

## CHAPTER 2011-63

### Senate Bill No. 2150

An act relating to postsecondary education funding; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain information regarding the gross receipts tax to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research; amending s. 215.61, F.S.; requiring that, for purposes of servicing public education capital outlay bonds, the State Board of Education disregard the effects on the gross receipts tax revenues collected during a tax period of a refund resulting from a specified settlement agreement; amending s. 440.491, F.S.; revising definitions; revising legislative intent; eliminating regulatory and monitoring responsibilities of the Department of Education with respect to rehabilitation providers and services; authorizing referral of an injured employee to the Department of Education for vocational evaluation; authorizing referral to the Agency for Workforce Innovation or any successor agency for reemployment services; authorizing interagency agreements between the Department of Education and an agency providing reemployment services; authorizing the expenditure of funds from the Workers Compensation Trust Fund for reemployment services; deleting provisions specifying qualifications for rehabilitation providers and requiring rehabilitation provider fees; amending s. 413.011, F.S.; authorizing the Division of Blind Services to lease property and the Department of Education to enter into leases and subleases on behalf of the division; amending s. 1004.091, F.S.; revising provisions relating to the duties of the Florida Distance Learning Consortium; requiring that the consortium implement a streamlined, automated, online registration process for transient students who are undergraduate students currently enrolled and pursuing a degree at a public postsecondary educational institution; requiring that the consortium work with the Florida College System and the State University System to implement the admissions application process; providing certain requirements for state universities and state colleges; revising requirements for the central instructional content repository; creating s. 1004.649, F.S.; designating the Northwest Regional Data Center at Florida State University as a primary data center; providing requirements for the data center; requiring the data center to provide its annual budget costs to the Board of Governors of the State University System; specifying circumstances under which the data center's designation may be terminated; amending s. 1006.72, F.S.; revising provisions relating to the licensing of electronic library resources; requiring that the chancellors and vice chancellors of the Florida College System and the State University System report cost savings resulting from the collaborative licensing process to the Executive Office of the Governor and the chairs of the legislative appropriations committees; amending s. 1007.28, F.S.; revising provisions relating to the computer-assisted student advising system; requiring that the system provide for a transient student admissions

application process for certain students; amending s. 1009.605, F.S.; providing for additional funds to be expended for administration of the Florida Fund for Minority Teachers, Inc.; creating s. 1009.215, F.S.; authorizing the University of Florida, with the approval of the Board of Governors of the State University System, to plan and implement a pilot program for students to enroll for the spring and summer terms rather than the fall terms in order to align student enrollment with available instructional staff and facilities; providing for eligibility for the Bright Futures Scholarship to conform to periods of a student's enrollment; requiring that the university report the status of the pilot program to the Board of Governors and the Legislature by a specified date; amending s. 1009.22, F.S.; revising provisions relating to workforce education post-secondary student fees; revising the standard tuition for programs leading to a career certificate or an applied technology diploma; requiring that a block tuition be assessed for residents and nonresidents enrolled in adult general education programs; providing that a separate fee may be used for the acquisition of improved real property by the district school board or the community college board of trustees; authorizing the assessment of a convenience fee for processing online credit card payments; providing certain limitations; authorizing the Board of Trustees of Santa Fe College to establish a transportation access fee for students enrolled at Santa Fe College; requiring that revenue from the fee be used only to provide or improve access to transportation services; limiting the amount of the fee; providing a timeframe for a fee increase and implementation of an increase; requiring that a referendum be held by the student government to approve the application of the fee; prohibiting the inclusion of the fee in calculating the amount a student receives under Florida Bright Futures Scholarship Program awards; amending s. 1009.23, F.S.; revising provisions relating to community college student fees, including the standard tuition for residents and nonresidents and the out-of-state fee; revising the amount of standard tuition fees for residents and nonresidents and out-of-state fees; clarifying provisions governing the fee exemptions provided for athletes; providing for a separate fee to be used for the acquisition of improved real property; authorizing each college to assess a transient student fee that does not exceed a specified amount per distance learning course; authorizing the Board of Trustees of Santa Fe College to establish a transportation access fee for students enrolled at Santa Fe College; requiring that revenue from the fee be used only to provide or improve access to transportation services; limiting the amount of the fee; providing a timeframe for a fee increase and implementation of an increase; requiring that a referendum be held by the student government to approve the application of the fee; prohibiting the inclusion of the fee in calculating the amount a student receives under Florida Bright Futures Scholarship Program awards; amending s. 1009.24, F.S.; revising provisions relating to state university student fees; revising the amount of resident undergraduate tuition; authorizing each university board of trustees to establish a transient student fee that does not exceed a specified amount per distance learning course for processing the transient student admissions application; authorizing a university to expend certain funds remaining

from the tuition differential required for student financial assistance; amending s. 1009.25, F.S.; deleting provisions that exempt students from paying tuition and fees for adult basic, adult secondary, or career preparatory instruction; amending s. 1009.26, F.S.; authorizing the use of certain additional documentation recognized by the Federal Government for purpose of certain fee waivers; amending s. 1009.286, F.S.; requiring that a student pay 100 percent of the tuition rate for each credit hour in excess of a specified percent of the number of credit hours required to complete a baccalaureate degree program; amending s. 1009.531, F.S.; revising the eligibility requirements for the Florida Bright Futures Scholarship Program; requiring that a student complete a specified federal application form before disbursement of an award; amending ss. 1009.534, 1009.535, and 1009.536, F.S.; requiring that students receiving a Florida Academic Scholars award, a Florida Medallion Scholars award, or a Florida Gold Seal Vocational Scholars award perform a specified number of hours of community service work; requiring that the student identify a social problem of interest and develop a plan; amending ss. 1009.55, 1009.56, 1009.57, 1009.60, 1009.68, and 1009.69, F.S.; requiring that the funding for the Rosewood Family Scholarship Program, the Seminole and Miccosukee Indian Scholarships, the Florida Teacher Scholarship and Forgivable Loan Program, the Minority Teacher Education Scholars Program, the Florida Minority Medical Education Program, and the Virgil Hawkins Fellows Assistance Program be as provided in the General Appropriations Act; amending s. 1009.701, F.S.; revising provisions relating to the First Generation Matching Grant Program; requiring that a student complete a specified federal application form before disbursement of an award; requiring that the first priority of funding be given to certain students who qualify and receive federal Pell Grant funds; amending ss. 1009.73 and 1009.74, F.S.; providing that funding for the Mary McLeod Bethune Scholarship Program and the Theodore R. and Vivian M. Johnson Scholarship Program be as provided in the General Appropriations Act; amending s. 1009.77, F.S.; revising provisions relating to the Florida Work Experience Program; requiring that a student complete a specified federal application form before disbursement of funds; requiring that first priority of funding be given to certain students who qualify and receive federal Pell Grant funds; requiring that the funding of the program be as provided in the General Appropriations Act; amending ss. 1009.89 and 1009.891, F.S.; requiring that funding of the William L. Boyd, IV, Florida Resident Access Grant Program and the Access to Better Learning and Education Grant Program be provided as in the General Appropriations Act; requiring that a student complete a specified federal application form before disbursement of a grant; amending s. 1011.32, F.S.; providing that state matching funds for the Community College Facility Enhancement Challenge Grant Program be temporarily suspended for donations made on or after a specified date; providing that existing donations remain eligible for future matching funds; amending s. 1011.61, F.S.; redefining the term “full-time equivalent student” as applied to a student in a combination of programs; amending s. 1011.80, F.S.; requiring that the Department of Education use a

