

Committee Substitute for
Committee Substitute for Senate Bill No. 1696

An act relating to education; amending s. 413.30, F.S.; providing requirements of the Division of Vocational Rehabilitation for the provision of vehicle modifications for eligible persons; amending s. 1001.64, F.S.; prohibiting a community college board of trustees from entering into an employment contract that requires the community college to pay the president an amount from state funds in excess of 1 year of the president's annual salary for termination, buy-out, or any other type of contract settlement; providing that the payment of leave and benefits accrued by the president before the contract terminates is not prohibited; amending s. 1001.706, F.S.; prohibiting the Board of Governors from entering into an employment contract that requires the board to pay an employee an amount from state funds in excess of 1 year of the employee's annual salary for termination, buy-out, or any other type of contract settlement; providing that the payment of leave and benefits accrued by the employee before the contract terminates is not prohibited; amending s. 1001.74, F.S.; prohibiting a university board of trustees from entering into an employment contract that requires the university to pay an employee an amount from state funds in excess of 1 year of the employee's annual salary for termination, buy-out, or any other type of contract settlement; providing that the payment of leave and benefits accrued by the employee before the contract terminates is not prohibited; amending s. 1004.445, F.S.; revising provisions relating to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; establishing the institute within the University of South Florida; providing a mission for the institute; creating a board of directors to oversee the management and operation of the institute; providing for membership and terms; providing for the transfer of unexpended balances, records, functions, facilities, and assets of the institute from the not-for-profit corporation to the University of South Florida; amending s. 1009.21, F.S.; revising definitions; defining the terms "initial enrollment" and "nonresident for tuition purposes"; revising provisions relating to the qualifications as a resident for tuition purposes; requiring certain documentation to demonstrate state residency; providing eligibility requirements for reclassification of status; requiring institutions to establish residency appeal committees; amending s. 1009.23, F.S.; deleting the requirement that a community college board of trustees use a specified portion of tuition and fees for safety and security purposes; revising terminology; amending s. 1009.24, F.S.; revising maximum annual adjustments to out-of-state fees or tuition for graduate programs at state universities; revising provisions relating to the differential out-of-state fee; amending s. 1009.27, F.S.; revising provisions relating to deferment of fees for certain veterans; creating s. 1009.286, F.S.; providing requirements for additional payment by state university students for certain credit hours exceeding degree program

completion requirements; providing criteria for calculating credit hours; providing exceptions; requiring state universities and community colleges to implement a process for notifying students of certain information; amending s. 1009.40, F.S.; deleting a cross-reference to conform; amending s. 1009.53, F.S., relating to the Florida Bright Futures Scholarship Program; revising provisions relating to a refund to the Department of Education of funds received by a postsecondary educational institutions for certain courses; prohibiting the use of funds for certain purposes; requiring that the Department of Education and institutions notify eligible recipients of such policies; amending s. 1009.532, F.S.; revising the requirements for student eligibility to renew a scholarship under the Florida Bright Futures Scholarship Program; providing criteria for such student to restore the award; requiring that the department and institutions notify eligible recipients of such policies; amending s. 1009.534, F.S.; revising provisions relating to the Florida Academic Scholars Award; providing for award amounts to be specified in the General Appropriations Act; amending s. 1009.535, F.S., relating to the Florida Medallion Scholars Award; providing for award amounts to be specified in the General Appropriations Act; amending s. 1009.536, F.S.; deleting a provision that allows a Florida Gold Seal Scholar to apply for a Florida Medallion Scholars award; providing for award amounts to be specified in the General Appropriations Act; amending s. 1009.54, F.S.; revising provisions relating to the Critical Teacher Shortage program; amending s. 1009.55, F.S.; revising eligibility for the Rosewood Family Scholarship Program to direct descendants; deleting obsolete language; amending ss. 1009.57, 1009.58, 1009.59, 1009.60, and 1009.605, F.S.; revising provisions relating to the Florida Teacher Scholarship and Forgivable Loan Program, the Critical Teacher Shortage Student Loan Forgiveness Program, the minority teacher education scholars program, and the Florida Fund for Minority Teachers, Inc.; requiring that the amount of scholarships awarded under such programs be prorated based on available appropriations and not exceed specified amounts; amending s. 1009.701, F.S.; requiring that an applicant under the First Generation Matching Grant Program meet the same eligibility requirements required under the Florida Public Student Assistance Grant Program; repealing ss. 1009.76 and 1009.765, F.S., relating to Ethics in Business scholarships; amending s. 1009.94, F.S.; providing reporting requirements for postsecondary institutions participating in certain state student financial assistance programs; amending s. 1009.98, F.S.; revising provisions relating to the prepaid community college and university plans; authorizing the Florida Prepaid College Board to offer an advance payment contract covering certain fees for such plans; providing definitions regarding payments on behalf of qualified beneficiaries of an advance payment contract; providing the amounts of fees to be paid by the board; providing an exemption for certain qualified beneficiaries from paying any tuition differential fee; requiring that the board pay state universities the actual amount assessed for registration fees, tuition differential fees, local fees, and dormitory fees for certain advanced

