

## CHAPTER 2010-155

### House Bill No. 5201

An act relating to postsecondary education funding; amending s. 295.02, F.S.; revising provisions relating to the use of funds to pay postsecondary education expenses for children and spouses of certain members of the military; amending s. 295.04, F.S.; providing a definition; providing educational benefit award amounts for students at public and nonpublic eligible postsecondary education institutions; amending s. 440.491, F.S.; revising provisions relating to the training and education of injured employees; providing that training and education services may be secured from additional providers under certain circumstances; amending s. 1004.085, F.S.; revising provisions relating to textbook affordability and the policies, procedures, and guidelines adopted by the State Board of Education and the Board of Governors; requiring policies that encourage the use of open-access textbooks; amending s. 1004.091, F.S.; revising provisions relating to the duties of the Florida Distance Learning Consortium; extending the deadline for the consortium to develop a plan for implementing an online registration process for undergraduate students to enroll in a course listed in the Florida Higher Education Distance Learning Catalog; requiring the plan to address specified policy areas; creating s. 1004.387, F.S.; authorizing a doctor of pharmacy degree program at the University of South Florida; providing for the program to be physically located on the new campus of the University of South Florida Polytechnic; authorizing the university to develop and implement the program within existing facilities until a pharmacy facility is constructed on the new campus of the University of South Florida Polytechnic; amending s. 1004.65, F.S.; restricting the use of resources of a Florida college; amending s. 1006.59, F.S.; deleting a provision that prohibits institutions participating in the Historically Black College and University Library Improvement Program from using funds to purchase nonprint media; creating s. 1006.72, F.S.; providing requirements for licensing electronic library resources; requiring a process to annually identify electronic library resources for specified core categories; providing requirements for statewide, postsecondary education, 4-year degree, and 2-year degree core resources; amending s. 1009.21, F.S.; revising provisions relating to the determination of resident status for tuition purposes to include students in postsecondary educational programs offered by charter technical career centers or career centers operated by school districts; revising a definition to conform to changes made by the act; providing requirements for recognition of the classification of a student as a resident for tuition purposes by an institution of higher education to which a student transfers; providing requirements of the Higher Education Coordinating Council relating to residency determinations; amending s. 1009.22, F.S.; revising provisions relating to workforce education postsecondary student fees; providing that enrollments in continuing workforce education courses may not be counted for purposes of funding full-

time equivalent enrollment; authorizing, rather than requiring, certain rulemaking; amending s. 1009.24, F.S.; revising provisions relating to state university student fee increases; authorizing each state university to exceed the cap on the increase to specified fees for the 2010-2011 fiscal year; providing restrictions; authorizing certain calculations for expenditures for need-based financial aid; amending s. 1009.531, F.S.; revising the renewal period during which a student is eligible to receive a Florida Bright Futures Scholarship award after high school graduation; requiring that the State Board of Education base the eligibility of students to receive a Florida Academic Scholars award or a Florida Medallion Scholars award on specified SAT scores and corresponding 2009 SAT percentile ranks; amending s. 1009.532, F.S.; specifying circumstances under which a Florida Bright Futures Scholarship award may be restored or renewed despite insufficient grades or credit hours; reducing the maximum number of credit hours for which students may receive a scholarship award; amending s. 1009.534, F.S., relating to the Florida Academic Scholars award; conforming provisions to changes made by the act; removing the scheduled expiration of provisions requiring that the amount of the award be specified in the General Appropriations Act; creating s. 1009.5341, F.S.; providing that recipients of a Florida Bright Futures Scholarship award may use the unused portion of their award toward graduate study; providing certain limitations; amending s. 1009.535, F.S.; revising eligibility criteria for receipt of a Florida Medallion Scholars award; conforming provisions to changes made by the act; removing the scheduled expiration of provisions requiring that the amount of the award be specified in the General Appropriations Act; amending s. 1009.536, F.S.; reducing the maximum number of credit hours that students may earn under the Florida Gold Seal Vocational Scholars award; removing the scheduled expiration of provisions requiring that the amount of the award be specified in the General Appropriations Act; repealing s. 1009.537, F.S., relating to transition for eligibility for the Florida Bright Futures Scholarship Program; repealing s. 1009.5385, F.S., relating to criteria for the use of certain scholarship funds by children of deceased or disabled veterans; amending s. 1009.72, F.S.; revising provisions relating to the Jose Marti Scholarship Challenge Grant Program; removing provisions that provide for funds appropriated by the Legislature for the program to be deposited into the State Student Financial Assistance Trust Fund; requiring that funds deposited into such trust fund be invested; authorizing the Legislature to appropriate funds from the General Revenue Fund; amending s. 1009.73, F.S.; revising provisions relating to the Mary McLeod Bethune Scholarship Program; removing provisions that provide for funds appropriated by the Legislature for the program to be deposited into the State Student Financial Assistance Trust Fund; requiring that funds deposited into such trust fund be invested; authorizing the Legislature to appropriate funds from the General Revenue Fund; amending s. 1010.87, F.S., relating to the Workers' Compensation Administration Trust Fund within the Department of Education; providing for the reversion of certain funds; amending s. 1011.32, F.S.; revising the date for transmittal to the Legislature of information relating to the Community College Facility