specified funding model to determine each district's workforce education funding needs; prohibiting the expenditure of funds for the education of state or federal inmates; prohibiting the reporting of a student who is coenrolled in a K-12 education program and an adult education program for funding purposes; providing an exception; amending s. 1011.81, F.S.; prohibiting the expenditure of funds under the Community College Program Fund for the education of state or federal inmates; amending s. 1011.85, F.S., relating to the Dr. Philip Benjamin Matching Grant Program for Community Colleges; providing that funds received from community events and festivals are not eligible for state matching funds; providing that state matching funds under the program be temporarily suspended for donations received on or after a specified date; providing that existing donations remain eligible for future matching funds; amending ss. 1011.94 and 1013.79, F.S.; providing that state matching funds for donations to the University Major Gifts Program and the University Facility Enhancement Challenge Grant Program are temporarily suspended; providing that existing donations remain eligible for future matching funds; amending ss. 1012.885 and 1012.975, F.S.; limiting the amount of remuneration provided to a Florida College System institution president or a state university president for the 2011-2012 fiscal year; creating ss. 1012.886 and 1012.976, F.S.; defining terms; providing certain limitations on the amount of remuneration provided to Florida College System institution administrative employees and state university administrative employees; providing certain exceptions; providing for future expiration; amending s. 1013.33, F.S., relating to campus master plans and development agreements; conforming a cross-reference; repealing s. 1013.63, F.S., relating to the University Concurrency Trust Fund; amending s. 1013.737, F.S.; changing the name of the Class Size Reduction Lottery Revenue Bond Program to the Class Size Reduction and Educational Facilities Lottery Revenue Bond Program; authorizing the issuance of educational facilities bonds; requiring that the Department of Education work with the College Center for Library Automation to transfer the K-12 public school bibliographic database for inclusion in CCLA's online discovery tool product for the public to search; requiring that the department also develop an ongoing process to provide for the updating of such data; requiring that the Chancellors of the State University System and the Florida College System submit a plan to the Governor and Legislature regarding the establishment of a joint library organization to address the needs of academic libraries; specifying requirements for the plan; authorizing a university board of trustees to expend reserve or carry-forward balances from prior year appropriations for the establishment of a new campus; requiring that the Florida College System Council of Presidents recommend an equitable funding formula for funds to the Florida College System institutions; requiring a report and recommendations to the State Board of Education, the Governor and the Legislature by a specified date; providing an effective date.

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

Section 1. Paragraph (dd) is added to subsection (8) of section 213.053, Florida Statutes, as amended by chapter 2010-280, Laws of Florida, to read:

213.053 Confidentiality and information sharing.—

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

(dd) Information relative to s. 215.61(6) to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research.

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

Section 2. Subsection (6) is added to section 215.61, Florida Statutes, to read:

215.61 State system of public education capital outlay bonds.—

(6) In making the determination as required by subsection (3) of the amount that can be serviced by the gross receipts tax, the State Board of Education shall disregard the effects on the reported gross receipts tax revenues collected during a tax period of any refund paid by the Department of Revenue as a direct result of a refund request made pursuant to the settlement reached in *In re: AT&T Mobility Wireless Data Services Sales Litigation*, 270 F.R.D. 330, (Aug. 11, 2010). The Department of Revenue shall provide to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research the amount of any such refund and the tax period in which the refund is included.

Section 3. Section 440.491, Florida Statutes, is amended to read:

440.491 Reemployment of injured workers; rehabilitation.—

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

(a) “Carrier” means group self-insurance funds or individual self-insureds authorized under this chapter and commercial funds or insurance entities authorized to write workers’ compensation insurance under chapter 624.

(b) “Department” means the Department of Education.

(c) “Medical care coordination” includes, but is not limited to, coordinating physical rehabilitation services such as medical, psychiatric, or therapeutic treatment for the injured employee, providing health training to the

employee and family, and monitoring the employee's recovery. The purposes of medical care coordination are to minimize the disability and recovery period without jeopardizing medical stability, to assure that proper medical treatment and other restorative services are timely provided in a logical sequence, and to contain medical costs.

(d) "~~Qualified Rehabilitation provider~~" means a rehabilitation nurse, rehabilitation counselor, or vocational evaluator providing, rehabilitation facility, or agency approved by the Department of Education as qualified to provide reemployment assessments, medical care coordination, reemployment services, or vocational evaluations under this section, possessing one or more of the following nationally recognized rehabilitation provider credentials:

1. Certified Rehabilitation Registered Nurse, C.R.R.N., certified by the Association of Rehab Professionals.

2. Certified Rehabilitation Counselor, C.R.C., certified by the Commission of Rehabilitation Counselor Certifications.

3. Certified Case Manager, C.C.M., certified by the Commission for Case Management Certification.

4. Certified Disability Management Specialist, C.D.M.S., certified by the Certified Disability Management Specialist Commission.

5. Certified Vocational Evaluator, C.V.E., certified by the Commission of Rehabilitation Counselor Certification.

6. Certified Occupational Health Nurse, C.O.H.N., certified by the American Board of Occupational Health Nurses chapter.

(e) "Reemployment assessment" means a written assessment performed by a ~~qualified~~ rehabilitation provider which provides a comprehensive review of the medical diagnosis, treatment, and prognosis; includes conferences with the employer, physician, and claimant; and recommends a cost-effective physical and vocational rehabilitation plan to assist the employee in returning to suitable gainful employment.

(f) "Reemployment services" means services that include, but are not limited to, vocational counseling, job-seeking skills training, ergonomic job analysis, transferable skills analysis, selective job placement, labor market surveys, and arranging other services such as education or training, vocational and on-the-job, which may be needed by the employee to secure suitable gainful employment.

(g) "Reemployment status review" means a review to determine whether an injured employee is at risk of not returning to work.

(h) "Suitable gainful employment" means employment or self-employment that is reasonably attainable in light of the employee's age, education,

work history, transferable skills, previous occupation, and injury, and which offers an opportunity to restore the individual as soon as practicable and as nearly as possible to his or her average weekly earnings at the time of injury.

(i) "Vocational evaluation" means a review of the employee's physical and intellectual capabilities, his or her aptitudes and achievements, and his or her work-related behaviors to identify the most cost-effective means toward the employee's return to suitable gainful employment.

(2) INTENT.—It is the intent of this section to ~~implement a systematic review by carriers of the factors that are predictive of longer-term disability~~ and to encourage the provision of medical care coordination and reemployment services that are necessary to assist the employee in returning to work as soon as is medically feasible.

(3) REEMPLOYMENT STATUS REVIEWS AND REPORTS.—

(a) When an employee who has suffered an injury compensable under this chapter is unemployed 60 days after the date of injury and is receiving benefits for temporary total disability, temporary partial disability, or wage loss, and has not yet been provided medical care coordination and reemployment services voluntarily by the carrier, the carrier must determine whether the employee is likely to return to work and must report its determination to the department and the employee. The report shall include the identification of both the carrier and the employee, and the carrier claim number and any case number assigned by the Office of Judges of Compensation Claims. The carrier must thereafter determine the reemployment status of the employee at 90-day intervals as long as the employee remains unemployed, is not receiving medical care coordination or reemployment services, and is receiving the benefits specified in this subsection.

(b) If medical care coordination or reemployment services are voluntarily undertaken within 60 days of the date of injury, such services may continue to be provided as agreed by the employee and the carrier.

(4) REEMPLOYMENT ASSESSMENTS.—

(a) The carrier may require the employee to receive a reemployment assessment as it considers appropriate. However, the carrier is encouraged to obtain a reemployment assessment if:

1. The carrier determines that the employee is at risk of remaining unemployed.
2. The case involves catastrophic or serious injury.

(b) The carrier shall authorize ~~only~~ a qualified rehabilitation provider to provide the reemployment assessment. The rehabilitation provider shall conduct its assessment and issue a report to the carrier and, the employee, ~~and the department~~ within 30 days after the time such assessment is complete.

(c) If the rehabilitation provider recommends that the employee receive medical care coordination or reemployment services, the carrier shall advise the employee of the recommendation and determine whether the employee wishes to receive such services. The employee shall have 15 days after the date of receipt of the recommendation in which to agree to accept such services. If the employee elects to receive services, the carrier may refer the employee to a rehabilitation provider for such coordination or services within 15 days of receipt of the assessment report or notice of the employee's election, whichever is later.

(5) MEDICAL CARE COORDINATION AND REEMPLOYMENT SERVICES.—

(a) Once the carrier has assigned a case to a ~~qualified~~ rehabilitation provider for medical care coordination or reemployment services, the provider shall develop a reemployment plan and submit the plan to the carrier and the employee for approval.

(b) If the rehabilitation provider concludes that training and education are necessary to return the employee to suitable gainful employment, or if the employee has not returned to suitable gainful employment within 180 days after referral for reemployment services or receives \$2,500 in reemployment services, whichever comes first, the carrier must discontinue reemployment services and refer the employee to the department for a vocational evaluation. Notwithstanding any provision of chapter 289 or chapter 627, the cost of a reemployment assessment and the first \$2,500 in reemployment services to an injured employee must not be treated as loss adjustment expense for workers' compensation ratemaking purposes.

(c) A carrier may voluntarily provide medical care coordination or reemployment services to the employee at intervals more frequent than those required in this section. ~~For the purpose of monitoring reemployment, the carrier or the rehabilitation provider shall report to the department, in the manner prescribed by the department, the date of reemployment and wages of the employee. The carrier shall report its voluntary service activity to the department as required by rule.~~ Voluntary services offered by the carrier for any of the following injuries must be considered benefits for purposes of ratemaking: traumatic brain injury; spinal cord injury; amputation, including loss of an eye or eyes; burns of 5 percent or greater of the total body surface.