payment contracts; creating s. 1011.521, F.S.; authorizing appropriations to private colleges and universities for specified uses; providing reporting requirements and restrictions on expenditures; amending s. 1011.83, F.S.; revising provisions relating to financial support of community colleges; providing for state funding of baccalaureate degree programs in the General Appropriations Act; amending ss. 1011.32, 1011.85, and 1011.94, F.S.; requiring that donors be notified of a delay in the availability of state matching funds for the Community College Facility Enhancement Challenge Grant Program, the Dr. Philip Benjamin Matching Grant Program for Community Colleges, and the University Major Gifts Program; amending s. 1012.83, F.S.; conforming provisions relating to contracts with community college administrative and instructional staff to changes made by the act; amending s. 1013.79, F.S.; providing that a university may expend funds from private sources for site preparation, planning, and construction; requiring that donors be notified of a delay in the availability of state matching funds for the University Facility Enhancement Challenge Grant Program; providing an exemption for a specified university from requirements relating to student fees; prohibiting a state university from enacting any policy that requires students to have health insurance coverage, unless the policy was enacted before a specified date; providing for the future expiration of such prohibition; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:—

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

413.30 Eligibility for vocational rehabilitation services.—

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

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

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

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

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

1001.706 Powers and duties of the Board of Governors.—

(5) POWERS AND DUTIES RELATING TO PERSONNEL.—

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

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

1001.74 Powers and duties of university boards of trustees.—

(5) POWERS AND DUTIES RELATING TO PERSONNEL.—

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

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

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

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

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

(2) BOARD OF DIRECTORS.—The board of directors for the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute is created to oversee the management and operation of the institute. The board of directors shall consist of seven members who shall serve at the pleasure of the entity that appoints them. A board member's term shall expire after 4 years, but the member may be reappointed to a subsequent 4-year term. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint one person to serve on the board of directors. The Board of Trustees of the University of South Florida shall appoint four persons to serve on the board of directors. Trustees are eligible for appointment to the board of directors. The chair of the board of directors shall be elected by a

majority vote from among the membership of the board. Members of the board of directors may not receive a salary. The board of directors may organize and appoint an advisory council of concerned citizens to assist the institute in carrying out its duties.

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

(4) BUDGET.—The institute's budget shall include the moneys appropriated in the General Appropriations Act, donated, or otherwise provided to the institute from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities at the institute. Any appropriation to the institute shall be expended for the purposes specified in this section, including conducting and supporting research and related clinical services, awarding institutional grants and investigator-initiated research grants to other persons within the state through a peer-reviewed competitive process, developing and operating integrated data projects, providing assistance to the memory disorder clinics established in s. 430.502, and providing for the operation of the institute.

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

Section 7. Subsection (11) is redesignated as subsection (12), subsections (1), (2), (3), (4), and (6) and paragraph (d) of subsection (10) of section 1009.21, Florida Statutes, are amended, and a new subsection (11) is added to that section, 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 community colleges and state universities.

