled expiration of provisions requiring
1342 that the amount of the award be specified in the General
1343 Appropriations Act; creating s. 1009.5341, F.S.; providing
1344 that recipients of a Florida Bright Futures Scholarship
1345 award may use the unused portion of their award toward
1346 graduate study; providing certain limitations; amending s.
1347 1009.535, F.S.; revising eligibility criteria for receipt
1348 of a Florida Medallion Scholars award; conforming
1349 provisions to changes made by the act; removing the
1350 scheduled expiration of provisions requiring that the
1351 amount of the award be specified in the General
1352 Appropriations Act; amending s. 1009.536, F.S.; reducing
1353 the maximum number of credit hours that students may earn
1354 under the Florida Gold Seal Vocational Scholars award;
1355 removing the scheduled expiration of provisions requiring
1356 that the amount of the award be specified in the General
1357 Appropriations Act; repealing s. 1009.537, F.S., relating
1358 to transition for eligibility for the Florida Bright
1359 Futures Scholarship Program; repealing s. 1009.5385, F.S.,
1360 relating to criteria for the use of certain scholarship
1361 funds by children of deceased or disabled veterans;
1362 amending s. 1009.72, F.S.; revising provisions relating to
1363 the Jose Marti Scholarship Challenge Grant Program;
1364 removing provisions that provide for funds appropriated by
1365 the Legislature for the program to be deposited into the

HOUSE AMENDMENT

Bill No. HB 5201, 1st Eng. (2010)

Amendment No.

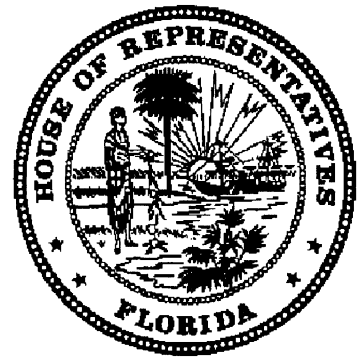
1366 State Student Financial Assistance Trust Fund; requiring
1367 that funds deposited into such trust fund be invested;
1368 authorizing the Legislature to appropriate funds from the
1369 General Revenue Fund; amending s. 1009.73, F.S.; revising
1370 provisions relating to the Mary McLeod Bethune Scholarship
1371 Program; removing provisions that provide for funds
1372 appropriated by the Legislature for the program to be
1373 deposited into the State Student Financial Assistance
1374 Trust Fund; requiring that funds deposited into such trust
1375 fund be invested; authorizing the Legislature to
1376 appropriate funds from the General Revenue Fund; amending
1377 s. 1010.87, F.S., relating to the Workers' Compensation
1378 Administration Trust Fund within the Department of
1379 Education; providing for the reversion of certain funds;
1380 amending s. 1011.32, F.S.; revising the date for
1381 transmittal to the Legislature of information relating to
1382 the Community College Facility Enhancement Challenge Grant
1383 Program; amending s. 1011.52, F.S.; requiring the annual
1384 submission of documentation prior to the payment of moneys
1385 from the appropriation to the first accredited medical
1386 school; amending s. 1011.80, F.S.; revising provisions
1387 relating to funds for the operation of workforce education
1388 programs; requiring that expenditures for such programs be
1389 supported by fees; providing that enrollment in continuing
1390 workforce education courses may not be counted for
1391 purposes of funding full-time equivalent enrollment;
1392 amending s. 1011.83, F.S.; deleting certain provisions

HOUSE AMENDMENT

Bill No. HB 5201, 1st Eng. (2010)

Amendment No.