(d) If medical care coordination or reemployment services have not been undertaken as prescribed in paragraph (3)(b), a ~~qualified~~ rehabilitation service provider, facility, or agency that performs a reemployment assessment shall not provide medical care coordination or reemployment services for the employees it assesses.

(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. At the time of such referral, the carrier shall provide the department a copy of any reemployment assessment or reemployment plan provided to the carrier by a rehabilitation provider. 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 college 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 by rule 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.

(b) When an employee who has attained maximum medical improvement is unable to earn at least 80 percent of the compensation rate and requires training and education to obtain suitable gainful employment, the employer or carrier shall pay the employee additional training and education temporary total compensation benefits while the employee receives such training and education for a period not to exceed 26 weeks, which period may be extended for an additional 26 weeks or less, if such extended period is determined to be necessary and proper by a judge of compensation claims. The benefits provided under this paragraph shall not be in addition to the 104 weeks as specified in s. 440.15(2). However, a carrier or employer is not precluded from voluntarily paying additional temporary total disability compensation beyond that period. If an employee requires temporary residence at or near a facility or an institution providing training and education which is located more than 50 miles away from the employee's

customary residence, the reasonable cost of board, lodging, or travel must be borne by the department from the Workers' Compensation Administration Trust Fund established by s. 440.50. An employee who refuses to accept training and education that is recommended by the vocational evaluator and considered necessary by the department will forfeit any additional training and education benefits and any additional payment for lost wages under this chapter. The department shall adopt rules to implement this section, which shall include requirements placed upon the carrier shall to notify the injured employee of the availability of training and education benefits as specified in this chapter. The Department of Financial Services shall also include information regarding the eligibility for training and education benefits in informational materials specified in ss. 440.207 and 440.40.

~~(7) PROVIDER QUALIFICATIONS.—~~

~~(a) The department shall investigate and maintain a directory of each qualified public and private rehabilitation provider, facility, and agency, and shall establish by rule the minimum qualifications, credentials, and requirements that each rehabilitation service provider, facility, and agency must satisfy to be eligible for listing in the directory. These minimum qualifications and credentials must be based on those generally accepted within the service specialty for which the provider, facility, or agency is approved.~~

~~(b) The department shall impose a biennial application fee of \$25 for each listing in the directory, and all such fees must be deposited in the Workers' Compensation Administration Trust Fund.~~

~~(c) The department shall monitor and evaluate each rehabilitation service provider, facility, and agency qualified under this subsection to ensure its compliance with the minimum qualifications and credentials established by the department. The failure of a qualified rehabilitation service provider, facility, or agency to provide the department with information requested or access necessary for the department to satisfy its responsibilities under this subsection is grounds for disqualifying the provider, facility, or agency from further referrals.~~

~~(d) A qualified rehabilitation service provider, facility, or agency may not be authorized by an employer, a carrier, or the department to provide any services, including expert testimony, under this section in this state unless the provider, facility, or agency is listed or has been approved for listing in the directory. This restriction does not apply to services provided outside this state under this section.~~

~~(e) The department, after consultation with representatives of employees, employers, carriers, rehabilitation providers, and qualified training and education providers, shall adopt rules governing professional practices and standards.~~

~~(8) CARRIER PRACTICES.—The department shall monitor the selection of providers and the provision of services by carriers under this section for consistency with legislative intent set forth in subsection (2).~~

(7)(9) PERMANENT DISABILITY.—The judge of compensation claims may not adjudicate an injured employee as permanently and totally disabled until or unless the carrier is given the opportunity to provide a reemployment assessment.

Section 4. Paragraph (v) of subsection (3) of section 413.011, Florida Statutes, is amended to read:

413.011 Division of Blind Services, legislative policy, intent; internal organizational structure and powers; Rehabilitation Council for the Blind.

(3) DIVISION STRUCTURE AND DUTIES.—The internal organizational structure of the Division of Blind Services shall be designed for the purpose of ensuring the greatest possible efficiency and effectiveness of services to the blind and to be consistent with chapter 20. The Division of Blind Services shall plan, supervise, and carry out the following activities:

(v) Receive moneys or properties by gift or bequest from any person, firm, corporation, or organization for any of the purposes herein set out, but without authority to bind the state to any expenditure or policy except such as may be specifically authorized by law. All such moneys or properties so received by gift or bequest as herein authorized may be disbursed and expended by the division upon its own warrant for any of the purposes herein set forth, and such moneys or properties shall not constitute or be considered a part of any legislative appropriation made by the state for the purpose of carrying out the provisions of this law. When determined to be in the best interest of the division, the division may lease property received pursuant to this paragraph, and the Department of Education may enter into leases of property and sublease property on behalf of the division. Division and department leases and subleases may be to governmental, public, or nonprofit entities for the provision of blind, education, health, and other social service programs.

Section 5. 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:

(a) Manage and promote the Florida Higher Education Distance Learning Catalog, established pursuant to s. 1004.09, to help increase student access to undergraduate distance learning courses and degree programs and to assist students seeking accelerated access in order to complete their degrees.

~~(b) Beginning with the 2011-2012 academic year, implement 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 1, 2010, for implementing a streamlined, automated, online registration process for transient students who are undergraduate students currently enrolled and pursuing a degree at who have been admitted to a public postsecondary educational institution and who choose wish to enroll in a course listed in the Florida Higher Education Distance Learning Catalog which, including courses offered by an institution that is offered by a public postsecondary educational institution that is not the student's degree-granting or home institution. The consortium shall work with the Florida College System and the State University System to implement this admissions application process requiring all state universities and state colleges to: 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. Use the transient student admissions application available through the Florida Academic Counseling and Tracking for Students system established pursuant to s. 1007.28. This admissions application shall be the only one required for the enrollment of the transient student defined in this paragraph.

2. Implement the financial aid procedures required by the transient student admissions application process, which must include the involvement of the financial aid officers.

3. Transfer credit awarded by the institutions offering the distance learning course to the transient student's degree-granting institution.

4. By July 1, 2012, provide for an interface between the institutional system and the Florida Academic Counseling and Tracking for Students system in order to electronically send, receive, and process the transient admissions application.

~~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.~~

(c) Coordinate the negotiation of statewide licensing and preferred pricing agreements for distance learning resources and enter into agreements that result in cost savings with distance learning resource providers so that postsecondary educational institutions have the opportunity to benefit from the cost savings.

(d)1. ~~Develop and operate a central instructional content repository that allows public school and postsecondary educational institution users faculty to search, locate, and use, and contribute digital and electronic instructional resources and content, including open access textbooks. In the development of the a repository, the consortium shall identify and seek partnerships with similar national, state, and regional repositories for the purpose of sharing instructional content. The consortium shall collaborate with the public postsecondary educational institutions to ensure that the repository:~~

a. ~~Is accessible by the Integrates with multiple learning management systems used by the public postsecondary educational institutions and the local instructional improvement systems established pursuant to s. 1006.281.~~

b. Allows institutions to set appropriate copyright and access restrictions and track content usage.

c. Allows for appropriate customization.

d. Supports established protocols to access instructional content within other repositories.

2. ~~Provide to Develop, in consultation with the chancellors of the Florida College System and the State University System, recommendations a plan for promoting and increasing the use of open access textbooks as a method for reducing textbook costs. The recommendations plan shall be submitted to the Board of Governors, the State Board of Education, the Office of Policy and Budget in the Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on Education & Economic Development no later than March 1, 2010, and shall include:~~

a. ~~An inventory of existing open access textbooks.~~

a.b. ~~The A listing of undergraduate courses, in particular the general education courses, that would be recommended for the use of open access textbooks.~~

b.e. A standardized process for the review and approval of open access textbooks.

~~d.— Recommendations for encouraging and promoting faculty development and use of open access textbooks.~~

~~e.— Identification of barriers to the implementation of open access textbooks.~~

~~c.f. Strategies for the production and distribution of open access textbooks to ensure such textbooks may be easily accessed, downloaded, printed, or obtained as a bound version by students at either reduced or no cost.~~

~~g.— Identification of the necessary technology security standards and guidelines to safeguard the use of open access textbooks.~~

(e) Identify and evaluate new technologies and instructional methods that can be used for improving distance learning instruction, student learning, and the overall quality of undergraduate distance learning courses and degree programs.