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

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

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

~~(c)(b)~~—The term “Institution of higher education” means any ~~public~~ community college as defined in s. 1000.21(3) or state university as defined in s. 1000.21(6).

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

~~(e)~~ “Nonresident for tuition purposes” means a person who does not qualify for the in-state tuition rate.

~~(f)(d)~~—The term “Parent” means the natural or adoptive parent or legal guardian of a dependent child.

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

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

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

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

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

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

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

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

(c) Each institution of higher education shall affirmatively determine that an applicant who has been granted admission to that institution as a Florida resident meets the residency requirements of this section at the time of initial enrollment. The residency determination must be documented by the submission of written or electronic verification that includes two or more of the documents identified in this 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; 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 such individual's parent or parents is prima facie evidence of the dependent child's individual's legal residence, which evidence may be reinforced or rebutted, relative to the age and general circumstances of the dependent child individual, by the other evidence of legal residence required of or presented by the dependent child individual. However, the legal residence of a dependent child's an individual whose parent or parents who are domiciled outside this state is not prima facie evidence of the dependent child's individual's legal residence if that dependent child individual 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.

(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 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. Any nonresident person, irrespective of sex, who marries a legal resident of this

state or marries a person who later becomes a legal resident may, upon becoming a legal resident of this state, accede to the benefit of the spouse's immediately precedent duration as a legal resident for purposes of satisfying the 12-month durational requirement of this section.

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

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

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

Section 8. Subsection (4) and paragraph (b) of subsection (16) of section 1009.23, Florida Statutes, are amended to read:

1009.23 Community college student fees.—

(4) Each community college board of trustees shall establish tuition and out-of-state fees, which may vary no more than 10 percent below and 15 percent above the combined total of the standard tuition and fees established in subsection (3), ~~provided that any amount from 10 to 15 percent above the standard tuition and fees established in subsection (3) shall be used only to support safety and security purposes. In order to assess an additional amount for safety and security purposes, a community college board of trustees must provide written justification to the State Board of Education based on criteria approved by the board of trustees, including, but not limited to, criteria such as local crime data and information, and strategies for the implementation of local safety plans. Should a college decide to increase the tuition and fees, the funds raised by increasing the tuition and fees must be expended solely for additional safety and security purposes and shall not supplant funding expended in the 1998-1999 budget for safety and security purposes.~~

(16)

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

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

1009.24 State university student fees.—

(4)

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

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

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

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

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

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

1009.27 Deferral of fees.—

(2) Any veteran or other eligible student who receives benefits under chapter 30, chapter 31, chapter 32, chapter 33, chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106 of Title 10, U.S.C., is entitled to one deferment each academic year and an additional deferment each time there is a delay in the receipt of benefits.

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

1009.286 Additional student payment for hours exceeding baccalaureate degree program completion requirements at state universities.—

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

(2) State universities shall require a student to pay an excess hour surcharge equal to 50 percent of the tuition rate for each credit hour in excess

of 120 percent of the number of credit hours required to complete the baccalaureate degree program in which the student is enrolled.

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

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

1. Failed courses.

2. Courses that are dropped after the university's advertised last day of the drop and add period.

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

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

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

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

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

(b) Credit hours earned through internship programs.

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

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

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

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

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

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

(5) Each state university and community college shall implement a process for notifying students regarding the provisions of this section. Notice must be provided by a state university or a community college upon a student's initial enrollment in the institution. Such notice must be provided a second time by a state university when a student has earned the credit

hours required to complete the baccalaureate degree program in which the student is enrolled. The notice must include a recommendation that each student who intends to earn credit hours at the institution in excess of the credit hours required for the baccalaureate degree program in which the student is enrolled meet with his or her academic advisor.

(6) For purposes of this section, the term “state university” includes the institutions identified in s. 1000.21(6) and the term “community college” includes the institutions identified in s. 1000.21(3).