1393 relating to funds appropriated for baccalaureate degree
1394 programs conducted by community colleges; amending s.
1395 1011.84, F.S.; requiring the Department of Education to
1396 estimate certain community college enrollments separately;
1397 reducing the number of fiscal years to be covered in each
1398 annual estimation; requiring a community college that
1399 grants baccalaureate degrees to report certain
1400 expenditures separately; creating s. 1012.885, F.S.;
1401 providing definitions; providing a limitation on the
1402 compensation paid to community college presidents;
1403 providing exceptions; amending s. 1013.79, F.S.; revising
1404 the date for transmittal to the Legislature of information
1405 relating to the University Facility Enhancement Challenge
1406 Grant Program; requiring that the Office of Program Policy
1407 Analysis and Government Accountability conduct a review of
1408 public school adult workforce education programs and
1409 community college and state college workforce education
1410 programs; requiring that the Office of Program Policy
1411 Analysis and Government Accountability conduct a review of
1412 postsecondary educational opportunities for individuals
1413 with developmental disabilities; requiring that the
1414 results of the reviews be submitted to the Legislature by
1415 specified dates; providing an appropriation; providing an
1416 effective date.



State Budget Conference Chairs

Bump Issues
Senate Language Offered

Wednesday, April 28, 2010, 10:00 a.m.

212 Knott Building

Webster Hall

Conforming Language

HB 5607 – Retirement

SB 2374 – State Group Insurance Program

1 **SENATE OFFER 1 TO HB 5607 (State Administered Retirement Programs**
2

3 Section 1. Paragraph (c) of subsection (13) of section
4 121.091, Florida Statutes, is amended to read:

5 121.091 Benefits payable under the system.—Benefits may not
6 be paid under this section unless the member has terminated
7 employment as provided in s. 121.021(39)(a) or begun
8 participation in the Deferred Retirement Option Program as
9 provided in subsection (13), and a proper application has been
10 filed in the manner prescribed by the department. The department
11 may cancel an application for retirement benefits when the
12 member or beneficiary fails to timely provide the information
13 and documents required by this chapter and the department's
14 rules. The department shall adopt rules establishing procedures
15 for application for retirement benefits and for the cancellation
16 of such application when the required information or documents
17 are not received.

18 (13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and
19 subject to this section, the Deferred Retirement Option Program,
20 hereinafter referred to as DROP, is a program under which an
21 eligible member of the Florida Retirement System may elect to
22 participate, deferring receipt of retirement benefits while
23 continuing employment with his or her Florida Retirement System
24 employer. The deferred monthly benefits shall accrue in the
25 Florida Retirement System on behalf of the participant, plus
26 interest compounded monthly, for the specified period of the
27 DROP participation, as provided in paragraph (c). Upon
28 termination of employment, the participant shall receive the
29 total DROP benefits and begin to receive the previously
30 determined normal retirement benefits. Participation in the DROP
31 does not guarantee employment for the specified period of DROP.
32 Participation in DROP by an eligible member beyond the initial
33 60-month period as authorized in this subsection shall be on an
34 annual contractual basis for all participants.

(c) *Benefits payable under DROP.*—

1. Effective on the date of DROP participation, the member's initial normal monthly benefit, including creditable service, optional form of payment, and average final compensation, and the effective date of retirement are fixed. The beneficiary established under the Florida Retirement System is the beneficiary eligible to receive any DROP benefits payable if the DROP participant dies before completing the period of DROP participation. If a joint annuitant predeceases the member, the member may name a beneficiary to receive accumulated DROP benefits payable. The retirement benefit, the annual cost of living adjustments provided in s. 121.101, and interest accrue monthly in the Florida Retirement System Trust Fund. The interest accrues at an effective annual rate of 6.5 percent compounded monthly, on the prior month's accumulated ending balance, up to the month of termination or death, except as provided in s. 121.053(7). For those members entering DROP on or after July 1, 2010, the interest accrues at an effective annual rate of 3.0 percent compounded monthly, on the prior month's accumulated ending balance, up to the month of termination or death, except as provided in s. 121.053(7).

2. Each employee who elects to participate in DROP may elect to receive a lump-sum payment for accrued annual leave earned in accordance with agency policy upon beginning participation in DROP. The accumulated leave payment certified to the division upon commencement of DROP shall be included in the calculation of the member's average final compensation. The employee electing the lump-sum payment is not eligible to receive a second lump-sum payment upon termination, except to the extent the employee has earned additional annual leave which, combined with the original payment, does not exceed the maximum lump-sum payment allowed by the employing agency's policy or rules. An early lump-sum payment shall be based on the hourly wage of the employee at the time he or she begins

69 participation in DROP. If the member elects to wait and receive
70 a lump-sum payment upon termination of DROP and termination of
71 employment with the employer, any accumulated leave payment made
72 at that time may not be included in the member's retirement
73 benefit, which was determined and fixed by law when the employee
74 elected to participate in DROP.