(f) Identify methods that will improve student access to and completion of undergraduate distance learning courses and degree programs.

Section 6. Section 1004.649, Florida Statutes, is created to read:

1004.649 Northwest Regional Data Center.—

(1) For the purpose of serving its state agency customers, the Northwest Regional Data Center at Florida State University is designated as a primary data center and shall comply with the following:

(a) Operates under a governance structure that represents its customers proportionally.

(b) Maintains an appropriate cost-allocation methodology that accurately bills state agency customers based solely on the actual direct and indirect costs of the services provided to state agency customers, and prohibits the subsidization of nonstate agency customers' costs by state agency customers.

(c) Enters into a service-level agreement with each state agency customer to provide services as defined and approved by the governing board of the center. At a minimum, such service-level agreements must:

1. Identify the parties and their roles, duties, and responsibilities under the agreement;

2. State the duration of the agreement term and specify the conditions for renewal;

3. Identify the scope of work;

4. Establish the services to be provided, the business standards that must be met for each service, the cost of each service, and the process by

which the business standards for each service are to be objectively measured and reported;

5. Provide a timely billing methodology for recovering the cost of services provided; and

6. Provide a procedure for modifying the service-level agreement to address any changes in projected costs of service.

(d) Provides to the Board of Governors the total annual budget by major expenditure category, including, but not limited to, salaries, expenses, operating capital outlay, contracted services, or other personnel services by July 30 each fiscal year.

(e) Provides to each state agency customer its projected annual cost for providing the agreed-upon data center services by August 1 each fiscal year.

(2) The Northwest Regional Data Center’s designation as a primary data center for purposes of serving its state agency customers may be terminated if:

(a) The center requests such termination to the Board of Governors, the Senate President, and the Speaker of the House of Representatives; or

(b) The center fails to comply with the provisions of this section.

(3) If such designation is terminated, the center shall have 1 year to provide for the transition of its state agency customers to the Southwood Shared Resource Center or the Northwood Shared Resource Center.

Section 7. Subsection (7) is added to section 1006.72, Florida Statutes, to read:

1006.72 Licensing electronic library resources.—

(7) REPORT.—The chancellors and vice chancellors of the Florida College System and the State University System shall annually report to the Executive Office of the Governor and the chairs of the legislative appropriations committees the cost savings realized as a result of the collaborative licensing process identified in this section.

Section 8. Subsection (5) is added to section 1007.28, Florida Statutes, to read:

1007.28 Computer-assisted student advising system.—The Department of Education, in conjunction with the Board of Governors, shall establish and maintain a single, statewide computer-assisted student advising system, which must be an integral part of the process of advising, registering, and certifying students for graduation and must be accessible to all Florida students. The state universities and community colleges shall interface institutional systems with the computer-assisted advising system required

by this section. The State Board of Education and the Board of Governors shall specify in the statewide articulation agreement required by s. 1007.23(1) the roles and responsibilities of the department, the state universities, and the community colleges in the design, implementation, promotion, development, and analysis of the system. The system shall consist of a degree audit and an articulation component that includes the following characteristics:

(5) The system must provide the admissions application for transient students who are undergraduate students currently enrolled and pursuing a degree at a public postsecondary educational institution and who want to enroll in a course listed in the Florida Higher Education Distance Learning Catalog which is offered by a public postsecondary educational institution that is not the student's degree-granting institution. This system must include the electronic transfer and receipt of information and records for the following functions:

(a) Admissions and readmissions;

(b) Financial aid; and

(c) Transfer of credit awarded by the institution offering the distance learning course to the transient student's degree-granting institution.

Section 9. Paragraph (g) of subsection (3) of section 1009.605, Florida Statutes, is amended to read:

1009.605 Florida Fund for Minority Teachers, Inc.—

(3) A board of directors shall administer the corporation. The Governor shall appoint to the board at least 15 but not more than 25 members, who shall serve terms of 3 years, except that 4 of the initial members shall serve 1-year terms and 4 shall serve 2-year terms. At least 4 members must be employed by public community colleges and at least 11 members must be employed by public or private postsecondary institutions that operate colleges of education. At least one member must be a financial aid officer employed by a postsecondary education institution operating in Florida. Administrative costs for support of the Board of Directors and the Florida Fund for Minority Teachers may not exceed 5 percent of funds allocated for the program. The board shall:

(g) Carry out the training program as required for the minority teacher education scholars program. No more than 5 percent of the funds appropriated and up to \$100,000 from other available funds for the minority teacher education scholars program may be expended annually for administration, including administration of the required training program.

Section 10. Section 1009.215, Florida Statutes, is created to read:

1009.215 Student enrollment pilot program for the spring and summer terms.—

(1) Subject to approval by the Board of Governors, the University of Florida may plan and implement a student enrollment pilot program for the spring and summer terms for the purpose of aligning on-campus student enrollment and the availability of instructional facilities.

(2) The pilot program shall provide for a student cohort that is limited to on-campus enrollment during the spring and summer terms. Students in this cohort are not eligible for on-campus enrollment during the fall term.

(3) Students who are enrolled in the pilot program and who are eligible to receive Bright Futures Scholarships under ss. 1009.53-1009.536 shall be eligible to receive the scholarship award for attendance in the spring and summer terms, but are not eligible to receive the scholarship for attendance during the fall term.

(4) By January 31, 2013, the University of Florida shall report to the Board of Governors, the President of the Senate, and the Speaker of the House of Representatives regarding the result of the pilot program.

Section 11. Paragraphs (a) and (c) of subsection (3) and subsections (6) and (10) of section 1009.22, Florida Statutes, are amended, present subsection (12) of that section is redesignated as subsection (13), and a new subsection (12) is added to that section, to read:

1009.22 Workforce education postsecondary student fees.—

(3)(a) Except as otherwise provided by law, fees for students who are nonresidents for tuition purposes must offset the full cost of instruction. Residency of students shall be determined as required in s. 1009.21. Fee-nonexempt students enrolled in vocational-preparatory instruction shall be charged fees equal to the fees charged for adult general education programs certificate career education instruction. Each community college that conducts college-preparatory and vocational-preparatory instruction in the same class section may charge a single fee for both types of instruction.

(c) Effective July 1, 2011, for programs leading to a career certificate or an applied technology diploma, the standard tuition shall be \$2.22 per contact hour for residents and nonresidents and the out-of-state fee shall be \$6.66 per contact hour. For adult general education programs, a block tuition of \$45 per half year or \$30 per term shall be assessed for residents and nonresidents, and the out-of-state fee shall be \$135 per half year or \$90 per term. Each district school board and Florida College System institution board of trustees shall adopt policies and procedures for the collection of and accounting for the expenditure of the block tuition. All funds received from the block tuition shall be used only for adult general education programs. Students enrolled in adult general education programs may not be assessed the fees authorized in subsection (5), subsection (6), or subsection (7). Effective January 1, 2008, standard tuition shall be \$1.67 per contact hour for programs leading to a career certificate or an applied technology diploma

and 83 cents for adult general education programs. The out-of-state fee per contact hour shall be three times the standard tuition per contact hour.

(6)(a) Each district school board and community college board of trustees may establish a separate fee for capital improvements, technology enhancements, ~~or equipping buildings, or the acquisition of improved real property~~ which may not exceed 5 percent of tuition for resident students or 5 percent of tuition and out-of-state fees for nonresident students. Funds collected by community colleges through the fee may be bonded only for the purpose of financing or refinancing new construction and equipment, renovation, ~~or remodeling of educational facilities, or the acquisition of improved real property for use as educational facilities.~~ The fee shall be collected as a component part of the tuition and fees, paid into a separate account, and expended only to acquire improved real property or construct and equip, maintain, improve, or enhance the certificate career education or adult education facilities of the school district or the educational facilities of the community college. Projects and acquisitions of improved real property funded through the use of the capital improvement fee must meet the survey and construction requirements of chapter 1013. Pursuant to s. 216.0158, each district school board and community college board of trustees shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. Capital improvement fee revenues may be pledged by a board of trustees as a dedicated revenue source to the repayment of debt, including lease-purchase agreements, with an overall term of not more than 7 years, including renewals, extensions, and refundings, and revenue bonds with a term not exceeding 20 years and not exceeding the useful life of the asset being financed, only for the new construction and equipment, renovation, or remodeling of educational facilities. Bonds authorized pursuant to this paragraph shall be requested by the community college board of trustees and shall be issued by the Division of Bond Finance in compliance with s. 11(d), Art. VII of the State Constitution and the State Bond Act. The Division of Bond Finance may pledge fees collected by one or more community colleges to secure such bonds. Any project included in the approved educational plant survey pursuant to chapter 1013 is approved pursuant to s. 11(f), Art. VII of the State Constitution. Bonds issued pursuant to the State Bond Act may be validated in the manner provided by chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the district school board or community college board of trustees. The use of capital improvement fees for such purpose shall be subordinate to the payment of any bonds secured by the fees.