Enhancement Challenge Grant Program; amending s. 1011.52, F.S.; revising requirements that entitle the first accredited medical school to an annual appropriation; amending s. 1011.80, F.S.; revising provisions relating to funds for the operation of workforce education programs; requiring that expenditures for such programs be supported by fees; providing that enrollment in continuing workforce education courses may not be counted for purposes of funding full-time equivalent enrollment; amending s. 1011.83, F.S.; deleting certain provisions relating to funds appropriated for baccalaureate degree programs conducted by community colleges; amending s. 1011.84, F.S.; requiring the Department of Education to estimate certain community college enrollments separately; reducing the number of fiscal years to be covered in each annual estimation; requiring a community college that grants baccalaureate degrees to report certain expenditures separately; creating s. 1012.885, F.S.; providing definitions; providing a limitation on the compensation paid to community college presidents; providing exceptions; amending s. 1013.79, F.S.; revising the date for transmittal to the Legislature of information relating to the University Facility Enhancement Challenge Grant Program; requiring each Florida college and state university to strive to reduce its campuswide energy consumption by 10 percent; providing methods for this reduction; requiring a report to the Governor and Legislature; requiring that the Office of Program Policy Analysis and Government Accountability conduct a review of public school adult workforce education programs and community college and state college workforce education programs; requiring that the Office of Program Policy Analysis and Government Accountability conduct a review of postsecondary educational opportunities for individuals with developmental disabilities; requiring that the results of the reviews be submitted to the Legislature by specified dates; providing an appropriation; providing an effective date.

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

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 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.—

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

(2) As used in this section, the term “eligible postsecondary education institution” means an institution described in s. 1009.533.

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

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

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

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

440.491 Reemployment of injured workers; rehabilitation.—

(6) TRAINING AND EDUCATION.—

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

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

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

1. Fiscal and substantive policy changes needed to address administrative, academic, and programmatic policies and procedures. Policy areas that the plan must address include, but need not be limited to, student financial aid issues, variations in fees, admission and readmission, registration-prioritization issues, transfer of credit, and graduation requirements,

with specific attention given to creating recommended guidelines that address students who attend more than one institution in pursuit of a degree.

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

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

Section 6. Section 1004.387, Florida Statutes, is created to read:

1004.387 Doctor of pharmacy degree program at the University of South Florida.—A doctor of pharmacy degree program is authorized at the University of South Florida. The program shall be physically located on the new campus of the University of South Florida Polytechnic. The university 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 University of South Florida Polytechnic is completed, which shall house the doctor of pharmacy degree program.

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

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

1006.72 Licensing electronic library resources.—

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

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

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

(4) POSTSECONDARY EDUCATION CORE RESOURCES.—For purposes of licensing electronic library resources required by both the Florida Center for Library Automation and the College Center for Library Automation from funds appropriated to the centers, Florida college and state university library staff shall 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 10. 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 postsecondary educational programs offered by charter technical career centers or career centers operated by school districts, in community colleges, and in state universities.

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

(a) “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) “Institution of higher education” means any charter technical career center as defined in s. 1002.34, career center operated by a school district as defined in s. 1001.44, community college as defined in s. 1000.21(3), or state university as defined in s. 1000.21(6).

(d) “Legal resident” or “resident” means 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) “Parent” means the natural or adoptive parent or legal guardian of a dependent child.

(g) “Resident for tuition purposes” means a person who qualifies as provided in this section 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.

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

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

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

(e) Students from Latin America and the Caribbean who receive scholarships from the federal or state government. Any student classified pursuant

to this paragraph shall attend, on a full-time basis, a Florida institution of higher education.