75 3. The effective date of DROP participation and the
76 effective date of retirement of a DROP participant shall be the
77 first day of the month selected by the member to begin
78 participation in DROP, provided such date is properly
79 established, with the written confirmation of the employer, and
80 the approval of the division, on forms required by the division.

81 4. Normal retirement benefits and any interest shall
82 continue to accrue in DROP until the established termination
83 date of DROP or until the participant terminates employment or
84 dies prior to such date, except as provided in s. 121.053(7).
85 Although individual DROP accounts shall not be established, a
86 separate accounting of each participant's accrued benefits under
87 DROP shall be calculated and provided to participants.

88 5. At the conclusion of the participant's DROP, the
89 division shall distribute the participant's total accumulated
90 DROP benefits, subject to the following:

91 a. The division shall receive verification by the
92 participant's employer or employers that the participant has
93 terminated all employment relationships as provided in s.
94 121.021(39).

95 b. The terminated DROP participant or, if deceased, the
96 participant's named beneficiary, shall elect on forms provided
97 by the division to receive payment of the DROP benefits in
98 accordance with one of the options listed below. If a
99 participant or beneficiary fails to elect a method of payment
100 within 60 days after termination of DROP, the division shall pay
101 a lump sum as provided in sub-sub-subparagraph (I).

102 (I) Lump sum.—All accrued DROP benefits, plus interest,

less withholding taxes remitted to the Internal Revenue Service, shall be paid to the DROP participant or surviving beneficiary.

(II) Direct rollover.—All accrued DROP benefits, plus interest, shall be paid from DROP directly to the custodian of an eligible retirement plan as defined in s. 402(c)(8)(B) of the Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased participant, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in s. 402(c)(9) of the Internal Revenue Code.

(III) Partial lump sum.—A portion of the accrued DROP benefits shall be paid to DROP participant or surviving spouse, less withholding taxes remitted to the Internal Revenue Service, and the remaining DROP benefits must be transferred directly to the custodian of an eligible retirement plan as defined in s. 402(c)(8)(B) of the Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse of a deceased participant, an eligible retirement plan is an individual retirement account or an individual retirement annuity as described in s. 402(c)(9) of the Internal Revenue Code. The proportions must be specified by the DROP participant or surviving beneficiary.

c. The form of payment selected by the DROP participant or surviving beneficiary must comply with the minimum distribution requirements of the Internal Revenue Code.

d. A DROP participant who fails to terminate all employment relationships as provided in s. 121.021(39) shall be deemed as not retired, and the DROP election is null and void. Florida Retirement System membership shall be reestablished retroactively to the date of the commencement of DROP, and each employer with whom the participant continues employment must pay to the Florida Retirement System Trust Fund the difference between the DROP contributions paid in paragraph (i) and the contributions required for the applicable Florida Retirement

137 System class of membership during the period the member
138 participated in DROP, plus 6.5 percent interest compounded
139 annually.

140 6. The retirement benefits of any DROP participant who
141 terminates all employment relationships as provided in s.
142 121.021(39) but is reemployed in violation of the reemployment
143 provisions of subsection (9) shall be suspended during those
144 months in which the retiree is in violation. Any retiree in
145 violation of this subparagraph and any employer that employs or
146 appoints such person without notifying the Division of
147 Retirement to suspend retirement benefits are jointly and
148 severally liable for any benefits paid during the reemployment
149 limitation period. The employer must have a written statement
150 from the retiree that he or she is not retired from a state-
151 administered retirement system. Any retirement benefits received
152 by a retiree while employed in violation of the reemployment
153 limitations must be repaid to the Florida Retirement System
154 Trust Fund, and his or her retirement benefits shall remain
155 suspended until payment is made. Benefits suspended beyond the
156 end of the reemployment limitation period apply toward repayment
157 of benefits received in violation of the reemployment
158 limitation.