(b) The state does hereby covenant with the holders of the bonds issued under paragraph (a) that it will not take any action that will materially and

adversely affect the rights of such holders so long as the bonds authorized by paragraph (a) are outstanding.

(10) Each school district and community college may assess a service charge for the payment of tuition and fees in installments and a convenience fee for the processing of automated or online credit card payments. However, the amount of the convenience fee for automated or online credit card payments may not exceed the total cost charged by the credit card company to the school district or Florida College System institution. Such service charge or convenience fee must be approved by the district school board or community college board of trustees.

(12)(a) The Board of Trustees of Santa Fe College may establish a transportation access fee. Revenue from the fee may be used only to provide or improve access to transportation services for students enrolled at Santa Fe College. The fee may not exceed \$6 per credit hour. An increase in the transportation access fee may occur only once each fiscal year and must be implemented beginning with the fall term. A referendum must be held by the student government to approve the application of the fee.

(b) Notwithstanding ss. 1009.534, 1009.535, and 1009.536, the transportation access fee authorized under paragraph (a) may 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.

Section 12. Paragraphs (a) and (b) of subsection (3), paragraph (c) of subsection (8), and paragraph (a) of subsection (11) of section 1009.23, Florida Statutes, are amended, present subsection (17) of that section is redesignated as subsection (19), and new subsections (17) and (18) are added to that section, to read:

1009.23 Community college student fees.—

(3)(a) Effective July 1, 2011 ~~January 1, 2008~~, for advanced and professional, postsecondary vocational, college preparatory, and educator preparation institute programs, ~~the following tuition and fee rates shall apply:~~

~~1. the standard tuition shall be \$68.56 per credit hour for residents and nonresidents, and the out-of-state fee shall be \$205.82 per credit hour \$51.35 per credit hour for students who are residents for tuition purposes.~~

~~2. The standard tuition shall be \$51.35 per credit hour and the out-of-state fee shall be \$154.14 per credit hour for students who are nonresidents for tuition purposes.~~

(b) Effective July 1, 2011 ~~January 1, 2008~~, for baccalaureate degree programs, the following tuition and fee rates shall apply:

1. The tuition shall be \$87.42 ~~\$65.47~~ per credit hour for students who are residents for tuition purposes.

2. The sum of the tuition and the out-of-state fee per credit hour for students who are nonresidents for tuition purposes shall be no more than 85 percent of the sum of the tuition and the out-of-state fee at the state university nearest the community college.

(8)

(c) Up to 25 percent or \$600,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic merit; who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution; or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and any fee exemptions provided to athletes pursuant to s. 1009.25(2)(3) must for athletes shall be distributed equitably as required by s. 1000.05(3)(d). A minimum of 75 percent of the balance of these funds for new awards shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Education shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the revenue collected pursuant to this paragraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards that which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Education. An award for academic merit requires shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(11)(a) Each community college board of trustees may establish a separate fee for capital improvements, technology enhancements, ~~or~~ equipping student buildings, or the acquisition of improved real property which may not exceed 10 percent of tuition for resident students or 10 percent of the sum of tuition and out-of-state fees for nonresident students. The fee for resident students shall be limited to an increase of \$2 per credit hour over the prior year. Funds collected by community colleges through the fee may be bonded only as provided in this subsection for the purpose of financing or refinancing new construction and equipment, renovation, ~~or~~ remodeling of educational facilities, or the acquisition and renovation or remodeling of improved real property for use as educational facilities. The fee shall be collected as a component part of the tuition and fees, paid into a separate account, and expended only to acquire improved real property or construct and equip, maintain, improve, or enhance the educational facilities of the community college. Projects and acquisitions of improved real property funded through the use of the capital improvement fee shall meet the survey and construction requirements of chapter 1013. Pursuant to s. 216.0158,

each community college shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee.

(17) Each Florida College System institution that accepts transient students, pursuant to s. 1004.091, may establish a transient student fee not to exceed \$5 per distance learning course for processing the transient student admissions application.

(18)(a) The Board of Trustees of Santa Fe College may establish a transportation access fee. Revenue from the fee may be used only to provide or improve access to transportation services for students enrolled at Santa Fe College. The fee may not exceed \$6 per credit hour. An increase in the transportation access fee may occur only once each fiscal year and must be implemented beginning with the fall term. A referendum must be held by the student government to approve the application of the fee.

(b) Notwithstanding ss. 1009.534, 1009.535, and 1009.536, the transportation access fee authorized under paragraph (a) may 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.

Section 13. Paragraph (a) of subsection (4) and paragraph (a) of subsection (16) of section 1009.24, Florida Statutes, are amended, and paragraph (t) is added to subsection (14) of that section, to read:

1009.24 State university student fees.—

(4)(a) Effective July 1, 2011, January 1, 2008, the resident undergraduate tuition for lower-level and upper-level coursework shall be \$103.32 ~~\$77.39~~ per credit hour.

(14) Except as otherwise provided in subsection (15), each university board of trustees is authorized to establish the following fees:

(t) A transient student fee that may not exceed \$5 per distance learning course for accepting a transient student and processing the transient student admissions application pursuant to s. 1004.091.

With the exception of housing rental rates and except as otherwise provided, fees assessed pursuant to paragraphs (h)-(s) shall be based on reasonable costs of services. The Board of Governors shall adopt regulations and timetables necessary to implement the fees and fines authorized under this subsection. The fees assessed under this subsection may be used for debt only as authorized under s. 1010.62.

(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. If the entire tuition and fee costs of resident students who have applied for and received Pell Grant funds have been met and the university has excess funds remaining from the 30 percent of the revenues from the tuition differential required to be used to assist students who exhibit financial need, the university may expend the excess portion in the same manner as required for the other 70 percent of the tuition differential revenues.

Section 14. Section 1009.25, Florida Statutes, is amended to read:

1009.25 Fee exemptions.—

~~(1) The following Students are exempt from any requirement for the payment of tuition and fees, including lab fees, for adult basic, adult secondary, or career-preparatory instruction:~~

~~(a) A student who does not have a high school diploma or its equivalent.~~

~~(b) A student who has a high school diploma or its equivalent and who has academic skills at or below the eighth grade level pursuant to state board rule. A student is eligible for this exemption from fees if the student's skills are at or below the eighth grade level as measured by a test administered in the English language and approved by the Department of Education, even if the student has skills above that level when tested in the student's native language.~~

(1)(2) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides postsecondary career programs, community college, or state university:

(a) A student enrolled in a dual enrollment or early admission program pursuant to s. 1007.27 or s. 1007.271.

(b) A student enrolled in an approved apprenticeship program, as defined in s. 446.021.

(c) A student who is or was at the time he or she reached 18 years of age in the custody of the Department of Children and Family Services or who, after spending at least 6 months in the custody of the department after reaching 16 years of age, was placed in a guardianship by the court. Such exemption includes fees associated with enrollment in career-preparatory instruction. The exemption remains valid until the student reaches 28 years of age.

(d) A student who is or was at the time he or she reached 18 years of age in the custody of a relative under s. 39.5085 or who was adopted from the Department of Children and Family Services after May 5, 1997. Such exemption includes fees associated with enrollment in career-preparatory instruction. The exemption remains valid until the student reaches 28 years of age.

(e) A student enrolled in an employment and training program under the welfare transition program. The regional workforce board shall pay the state university, community college, or school district for costs incurred for welfare transition program participants.

(f) A student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(g) A student who is a proprietor, owner, or worker of a company whose business has been at least 50 percent negatively financially impacted by the buyout of property around Lake Apopka by the State of Florida. Such student may receive a fee exemption only if the student has not received compensation because of the buyout, the student is designated a Florida resident for tuition purposes, pursuant to s. 1009.21, and the student has applied for and been denied financial aid, pursuant to s. 1009.40, which would have provided, at a minimum, payment of all student fees. The student is responsible for providing evidence to the postsecondary education institution verifying that the conditions of this paragraph have been met, including supporting documentation provided by the Department of Revenue. The student must be currently enrolled in, or begin coursework within, a program area by fall semester 2000. The exemption is valid for a period of 4 years after the date that the postsecondary education institution confirms that the conditions of this paragraph have been met.