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

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

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

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

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

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

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

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

1009.53 Florida Bright Futures Scholarship Program.—

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

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

(11) Funds for any scholarship within the Florida Bright Futures Scholarship Program may not be used to pay for courses dropped by a student or courses from which a student has withdrawn after the end of the drop and add period. However, a student who receives an award under this program and subsequently drops one or more courses or withdraws from all courses after the end of the drop and add period due to a verifiable illness or other documented emergency may be granted an exception pursuant to s. 1009.40(1)(b)4., unless the institution's policy is to refund the cost of the courses. The department shall notify eligible recipients of the provisions of this subsection. Each institution shall notify award recipients of the provisions of this subsection during the registration process.

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

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

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

(a) Effective for students funded in the 2009-2010 academic year and thereafter, earn Complete at least 24 12 semester credit hours or the equivalent in the last academic year in which the student earned a scholarship if the student was enrolled full time, or a prorated number of credit hours as determined by the Department of Education if the student was enrolled less

than full time for any part of the academic year. If a student fails to earn the minimum number of hours required to renew the scholarship, the student shall lose his or her eligibility for renewal for a period equivalent to 1 academic year. Such student is eligible to restore the award the following academic year if the student earns the hours for which he or she was enrolled at the level defined by the department and meets the grade point average for renewal. A student is eligible for such restoration one time. The department shall notify eligible recipients of the provisions of this paragraph. Each institution shall notify award recipients of the provisions of this paragraph during the registration process.

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

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

1009.534 Florida Academic Scholars award.—

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

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

1009.535 Florida Medallion Scholars award.—

(4) Notwithstanding subsection (2), a Florida Medallion 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 17. Subsection (4) of section 1009.536, Florida Statutes, is amended, and subsection (5) is added to that section, 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 achieve-

ment 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. A Florida Gold Seal Scholar who has a cumulative grade point average of 2.75 in all postsecondary education work attempted may apply for a Florida Medallion Scholars award at any renewal period. All other provisions of that program apply, and the credit-hour limitation must be calculated by subtracting from the student's total eligibility the number of credit hours the student attempted while earning the Gold Seal Vocational Scholarship.~~

(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. Section 1009.54, Florida Statutes, is amended to read:

~~1009.54 Critical Teacher Shortage Program.—There is created the Critical Teacher Shortage Program. 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 approved by the Department of Education for the critical teacher shortage programs established in s. 1009.57, s. 1009.58, or s. 1009.59. The Chief Financial Officer shall also authorize expenditures from the trust fund for the “Chappie” James Most Promising Teacher Scholarship Loan Program and the Critical Teacher Shortage Scholarship Loan Program recipients who participated in these programs prior to July 1, 1993, provided that such students continue to meet the renewal eligibility requirements that were in effect at the time that their original awards were made. Students who participated in the “Chappie” James Most Promising Teacher Scholarship Loan Program prior to July 1, 1993, shall not have their awards reduced as a result of the addition of new students to the program. All scholarship loan repayments pursuant to s. 1009.57, the “Chappie” James Most Promising Teacher Scholarship Loan Program, and the Critical Teacher Shortage Scholarship Loan Program shall be deposited into the State Student Financial Assistance Trust Fund. Any remaining balance at the end of any fiscal year that has been allocated to the program shall remain in the trust fund and be available for the individual programs in future years.~~

Section 19. Subsection (1) and paragraph (c) of subsection (2) of section 1009.55, Florida Statutes, are amended to read:

1009.55 Rosewood Family Scholarship Program.—

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

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

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

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

1009.57 Florida Teacher Scholarship and Forgivable Loan Program.—

~~(2)~~(3)

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

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

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

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

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

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

1009.58 Critical teacher shortage tuition reimbursement program.—

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

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

1009.59 Critical Teacher Shortage Student Loan Forgiveness Program.—

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

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

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

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

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

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

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

(3) The total amount appropriated annually for new scholarships in the program must be divided by \$4,000 and by the number of participating

colleges and universities. Each participating institution has access to the same number of scholarships and may award all of them to eligible minority students. If a college or university does not award all of its scholarships by the date set by the program administration at the Florida Fund for Minority Teachers, Inc., the remaining scholarships must be transferred to another institution that has eligible students. If the total amount appropriated for new scholarships is insufficient to award \$4,000 to each eligible student, the amount of the scholarship shall be prorated based on available appropriations.