159 7. The accrued benefits of any DROP participant, and any
160 contributions accumulated under the program, are not subject to
161 assignment, execution, attachment, or any legal process
162 whatsoever, except for qualified domestic relations orders by a
163 court of competent jurisdiction, income deduction orders as
164 provided in s. 61.1301, and federal income tax levies.

165 8. DROP participants are not eligible for disability
166 retirement benefits as provided in subsection (4).

167 Section 2. Subsection (6) of section 121.35, Florida
168 Statutes, is amended to read:

169 121.35 Optional retirement program for the State University
170 System.—

171 (6) ADMINISTRATION OF PROGRAM.—

172 (a) The optional retirement program authorized by this
173 section shall be administered by the department. The department
174 shall adopt rules establishing the responsibilities of the
175 institutions in the State University System in administering the
176 optional retirement program. The Board of Governors may Regents
177 ~~shall, no more than 90 days after July 1, 1983,~~ submit to the
178 department its recommendations for the contracts to be offered
179 by the companies chosen by the department. ~~Effective July 1,~~
180 ~~2001, the State Board of Education shall submit to the~~
181 ~~department its recommendations for the contracts to be offered~~
182 ~~by the companies chosen by the department. Effective July 1,~~
183 ~~2007, the Board of Governors of the State University System~~
184 ~~shall submit recommendations on contracts within 90 days after~~
185 ~~request by the department.~~ The recommendations of the board
186 shall include the following:

187 1. The nature and extent of the rights and benefits in
188 relation to the required contributions; and

189 2. The suitability of the rights and benefits to the needs
190 of the participants and the interests of the institutions in the
191 recruitment and retention of eligible employees.

192 (b) After receiving and considering the recommendations of
193 the Board of Governors of the State University System, the
194 department shall designate up to seven ~~no more than five~~
195 companies from which contracts may be purchased under the
196 program and shall approve the form and content of the optional
197 retirement program contracts. Any domestic company that has been
198 designated as of July 1, 2010 ~~2005~~, shall be included in the
199 seven ~~five~~ companies until expiration of its existing contract
200 with the department. The domestic company may assign its
201 contract with the department to an affiliated qualified company
202 that is wholly owned by the domestic company's parent company
203 and has assumed 100 percent of the responsibility for the
204 contracts purchased from the domestic company.

205 (c) Effective July 1, 1997, the State Board of
206 Administration shall review and make recommendations to the
207 department on the acceptability of all investment products
208 proposed by provider companies of the optional retirement
209 program before they are offered through annuity contracts to the
210 participants and may advise the department of any changes
211 necessary to ensure that the optional retirement program offers
212 an acceptable mix of investment products. The department shall
213 make the final determination as to whether an investment product
214 will be approved for the program.

215 (d) The provisions of each contract applicable to a
216 participant in the optional retirement program shall be
217 contained in a written program description which shall include a
218 report of pertinent financial and actuarial information on the
219 solvency and actuarial soundness of the program and the benefits
220 applicable to the participant. Such description shall be
221 furnished by the companies to each participant in the program
222 and to the department upon commencement of participation in the
223 program and annually thereafter.

224 (e) The department shall ensure that each participant in
225 the optional retirement program is provided an accounting of the
226 total contribution and the annual contribution made by and on
227 behalf of such participant.

228 Section 3. Subsection (3) of section 121.71, Florida
229 Statutes, is amended, present subsection (4) of that section is
230 renumbered as subsection (5), and a new subsection (4) is added
231 to that section, to read

232 121.71 Uniform rates; process; calculations; levy.—

233 (3) Required employer retirement contribution rates for
234 each membership class and subclass of the Florida Retirement
235 System for both retirement plans are as follows:

	Percentage of Gross Compensation, Effective July 1, <u>2010</u> 2009	Percentage of Gross Compensation, Effective July 1, <u>2011</u> 2010
Membership Class		
Regular Class	<u>9.76%</u> 8.69%	<u>9.76%</u> 9.63%
Special Risk Class	<u>22.15%</u> 19.76%	<u>22.15%</u> 22.11%
Special Risk Administrative Support Class	<u>11.24%</u> 11.39%	<u>11.24%</u> 12.10%
Elected Officers' Class - Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders	<u>14.38%</u> 13.32%	<u>14.38%</u> 15.20%
Elected Officers' Class - Justices, Judges	<u>19.39%</u> 18.40%	<u>19.39%</u> 20.65%
Elected Officers' Class - County Elected Officers	<u>16.62%</u> 15.37%	<u>16.62%</u> 17.50%
Senior Management Class	<u>11.70%</u> 11.96%	<u>11.70%</u> 13.43%
DROP	<u>10.07%</u> 9.80%	<u>10.07%</u> 11.14%

(4) In order to address unfunded actuarial liabilities of the system, the additional required employer retirement contribution rates for each membership class and subclass of the

Florida Retirement System for both retirement plans are as follows:

	<u>Percentage of</u> <u>Gross</u> <u>Compensation,</u> <u>Effective July 1,</u> <u>2010</u>	<u>Percentage of</u> <u>Gross</u> <u>Compensation,</u> <u>Effective July 1,</u> <u>2011</u>
<u>Membership Class</u>		
<u>Regular Class</u>	<u>0.00%</u>	<u>1.74%</u>
<u>Special Risk Class</u>	<u>0.00%</u>	<u>6.57%</u>
<u>Special Risk</u> <u>Administrative</u> <u>Support Class</u>	<u>0.00%</u>	<u>17.57%</u>
<u>Elected Officers' Class -</u> <u>Legislators, Governor,</u> <u>Lt. Governor,</u> <u>Cabinet Officers,</u> <u>State Attorneys,</u> <u>Public Defenders</u>	<u>0.00%</u>	<u>18.76%</u>
<u>Elected Officers' Class -</u> <u>Justices, Judges</u>	<u>0.00%</u>	<u>12.10%</u>
<u>Elected Officers' Class -</u> <u>County Elected Officers</u>	<u>0.00%</u>	<u>21.73%</u>
<u>Senior Management Class</u>	<u>0.00%</u>	<u>10.19%</u>
<u>DROP</u>	<u>0.00%</u>	<u>5.47%</u>

Section 4. Section 121.74, Florida Statutes, is amended to

read:

121.74 Administrative and educational expenses.—In addition to contributions required under ss. ~~ss.~~ 121.71 and 121.73, effective July 1, 2010, through June 30, 2014, employers participating in the Florida Retirement System shall contribute an amount equal to 0.03 ~~0.05~~ percent of the payroll reported for each class or subclass of Florida Retirement System membership. Effective July 1, 2014, the contribution rate shall be 0.04 percent of the payroll reported for each class or subclass of membership. The, which amount contributed shall be transferred by the Division of Retirement from the Florida Retirement System Contributions Clearing Trust Fund to the State Board of Administration's Administrative Trust Fund to offset the costs of administering the optional retirement program and the costs of providing educational services to participants in the defined benefit program and the optional retirement program. Approval of the trustees ~~of the State Board of Administration~~ is required before ~~prior to~~ the expenditure of these funds. Payments for third-party administrative or educational expenses shall be made only pursuant to the terms of the approved contracts for such services.

Section 5. As part of the actuarial study required by s. 121.031(3), Florida Statutes, based on the results of June 30, 2010, the administrator of the Florida Retirement System shall contract with the state actuary to conduct an actuarial study of the Florida Retirement System which considers the following methods of funding the Deferred Retirement Option Program:

(1) Through a separate contribution rate regardless of the participant's membership class, which had been the principle method through the 2009 valuation;

(2) Treat participants as retirees such that the payroll associated with the participants is not used to develop the contribution rates for the respective membership class, and the employer is not required to make contributions on such payroll

294 except for unfunded actuarial liability contributions; and

295 (3) Treat participants as active members such that the
296 payroll associated with the participants is used to develop the
297 contribution rates for the respective membership class, and the
298 employer is required to make contributions on the payroll at the
299 same contribution rate as the employer pays for an active member
300 of the applicable class.