~~(2)~~(3) Each community college is authorized to grant student fee exemptions from all fees adopted by the State Board of Education and the community college board of trustees for up to 40 full-time equivalent students at each institution.

Section 15. Subsection (8) of section 1009.26, Florida Statutes, is amended to read:

1009.26 Fee waivers.—

(8) A state university or community college shall waive undergraduate tuition for each recipient of a Purple Heart or another combat decoration superior in precedence who:

(a) Is enrolled as a full-time, part-time, or summer-school student in an undergraduate program that terminates in a degree or certificate;

(b) Is currently, and was at the time of the military action that resulted in the awarding of the Purple Heart or other combat decoration superior in precedence, a resident of this state; and

(c) Submits to the state university or the community college the DD-214 form issued at the time of separation from service as documentation that the student has received a Purple Heart or another combat decoration superior in precedence. If the DD-214 is not available, other documentation may be acceptable if recognized by the United States Department of Defense or the United States Department of Veterans Affairs as documenting the award.

Such a waiver for a Purple Heart recipient or recipient of another combat decoration superior in precedence shall be applicable for 110 percent of the number of required credit hours of the degree or certificate program for which the student is enrolled.

Section 16. Subsections (2) and (7) of section 1009.286, Florida Statutes, are amended to read:

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

(2) State universities shall require a student to pay an excess hour surcharge equal to 100 ~~50~~ percent of the tuition rate for each credit hour in excess of 115 ~~120~~ percent of the number of credit hours required to complete the baccalaureate degree program in which the student is enrolled.

(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 2011-2012 ~~2009-2010~~ academic year and thereafter.

Section 17. Paragraphs (b) and (c) of subsection (6) of section 1009.531, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

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

(6)

(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 51st ~~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 1170 ~~1050~~ which corresponds to the 75th ~~56th~~ SAT percentile rank or a concordant ACT score of 26 ~~23~~ or the student in a home education program whose parent cannot document a college-preparatory curriculum must earn an SAT score of 1220 ~~1100~~ or a concordant ACT score of 27 ~~24~~.

(c) The SAT percentile ranks and corresponding SAT scores specified in paragraphs (a) and (b) are based on the SAT percentile ranks for 2010 ~~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.

(7) To be eligible for an award under the Florida Bright Futures Scholarship Program, a student must submit a Free Application for Federal Student Aid which is complete and error free prior to disbursement.

Section 18. Subsection (1) of section 1009.534, Florida Statutes, is 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) 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;

(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) 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;

(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;

(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 for high school students graduating in the 2010-2011 academic year and 100 hours of service work for high school students graduating in the 2011-2012 academic year and thereafter, and must ~~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.

Section 19. Subsection (1) of section 1009.535, Florida Statutes, is 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) 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;

(b) 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) 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;

(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) 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) 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.

A high school student graduating in the 2011-2012 academic year and thereafter must complete a program of community service work 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 must 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.

Section 20. Paragraph (e) is added to subsection (1) of section 1009.536, Florida Statutes, 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.

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

(e) Beginning with high school students graduating in the 2011-2012 academic year and thereafter, completes a program of community service work approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 30 hours of service work, and identifies a social problem that interests him or her, develops a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluates and reflects upon his or her experience.

Section 21. Subsection (4) is added to section 1009.55, Florida Statutes, to read:

1009.55 Rosewood Family Scholarship Program.—

(4) Funding for the program shall be as provided in the General Appropriations Act.

Section 22. Subsection (7) is added to section 1009.56, Florida Statutes, to read:

1009.56 Seminole and Miccosukee Indian Scholarships.—

(7) Funding for the program shall be as provided in the General Appropriations Act.

Section 23. Subsection (3) is added to section 1009.57, Florida Statutes, to read:

1009.57 Florida Teacher Scholarship and Forgivable Loan Program.—

(3) Funding for the program shall be as provided in the General Appropriations Act.

Section 24. Subsection (7) is added to section 1009.60, Florida Statutes, 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.

(7) Funding for the program shall be as provided in the General Appropriations Act.

Section 25. Subsection (8) is added to section 1009.68, Florida Statutes, to read:

1009.68 Florida Minority Medical Education Program.—

(8) Funding for the program shall be as provided in the General Appropriations Act.

Section 26. Subsection (5) is added to section 1009.69, Florida Statutes, to read:

1009.69 Virgil Hawkins Fellows Assistance Program.—

(5) Funding for the program shall be as provided in the General Appropriations Act.

Section 27. Subsections (5) and (6) of section 1009.701, Florida Statutes, are 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:

(a) Be a resident for tuition purposes pursuant to s. 1009.21.

(b) Be a first-generation college student. For the purposes of this section, a student is considered “first generation” if neither of the student’s parents, as defined in s. 1009.21(1), earned a college degree at the baccalaureate level or higher or, in the case of any individual who regularly resided with and received support from only one parent, if that parent did not earn a baccalaureate degree.

(c) Be accepted at a state university.

(d) Be enrolled for a minimum of six credit hours per term as a degree-seeking undergraduate student.

(e) Have submitted a Free Application for Federal Student Aid which is complete and error free prior to disbursement and met the eligibility requirements in s. 1009.50 for demonstrated financial need for the Florida Public Student Assistance Grant Program.

(f) Meet additional eligibility requirements as established by the institution.

(6) The award amount shall be based on the student's need assessment after any scholarship or grant aid, including, but not limited to, a Pell Grant or a Bright Futures Scholarship, has been applied. The first priority of funding shall be given to students who demonstrate need by qualifying and receiving federal Pell Grant funds up to the full cost of tuition and fees per term. An award may not exceed the institution's estimated annual cost of attendance for the student to attend the institution.

Section 28. Subsection (11) is added to section 1009.73, Florida Statutes, to read:

1009.73 Mary McLeod Bethune Scholarship Program.—

(11) Funding for the program shall be as provided in the General Appropriations Act.

Section 29. Subsection (4) is added to section 1009.74, Florida Statutes, to read:

1009.74 The Theodore R. and Vivian M. Johnson Scholarship Program.

(4) Funding for the program shall be as provided in the General Appropriations Act.

Section 30. Paragraph (c) of subsection (8) of section 1009.77, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

1009.77 Florida Work Experience Program.—

(8) A student is eligible to participate in the Florida Work Experience Program if the student:

(c) Submits a Free Application for Federal Student Aid which is complete and error free prior to disbursement and demonstrates financial need, with the first priority of funding given to students who demonstrate need by qualifying and receiving federal Pell Grant funds up to the full cost of tuition and fees per term.

(11) Funding for the program shall be as provided in the General Appropriations Act.

Section 31. Subsection (4) and paragraph (a) of subsection (5) of section 1009.89, Florida Statutes, are amended to read:

1009.89 The William L. Boyd, IV, Florida resident access grants.—

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

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

(b)1. He or she is enrolled as a full-time undergraduate student at an eligible college or university;

2. He or she is not enrolled in a program of study leading to a degree in theology or divinity; and

3. He or she is making satisfactory academic progress as defined by the college or university in which he or she is enrolled; and.

(c) He or she submits a Free Application for Federal Student Aid which is complete and error free prior to disbursement.

~~(5)(a) Funding for the William L. Boyd, IV, Florida Resident Access Grant Program for eligible institutions shall be as provided in the General Appropriations Act based on a formula composed of planned enrollment and the state cost of funding undergraduate enrollment at public institutions pursuant to s. 1011.90. The amount of the William L. Boyd, IV, Florida resident access grant issued to a full-time student shall be an amount as specified in the General Appropriations Act. The William L. Boyd, IV, Florida resident access grant may be paid on a prorated basis in advance of the registration period. The department shall make such payments to the college or university in which the student is enrolled for credit to the student's account for payment of tuition and fees. Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances or refunds within 60 days of the end of regular registration. A student is Students shall not be eligible to receive the award for more than 9 semesters or 14 quarters, except as otherwise provided in s. 1009.40(3).~~

Section 32. Subsections (4) and (7) of section 1009.891, Florida Statutes are amended to read:

1009.891 The Access to Better Learning and Education Grant Program.

(4) A person is eligible to receive an access grant if:

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

(b)1. He or she is enrolled as a full-time undergraduate student at an eligible college or university in a program of study leading to a baccalaureate degree;

2. He or she is not enrolled in a program of study leading to a degree in theology or divinity; and

3. He or she is making satisfactory academic progress as defined by the college or university in which he or she is enrolled; and.