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

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

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

(i) United States citizens living outside the United States who are teaching at a Department of Defense Dependent School or in an American International School and who enroll in a graduate level education program which leads to a Florida 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 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 11. 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 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 12. 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 Association divisions. Any such increase in the athletic fee may exceed both the 40 percent cap and the 5 percent cap imposed by this subsection. Any such increase must be approved by the athletic fee committee in the process outlined in subsection

(12) and cannot exceed \$2 per credit hour. Notwithstanding the provisions of ss. 1009.534, 1009.535, and 1009.536, that portion of any increase in an athletic fee pursuant to this subsection that causes the sum of the activity and service, health, and athletic fees to exceed the 40 percent cap or the annual increase in such fees to exceed the 5 percent cap shall not be included in calculating the amount a student receives for a Florida Academic Scholars award, a Florida Medallion Scholars award, or a Florida Gold Seal Vocational Scholars award. Notwithstanding this paragraph and subject to approval by the board of trustees, each state university is authorized to exceed the 5-percent cap on the annual increase to the aggregate sum of activity and service, health, and athletic fees for the 2010-2011 fiscal year. Any such increase shall not exceed 15 percent or the amount required to reach the 2009-2010 fiscal year statewide average for the aggregate sum of activity and service, health, and athletic fees at the main campuses, whichever is greater. The aggregate sum of the activity and service, health, and athletic fees shall not exceed 40 percent of tuition. Any increase in the activity and service fee, health fee, or athletic fee must be approved by the appropriate fee committee pursuant to subsection (10), subsection (11), or subsection (12).

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

(a) Seventy percent of the revenues from the tuition differential shall be expended for purposes of undergraduate education. Such expenditures may include, but are not limited to, increasing course offerings, improving graduation rates, increasing the percentage of undergraduate students who are taught by faculty, decreasing student-faculty ratios, providing salary increases for faculty who have a history of excellent teaching in undergraduate courses, improving the efficiency of the delivery of undergraduate education through academic advisement and counseling, and reducing the percentage of students who graduate with excess hours. This expenditure for undergraduate education may not be used to pay the salaries of graduate teaching assistants. Except as otherwise provided in this subsection, the remaining 30 percent of the revenues from the tuition differential, or the equivalent amount of revenue from private sources, shall be expended to provide financial aid to undergraduate students who exhibit financial need, including students who are scholarship recipients under s. 1009.984, to meet the cost of university attendance. This expenditure for need-based financial aid shall not supplant the amount of need-based aid provided to undergraduate students in the preceding 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 13. 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 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 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 academic year, the student must earn an SAT score of 1020 which corresponds to the 50th SAT percentile rank or a concordant ACT score of 22 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.

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

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

Section 14. Section 1009.532, Florida Statutes, is amended 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 at least 24 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. For students initially eligible prior to the 2010-2011 academic term, 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.

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

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

2. For students initially eligible prior to the 2010-2011 academic term, if, at any time during the eligibility period, a student's grades are insufficient to renew the scholarship, the student may restore eligibility by improving the grade point average to the required level. A student is eligible for such a restoration one time. The Legislature encourages education institutions to assist students to calculate whether or not it is possible to raise the grade point average during the summer term. If the institution determines that it is possible, the education institution may so inform the department, which may reserve the student's award if funds are available. The renewal, however, must not be granted until the student achieves the required cumulative grade point average. If the summer term is not sufficient to raise the grade point average to the required renewal level, the student's next opportunity for renewal is the fall semester of the following academic year; or

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

the student's next opportunity for renewal is the fall semester of the following academic year. If a student is receiving a Florida Bright Futures Scholarship, is a servicemember of the Florida National Guard or United States Reserves while attending a postsecondary institution, is called to active duty or state active duty, as defined in s. 250.01, prior to completing his or her degree, and meets all other requirements for the scholarship, the student shall be eligible to continue the scholarship for 2 years after completing active duty or state active duty.

(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).

(2) For students initially eligible in the 2010-2011 academic term and thereafter, and unless otherwise provided in this section, if a student does not meet the requirements for renewal of a scholarship because of lack of completion of sufficient credit hours or insufficient grades, the scholarship shall be renewed only if the student failed to complete sufficient credit hours or to meet sufficient grade requirements due to verifiable illness or other documented emergency, in 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 15. 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:

(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

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

Section 17. 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 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~~

(c) Has attended a home education program according to s. 1002.41 during grades 11 and 12 and has attained at least the score pursuant to s. 1009.531(6)(b) 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, if the student's parent cannot document a college-preparatory curriculum as described in paragraph (a);

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

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

(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 18. Subsections (4) and (5) of section 1009.536, 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 19. Sections 1009.537 and 1009.5385, Florida Statutes, are repealed.