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

1009.605 Florida Fund for Minority Teachers, Inc.—

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

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

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

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

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

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

1009.701 First Generation Matching Grant Program.—

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

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

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

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

1009.94 Student financial assistance database.—

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

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

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

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

(3) The database must include records on any student receiving any form of financial assistance as described in subsection (2). Each institution ~~Institutions~~ participating in any state financial assistance program shall annually ~~report~~ submit such information to the Department of Education, by the date and in a format prescribed by the department and consistent with the provisions of s. 1002.22, the eligible students to whom financial assistance is disbursed each academic term, the eligibility requirements for recipients, and the aggregate demographics of recipients.

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

1009.98 Stanley G. Tate Florida Prepaid College Program.—

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

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

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

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

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

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

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

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

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

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

(10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.—

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

1. “Actuarial reserve” means the amount by which the expected value of the assets exceed the expected value of the liabilities of the trust fund.

2. “Dormitory fees” means the fees included under advance payment contracts pursuant to s. 1009.98(2)(d).

3. “Fiscal year” means the fiscal year of the state pursuant to s. 215.01.

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

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

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

1. As to registration fees, if the actuarial reserve is less than 5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 5.5 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6.5 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 7 percent above the amount assessed for registration fees in the preceding fiscal year, whichever is greater.

2. As to the tuition differential, if the actuarial reserve is less than 5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 5.5 percent above the base rate for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6 percent above the base rate for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board

shall pay the state universities 6.5 percent above the base rate for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 7 percent above the base rate for the tuition differential fee in the preceding fiscal year.

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

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

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

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

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

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

1011.32 Community College Facility Enhancement Challenge Grant Program.—

(5) A project may not be initiated unless all private funds for planning, construction, and equipping the facility have been received and deposited in the direct-support organization's matching account for this purpose and the state's share for the minimum amount of funds needed to begin the project has been appropriated by the Legislature. However, this requirement does not preclude the community college or direct-support organization from expending available funds from private sources to develop a prospectus, including preliminary architectural schematics or models, for use in its efforts to raise private funds for a facility and for site preparation, planning, and construction. The Legislature may appropriate the state's matching funds in one or more fiscal years for the planning, construction, and equipping of an eligible facility. Each community college shall notify all donors of private funds of a substantial delay in the availability of state matching funds for this program. However, these requirements shall not preclude the community college or direct-support organization from expending available funds from private sources to develop a prospectus, including preliminary architectural schematics and/or models, for use in its efforts to raise private funds for a facility. Additionally, any private sources of funds expended for this purpose are eligible for state matching funds should the project materialize as provided for in this section.

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

1011.521 Appropriation to private colleges and universities.—

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

(2) Each institution receiving an appropriation under this section shall submit a proposed expenditure plan to the Department of Education by the date and in the format established by the department.

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

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

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

1011.83 Financial support of community colleges.—

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

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

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

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

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

1011.94 University Major Gifts Program.—

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

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

1012.83 Contracts with administrative and instructional staff.—

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

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

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

1013.79 University Facility Enhancement Challenge Grant Program.—

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

Section 36. Notwithstanding s. 1009.24(4)(d), Florida Statutes, Florida State University is authorized to exceed the 5 percent cap on annual increases to the aggregate sum of activity and service, health, and athletic fees for the 2009-2010 fiscal year for the purpose of increasing the health fee. Revenue generated by the increase in the health fee shall be used to construct a health service center. Any increase in the health fee must be approved by the health committee pursuant to s. 1009.24(11), Florida Statutes.

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

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

Approved by the Governor May 27, 2009.

Filed in Office Secretary of State May 27, 2009.