(c) He or she submits a Free Application for Federal Student Aid which is complete and error free prior to disbursement.

(7) Funding for the program shall be as provided in the General Appropriations Act. This section shall be implemented only to the extent specifically funded and authorized by law.

Section 33. Subsection (13) is added to section 1011.32, Florida Statutes, to read:

1011.32 Community College Facility Enhancement Challenge Grant Program.—

(13) Effective July 1, 2011, state matching funds are temporarily suspended for donations received for the program on or after June 30, 2011. Existing eligible donations remain eligible for future matching funds. The program may be restarted after \$200 million of the backlog for programs under ss. 1011.32, 1011.85, 1011.94, and 1013.79 have been matched.

Section 34. Paragraph (c) of subsection (1) of section 1011.61, Florida Statutes, is amended to read:

1011.61 Definitions.—Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the purposes of the Florida Education Finance Program:

(1) A “full-time equivalent student” in each program of the district is defined in terms of full-time students and part-time students as follows:

(c)1. A “full-time equivalent student” is:

a. A full-time student in any one of the programs listed in s. 1011.62(1)(c);  
or

b. A combination of full-time or part-time students in any one of the programs listed in s. 1011.62(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) ~~A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation,~~ in a combination of programs listed in s. 1011.62(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2. The difference between that fraction or sum of fractions and the maximum value as set forth in subsection (4) for each full-time student is presumed to be the balance of the student’s time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(II) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.

(III) A full-time equivalent student for students in kindergarten through grade 5 in a school district virtual instruction program under s. 1002.45 shall consist of a student who has successfully completed a basic program listed in s. 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade level.

(IV) A full-time equivalent student for students in grades 6 through 12 in a school district virtual instruction program under s. 1002.45(1)(b)1. and 2. shall consist of six full credit completions in programs listed in s. 1011.62(1)(c)1.b. or c. and 3. Credit completions can be a combination of either full credits or half credits.

(V) A Florida Virtual School full-time equivalent student shall consist of six full credit completions in the programs listed in s. 1011.62(1)(c)1.b. for grades 6 through 8 and the programs listed in s. 1011.62(1)(c)1.c. for grades 9 through 12. Credit completions can be a combination of either full credits or half credits.

(VI) Each successfully completed credit earned under the alternative high school course credit requirements authorized in s. 1002.375, which is not reported as a portion of the 900 net hours of instruction pursuant to subparagraph (1)(a)1., shall be calculated as  $\frac{1}{6}$  FTE.

2. A student in membership in a program scheduled for more or less than 180 school days or the equivalent on an hourly basis as specified by rules of the State Board of Education is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to students enrolled in juvenile justice education programs and the Florida Virtual School.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department to operate for less than the minimum school day.

Section 35. Subsections (6), (7), and (10) of section 1011.80, Florida Statutes, are amended to read:

1011.80 Funds for operation of workforce education programs.—

(6)(a) A school district or a community college that provides workforce education programs shall receive funds in accordance with distributions for base and performance funding established by the Legislature in the General Appropriations Act. To ensure equitable funding for all school district workforce education programs and to recognize enrollment growth, the Department of Education shall use the funding model developed by the District Workforce Education Funding Steering Committee to determine

each district's workforce education funding needs. To assist the Legislature in allocating workforce education funds in the General Appropriations Act, the funding model shall annually be provided to the legislative appropriations committees no later than March 1. If the General Appropriations Act does not provide for the distribution of funds, the following methodology shall apply:

~~1. Base funding shall be allocated based on weighted enrollment and shall not exceed 90 percent of the allocation. The Department of Education shall develop a funding process for school district workforce education programs that is comparable with community college workforce programs.~~

~~2. Performance funding shall be at least 10 percent of the allocation, based on the previous fiscal year's achievement of output and outcomes in accordance with formulas adopted pursuant to subsection (10). Performance funding must incorporate payments for at least three levels of placements that reflect wages and workforce demand. Payments for completions must not exceed 60 percent of the payments for placement. School districts and community colleges shall be awarded funds pursuant to this paragraph based on performance output data and performance outcome data available in that year.~~

~~(b) A program is established to assist school districts and community colleges in responding to the needs of new and expanding businesses and thereby strengthening the state's workforce and economy. The program may be funded in the General Appropriations Act. A school district or community college may expend funds under the program without regard to performance criteria set forth in subparagraph (a)2. The district or community college shall use the program to provide customized training for businesses which satisfies the requirements of s. 288.047. Business firms whose employees receive the customized training must provide 50 percent of the cost of the training. Balances remaining in the program at the end of the fiscal year shall not revert to the general fund, but shall be carried over for 1 additional year and used for the purpose of serving incumbent worker training needs of area businesses with fewer than 100 employees. Priority shall be given to businesses that must increase or upgrade their use of technology to remain competitive.~~

~~(7)(a) A school district or community college that receives workforce education funds must use the money to benefit the workforce education programs it provides. The money may be used for equipment upgrades, program expansions, or any other use that would result in workforce education program improvement. The district school board or community college board of trustees may not withhold any portion of the performance funding for indirect costs.~~

~~(b) State funds provided for the operation of postsecondary workforce programs may not be expended for the education of state or federal inmates.~~

(10) A high school student dually enrolled under s. 1007.271 in a workforce education program operated by a community college or school district career center generates the amount calculated for workforce education funding, including any payment of performance funding, and the proportional share of full-time equivalent enrollment generated through the Florida Education Finance Program for the student's enrollment in a high school. If a high school student is dually enrolled in a community college program, including a program conducted at a high school, the community college earns the funds generated for workforce education funding, and the school district earns the proportional share of full-time equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a career center operated by the same district as the district in which the student attends high school, that district earns the funds generated for workforce education funding and also earns the proportional share of full-time equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a workforce education program provided by a career center operated by a different school district, the funds must be divided between the two school districts proportionally from the two funding sources. A student may not be reported for funding in a dual enrollment workforce education program unless the student has completed the basic skills assessment pursuant to s. 1004.91. A student who is coenrolled in a K-12 education program and an adult education program may not be reported for purposes of funding in an adult education program, except that for the 2011-2012 fiscal year only, students who are coenrolled in core curricula courses for credit recovery or dropout prevention purposes may be reported for funding for up to two courses per student. Such students are exempt from the payment of the block tuition for adult general education programs provided in s. 1009.22(3)(c).

Section 36. Subsection (3) is added to section 1011.81, Florida Statutes, to read:

1011.81 Community College Program Fund.—

(3) State funds provided for the Community College Program Fund may not be expended for the education of state or federal inmates.

Section 37. Subsection (2) of section 1011.85, Florida Statutes, is amended, and subsection (13) is added to that section, to read:

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

(2) Each community college board of trustees receiving state appropriations under this program shall approve each gift to ensure alignment with the unique mission of the community college. The board of trustees must link all requests for a state match to the goals and mission statement. The Florida Community College Foundation Board receiving state appropriations under this program shall approve each gift to ensure alignment with its goals and

mission statement. Funds received from community events and festivals are not eligible for state matching funds under this program.

(13) Effective July 1, 2011, state matching funds are temporarily suspended for donations received for this program on or after June 30, 2011. Existing eligible donations remain eligible for future matching funds. The program may be restarted after \$200 million of the backlog for programs under ss. 1011.32, 1011.85, 1011.94, and 1013.79 have been matched.

Section 38. Subsection (8) is added to section 1011.94, Florida Statutes, to read:

1011.94 University Major Gifts Program.—

(8) Effective July 1, 2011, state matching funds are temporarily suspended for donations received for this program on or after June 30, 2011. Existing eligible donations remain eligible for future matching funds. The program may be restarted after \$200 million of the backlog for programs under ss. 1011.32, 1011.85, 1011.94, and 1013.79 have been matched.

Section 39. Subsection (4) is added to section 1012.885, Florida Statutes, to read:

1012.885 Remuneration of community college presidents; limitations.—

(4) LIMITATION ON REMUNERATION.—Notwithstanding the provisions of this section, for the 2011-2012 fiscal year, a Florida College System institution president may not receive more than \$200,000 in remuneration from appropriated state funds. Only compensation, as defined in s. 121.021(22), provided to a Florida College System institution president may be used in calculating benefits under chapter 121.