Section 20. 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 approved by the Department of Education. All moneys collected from private sources for the purposes of this section shall be deposited into the State Student Financial Assistance Trust Fund. Any balance in the trust fund at the end of any fiscal year which that has been allocated to the program shall remain therein and shall be available for carrying out the purposes of the program. All funds deposited into the trust fund for the program shall be invested pursuant to s. 17.61. Interest income accruing to that portion of the funds which are allocated to the program in the~~

trust fund and not matched shall increase the total funds available for the program.

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

(4) The amounts amount appropriated to the trust fund for the program shall be allocated by the department on the basis of one \$5,000 challenge grant for each \$2,500 raised from private sources. Matching funds shall be generated through contributions made after July 1, 1986, 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.

Section 21. Subsections (2), (3), and (4) of section 1009.73, Florida Statutes, are amended to read:

1009.73 Mary McLeod Bethune Scholarship 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 approved by the Department of Education. The Department of Education shall receive all moneys collected from private sources for the purposes of this section and shall deposit such moneys into the State Student Financial Assistance 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 which that has been allocated to the program shall remain in the trust fund and shall be available for carrying out the purposes of the program. All moneys deposited into the trust fund for the program shall be invested pursuant to s. 17.61. Interest income accruing to that portion of the funds which are allocated to the program in the trust fund and not matched shall increase the total funds available for the program.~~

~~(3) The Legislature may appropriate funds shall appropriate moneys to the trust fund for the program from the General Revenue Fund. Such moneys shall be applied to scholarships to be administered by the Department of Education. All moneys deposited into the trust fund for the program shall be invested pursuant to the provisions of s. 17.61. Interest 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 22. 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 out the purposes of the trust fund.~~

Section 23. 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 24. 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 have in place 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. Each year, documentation demonstrating that an~~ of the operating agreement ~~is in~~

effect shall be submitted jointly to the Department of Education by the hospital and the medical school prior to the payment of moneys from the annual appropriation.

Section 25. Paragraph (a) of subsection (5) of section 1011.80, Florida Statutes, is amended to read:

1011.80 Funds for operation of workforce education programs.—

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

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

Section 26. Section 1011.83, Florida Statutes, is amended to read:

1011.83 Financial support of community colleges.—

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

~~(2) Funding for baccalaureate degree programs approved pursuant to s. 1007.33 shall be specified in the General Appropriations Act. A student in a baccalaureate degree program approved pursuant to s. 1007.33 who is not classified as a resident for tuition purposes pursuant to s. 1009.21 may not be included in calculations of full-time equivalent enrollments for state funding purposes.~~

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

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

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

Section 27. Paragraph (a) of subsection (3) of section 1011.84, Florida Statutes, is amended, and paragraph (g) is added to that subsection, to read:

1011.84 Procedure for determining state financial support and annual apportionment of state funds to each community 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 28. 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 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 29. Subsection (8) of section 1013.79, Florida Statutes, is amended to read:

1013.79 University Facility Enhancement Challenge Grant Program.—

(8) By October 15<sup>1</sup> of each year, the Board of Governors shall transmit to the Legislature a list of projects that meet 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 30. (1) Each Florida college and state university shall strive to reduce its campuswide energy consumption by 10 percent. While savings may be accrued by any means, the goal shall be to implement energy use policies or procedures or both and any equipment retrofits that are necessary to carry out this reduction. The reduction may be obtained by either reducing the cost of the energy consumed or by reducing total energy usage, or a combination of both.

(2) Energy consumption expenditures incurred during the 2007-2008 fiscal year shall be used to establish the benchmark for the 10-percent goal. If a Florida college or state university can document that it has implemented energy use policies or procedures in the 2008-2009 fiscal year or the 2009-2010 fiscal year that resulted in reduction in energy usage or costs, those reductions may be counted towards the 10-percent goal.

(3) Each Florida college and state university shall submit a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate by January 1, 2011, describing how they have met or plan to meet the 10-percent energy consumption reduction goal.

Section 31. (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 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 32. 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 33. There is appropriated \$25,000,000 in nonrecurring funds from the General Revenue Fund for the 2010-2011 fiscal year for the Florida Bright Futures Scholarship Program. The funding is contingent upon Florida being eligible to receive federal funds, based on the state's Federal Medical

Assistance Percentage (FMAP), in excess of the February 2010 official Social Services Estimating Conference estimate.

Section 34. This act shall take effect July 1, 2010.

Approved by the Governor May 28, 2010.

Filed in Office Secretary of State May 28, 2010.