301 Section 6. The Legislature finds that a proper and
302 legitimate state purpose is served when employees and retirees
303 of the state and its political subdivisions, and the dependents,
304 survivors, and beneficiaries of such employees and retirees, are
305 extended the basic protections afforded by governmental
306 retirement systems. These persons must be provided benefits that
307 are fair and adequate and that are managed, administered, and
308 funded in an actuarially sound manner, as required by s. 14,
309 Article X of the State Constitution and part VII of chapter 112,
310 Florida Statutes. Therefore, the Legislature determines and
311 declares that this act fulfills an important state interest.

312 Section 7. This act shall take effect July 1, 2010.

SENATE OFFER 1 FOR CS/SB 2374 (State Group Insurance Program)

Section 1. (1) The Division of State Group Insurance within the Department of Management Services shall establish a state employee health clinic pilot program for the 2011 plan year.

(2) The Division of State Group Insurance, through a competitive procurement pursuant to the chapter 287, Florida Statutes, shall select a vendor that shall establish and manage at least one full-scope health and wellness clinic providing members of the State Group Health Insurance Program access to the following services:

(a) Primary care services, including walk-in and consultative appointments for full-scope clinic services, including urgent care;

(b) Occupational health services, including return-to-work planning, new hire and emergent drug screening, and injury care;

(c) Immunizations, including vaccines and flu shots; and

(d) Wellness services, including online tools and services, health risk assessment and recommendations, health mailings, health fairs, wellness screenings, and on-site education.

(3) The vendor shall provide any start-up costs associated with the pilot program and shall employ the staff and manage the clinic, subvendors, and integrated services providers.

(4) The pilot program shall commence no later than January 1, 2011. By February 1, 2012, the Department of Management Services shall submit an evaluation of the pilot program to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must evaluate the extent to which the vendor has:

(a) Implemented comprehensive services for state employees;

(b) Leveraged group purchasing power in order to enable convenient access to full-scope services;

(c) Distributed health and wellness information and health education materials; and

(d) Ensured consistent quality standards.

(5) The term of the contract shall be for only the 2011 plan year.

Section 2. The Division of State Group Insurance is directed to competitively procure:

(1) Postpayment claims review services for the State Group Insurance Program established pursuant to s. 110.123, Florida Statutes; however, all payments made under the contract must be paid from overpayment amounts identified and recovered by the vendor. The vendor under such contract shall identify overpayments made by or on behalf of the State Group Insurance Program, may collect such overpaid amounts, and retain that portion of the collections so designated in the contract; and

(2) Dependent eligibility verification services for the State Group Insurance Program; however, compensation under the contract may not exceed the verifiable cost avoidance resulting from the successful disenrollment of unauthorized individuals.

Section 3. As a condition of new and continued enrollment and participation of dependents in the State Group Health Insurance Plans and state-contracted health maintenance organization plans administered by the Division of State Group Insurance pursuant to s. 110.123, Florida Statutes, subscribers must, upon the division's request, provide documentation to the division validating eligibility. Such documentation may include marriage certificates, birth certificates, court orders, and other documents determined acceptable by the division. As part of the dependent eligibility validation process, the division may implement a grace period of up to 3 months for subscribers to remove ineligible dependents. Except as waived during the grace period, the division, in coordination with its contracted health plans, shall recover payments made by the health plans on behalf of an ineligible dependent. The division shall adopt rules providing a process for validating enrollment and participation of dependents in the plans. Such rules shall

include a process to recover unauthorized payments.

Section 4. For the 2011 plan year, the Department of Management Services may not renew any contract between the department and a state-contracted health maintenance organization if such renewal restricts the authority of the Legislature to modify or limit any benefit or plan option during the plan year.



State Budget Conference Chairs

**Bump Issues
Senate Offer # 2**

**Conforming Language
HB 5301 – Medicaid Services**

**Thursday, April 29, 2010, 2:00 p.m.
212 Knott Building
Webster Hall**

**Health Care Appropriations/Health and Human Services Appropriations
Fiscal Year 2010-2011
Medicaid Services**

HB 5301- House Bump Offer #2	Comments	CS/CS/SB 1464 Senate Bump Offer #2
	Senate accepts Offer House	Section 11. Creates an undesignated section of law to require Medicaid managed care plans and provider service networks to include in their provider network any pharmacy, which is located in a rural county willing to accept the reimbursement terms and conditions established by the managed care plan. Rural county is defined as any county with a population of less than 200,000 according to the 2000 official census.