Section 40. Section 1012.886, Florida Statutes, is created to read:

1012.886 Remuneration of Florida College System institution administrative employees; 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 Florida College System institution administrative employee 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 Florida College System institution

administrative employee may not receive more than \$200,000 in remuneration annually from appropriated state funds. Only compensation, as such term is defined in s. 121.021(22), provided to a Florida College System institution administrative employee 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 Florida College System institution administrative employee 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 Florida College System institution administrative employee as permitted under this subsection, appropriated state funds may not be used to fulfill such obligation. This section does not apply to Florida College System institution teaching faculty.

(4) EXPIRATION.—This section expires June 30, 2012.

Section 41. Subsection (4) is added to section 1012.975, Florida Statutes, to read:

1012.975 Remuneration of state university presidents; limitations.—

(4) LIMITATION ON REMUNERATION.—Notwithstanding the provisions of this section, for the 2011-2012 fiscal year, a state university president may not receive more than \$200,000 in remuneration from public funds. Only compensation, as defined in s. 121.021(22), provided to a state university president may be used in calculating benefits under chapter 121.

Section 42. Section 1012.976, Florida Statutes, is created to read:

1012.976 Remuneration of state university administrative employees; 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 state university administrative employee 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 state university administrative employee may not receive more than \$200,000 in remuneration annually from appropriated state funds. Only compensation, as such term is defined in

s. 121.021(22), provided to a state university administrative employee 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 state university administrative employee 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 state university administrative employee as permitted under this subsection, appropriated state funds may not be used to fulfill such obligation. This section does not apply to university teaching faculty or medical school faculty or staff.

(4) EXPIRATION.—This section expires June 30, 2012.

Section 43. Subsection (12) of section 1013.33, Florida Statutes, is amended to read:

1013.33 Coordination of planning with local governing bodies.—

(12) As early in the design phase as feasible and consistent with an interlocal agreement entered pursuant to subsections (2)-(8), but no later than 90 days before commencing construction, the district school board shall in writing request a determination of consistency with the local government's comprehensive plan. The local governing body that regulates the use of land shall determine, in writing within 45 days after receiving the necessary information and a school board's request for a determination, whether a proposed educational facility is consistent with the local comprehensive plan and consistent with local land development regulations. If the determination is affirmative, school construction may commence and further local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a district school board's request for a determination of consistency shall be considered an approval of the district school board's application. Campus master plans and development agreements must comply with the provisions of s. ss. 1013.30 and 1013.63.

Section 44. Section 1013.63, Florida Statutes, is repealed.

Section 45. Subsection (12) is added to section 1013.79, Florida Statutes, to read:

1013.79 University Facility Enhancement Challenge Grant Program.—

(12) Effective July 1, 2011, state matching funds are temporarily suspended for donations received for this program on or after June 30, 2011. Existing eligible donations remain eligible for future matching funds. The program may be restarted after \$200 million of the backlog for programs under ss. 1011.32, 1011.85, 1011.94, and 1013.79 have been matched.

Section 46. Section 1013.737, Florida Statutes, is amended to read:

1013.737 The Class Size Reduction and Educational Facilities Lottery Revenue Bond Program.—There is established the Class Size Reduction and Educational Facilities Lottery Revenue Bond Program.

(1) The issuance of revenue bonds is authorized to finance or refinance the construction, acquisition, reconstruction, or renovation of educational facilities. Such bonds shall be issued pursuant to and in compliance with the provisions of s. 11(d), Art. VII of the State Constitution, the provisions of the State Bond Act, ss. 215.57-215.83, as amended, and the provisions of this section.

(2) The bonds are payable from, and secured by a first lien on, the first lottery revenues transferred to the Educational Enhancement Trust Fund each fiscal year, as provided by s. 24.121(2), and do not constitute a general obligation of, or a pledge of the full faith and credit of, the state.

(3) The state hereby covenants with the holders of such revenue bonds that it will not take any action that will materially and adversely affect the rights of such holders so long as bonds authorized by this section are outstanding. The state does hereby additionally authorize the establishment of a covenant in connection with the bonds which provides that any additional funds received by the state from new or enhanced lottery programs; video gaming; banking card games, including baccarat, chemin de fer, or blackjack; electronic or electromechanical facsimiles of any game of chance; casino games; slot machines; or other similar activities will first be available for payments relating to bonds pledging revenues available pursuant to s. 24.121(2), prior to use for any other purpose.

(4) The bonds shall be issued by the Division of Bond Finance of the State Board of Administration on behalf of the Department of Education in such amount as shall be requested by resolution of the State Board of Education. However, the total principal amount of bonds, excluding refunding bonds, issued pursuant to this section shall not exceed amounts specifically authorized in the General Appropriations Act.

(5) Proceeds available from the sale of the bonds shall be deposited in the Lottery Capital Outlay and Debt Service Trust Fund within the Department of Education.

(6) The facilities to be financed with the proceeds of such bonds are designated as state fixed capital outlay projects for purposes of s. 11(d), Art. VII of the State Constitution, and the specific facilities to be financed shall be determined in accordance with state law and appropriations from the Educational Enhancement Trust Fund. Projects shall be funded from the Lottery Capital Outlay and Debt Service Trust Fund. Each educational facility to be financed with the proceeds of the bonds issued pursuant to this section is hereby approved as required by s. 11(f), Art. VII of the State Constitution.

(7) Any complaint for validation of such bonds is required to be filed only in the circuit court of the county where the seat of state government is situated. The notice required to be published by s. 75.06 is required to be published only in the county where the complaint is filed, and the complaint and order of the circuit court need be served only on the state attorney of the circuit in which the action is pending.

(8) The Commissioner of Education shall provide for timely encumbrances of funds for duly authorized projects. Encumbrances may include proceeds to be received under a resolution approved by the State Board of Education authorizing issuance of class size reduction lottery bonds or educational facilities bonds pursuant to s. 11(d), Art. VII of the State Constitution, this section, and other applicable law.

Section 47. The Department of Education shall work with the College Center for Library Automation (CCLA) to transfer the K-12 public school bibliographic database in standard library data format to the CCLA for inclusion in its online discovery tool product and make it publicly searchable by school district students, staff, and parents no later than September 1, 2011. The department shall also develop an ongoing process to provide for the electronic updating of school district library holdings data to the CCLA in a manner that will ensure that the public school bibliographic database and searchable catalog is current.

Section 48. By January 1, 2012, the Chancellors of the State University System and the Florida College System shall submit a plan to the Executive Office of the Governor and to the legislative appropriations committees for establishing a joint library organization to address the needs of academic libraries in the State University System and the Florida College System that replaces the Florida Center for Library Automation and the College Center for Library Automation. The plan must include, but need not be limited to, the following components:

(1) A proposed governance and reporting structure for the joint library organization.

(2) Recommended staffing for the joint library organization, which includes roles and responsibilities.

(3) A recommended process and schedule for the acquisition of a next generation library management system and its associated services which includes a discovery tool provided by the joint library organization. The library management system will replace the current systems and services provided by the Florida Center for Library Automation and the College Center for Library Automation. The process for acquiring the next generation library management system must involve the identification of the functional requirements necessary to meet the needs of the postsecondary education library users and be scalable in order to meet any additional library user needs that are identified as being necessary and in the best interest of the state.

(4) A proposed schedule for consolidating the computing and data center resources and equipment provided by the Florida Center for Library Automation and the College Center for Library Automation to a statutorily established or designated primary data center no later than December 1, 2012, or for decommissioning the computing and data center resources and equipment that are no longer required by the joint library organization and are currently located at and managed by the Florida Center for Library Automation and the College Center for Library Automation.

(5) A proposed operational budget for the joint library organization which is more cost-effective than separately funding both the Florida Center for Library Automation and the College Center for Library Automation.

(6) Proposed substantive and fiscal policy changes needed to implement the joint library organization.

(7) A timeline and implementation strategies for establishing the joint library organization.

Section 49. Notwithstanding any section of law to the contrary, for the fiscal 2011-2012 year only, a university board of trustees is authorized to expend reserve or carry-forward balances from prior year operational and programmatic appropriations on legislatively approved fixed capital outlay projects authorized for the establishment of a new campus.

Section 50. The Florida College System Council of Presidents shall develop and recommend an equitable funding formula for the distribution of Public Educational Capital Outlay funds to the Florida College System institutions. The Florida College System Council of Presidents shall submit a report, with recommendations, to the State Board of Education, the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2011, which specifically includes a proposed funding formula that provides for the equitable distribution of Public Educational Capital Outlay funds to Florida College System institutions for consideration by the Legislature for implementation in the 2012-2013 fiscal year.

Section 51. This act shall take effect July 1, 2011.

Approved by the Governor May 26, 2011.

Filed in Office Secretary of State May 26, 2011.