Amended or New Provisions

HB 5301- House Bump Offer #2	Comments	CS/CS/SB 1464 Senate Bump Issues Revised
<u>(s. 400.179, F.S.) By March 31 of each year, the agency shall assess the cumulative fees collected under this subparagraph, minus any amounts used to repay nursing home Medicaid overpayments and amounts transferred to contribute to the General Revenue Fund pursuant to s. 215.20. If the net cumulative collections, minus amounts utilized to repay nursing home Medicaid overpayments, exceed \$25 million, the provisions of this paragraph shall not apply for the subsequent fiscal year.</u>	Concur – House Closed	
<u>Undesignated Section of Statute</u> <u>Notwithstanding s. 430.707, Florida Statutes, and subject to federal approval of the application to be a site for the Program of All Inclusive Care for the Elderly, the Agency for Health Care Administration shall contract with one private health care organization, the sole member of which is a private, not-for-profit corporation that owns and manages health care organizations which provide comprehensive services, including</u>	Concur Senate Closed	

**Health Care Appropriations/Health and Human Services Appropriations
Fiscal Year 2010-2011
Medicaid Services**

HB 5301- House Bump Offer #2	Comments	CS/CS/SB 1464 Senate Bump Issues Revised
<u>hospice and palliative care services, to frail and elderly persons residing in Polk, Highlands, Hardee, and Hillsborough counties. Such an entity shall be exempt from the requirements of chapter 641, Florida Statutes. The agency, in consultation with the Department of Elder Affairs and subject to appropriation, shall approve up to 150 initial enrollees in the Program of All Inclusive Care for the Elderly established by this organization to serve persons in Polk, Highlands, and Hardee and counties.</u>		
	Senate accepts House Offer	Low Income Pool Funds/Jackson Memorial Hospital – Language Pending

**Health Care Appropriations/Health and Human Services Appropriations
Fiscal Year 2010-2011
Medicaid Services**

HB 5301- House Bump Offer #2	Comments	CS/CS/SB 1464 Senate Bump Issues Revised
		Additional Language: Authorize the Agency for Health Care Administration (AHCA) to develop and implement a program to reduce the number of hospital readmissions among the non-Medicare polulation eligible in AHCA areas 9, 10, and 11.

1 Section 1. Paragraph (f) of subsection (5) of section
2 409.905, Florida Statutes, is created to read:

3 409.905 Mandatory Medicaid services.--The agency may make
4 payments for the following services, which are required of the
5 state by Title XIX of the Social Security Act, furnished by
6 Medicaid providers to recipients who are determined to be
7 eligible on the dates on which the services were provided. Any
8 service under this section shall be provided only when medically
9 necessary and in accordance with state and federal law.

10 Mandatory services rendered by providers in mobile units to
11 Medicaid recipients may be restricted by the agency. Nothing in
12 this section shall be construed to prevent or limit the agency
13 from adjusting fees, reimbursement rates, lengths of stay,
14 number of visits, number of services, or any other adjustments
15 necessary to comply with the availability of moneys and any
16 limitations or directions provided for in the General
17 Appropriations Act or chapter 216.

18 (5) HOSPITAL INPATIENT SERVICES.--The agency shall pay for
19 all covered services provided for the medical care and treatment
20 of a recipient who is admitted as an inpatient by a licensed
21 physician or dentist to a hospital licensed under part I of
22 chapter 395. However, the agency shall limit the payment for
23 inpatient hospital services for a Medicaid recipient 21 years of
24 age or older to 45 days or the number of days necessary to
25 comply with the General Appropriations Act.

26 (f) The Agency for Health Care Administration may develop
27 and implement a program to reduce the number of hospital
28 readmissions among the non-Medicare population eligible in areas
29 9, 10 and 11.
30