

## CHAPTER 2012-134

### House Bill No. 5201

An act relating to postsecondary education funding; amending s. 11.45, F.S.; requiring that the Auditor General notify the Legislative Auditing Committee of any financial or operational audit report indicating that a state university or Florida College System institution has failed to take full corrective action in response to recommendations in previous audit reports; amending s. 282.201, F.S.; conforming provisions to changes made by the act; amending s. 1000.21, F.S.; revising the name of South Florida Community College; providing for contingent effect; amending s. 1001.64, F.S.; requiring that each contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, containing a provision for severance pay include certain provisions; requiring each board of trustees to use certain agreements and contracts or enter into certain consortia and cooperative agreements to achieve the lowest cost; amending s. 1001.706, F.S.; requiring that the Board of Governors adopt regulations requiring universities to enter into consortia and cooperative agreements; authorizing the Board of Governors to transfer certain funds between state universities; revising provisions relating to employment contracts with the Board of Governors; amending s. 1001.73, F.S.; providing a restriction on the transfer of certain funds by a state university board of trustees; providing procedures for additional transfer of funds; amending s. 1003.4156, F.S.; conforming provisions to changes made by the act; repealing s. 1004.09, F.S., relating to the Florida Higher Education Distance Learning Catalog; repealing s. 1004.091, F.S., relating to the Florida Distance Learning Consortium; amending ss. 1004.39 and 1004.40, F.S.; conforming provisions to changes made by the act; creating s. 1004.935, F.S.; establishing the Adults with Disabilities Workforce Education Pilot Program for a specified period in certain counties; providing a purpose; providing eligibility requirements for participation in the program; defining the term “student with a disability” for purposes of the pilot program; providing requirements for providers of supported employment services and private schools to participate in the pilot program; providing notice requirements for students who are accepted into the pilot program; providing for funding; requiring that the Chief Financial Officer make scholarship payments; requiring that the Department of Education request from the Department of Financial Services a sample of endorsed warrants after each scholarship payment; amending s. 1006.72, F.S.; conforming provisions to changes made by the act; creating s. 1006.73, F.S.; establishing the Florida Virtual Campus to provide access to online student and library support services and to serve as a statewide resource and clearinghouse for technology-based public postsecondary education distance learning courses and degree programs; requiring the Florida Virtual Campus to develop and manage a library information portal and automated library management tools, to develop and manage an Internet-based catalog of distance learning courses, to

implement an online admissions application process for transient students, to develop and manage a computer-assisted student advising system, to license and acquire electronic library resources, to promote and provide recommendations concerning the use and distribution of open-access textbooks, to provide help desk support to institutions and students, and to identify and evaluate new technologies and instructional methods; providing for the transfer of assets and liabilities of the Florida Distance Learning Consortium, the Florida Center for Library Automation, the College Center for Library Automation, and FACTS.org to the Florida Virtual Campus; requiring recommendations to the Legislature; creating s. 1006.735, F.S.; establishing the Degree Completion Pilot Project to recruit, recover, and retain adult learners and assist them in completing degrees aligned to high-wage, high-skill workforce needs; specifying components of the pilot project and the tuition and fee structure to be used; requiring submission of a project plan to the Legislature; amending s. 1007.01, F.S.; conforming a cross-reference; amending s. 1007.27, F.S.; conforming provisions to changes made by the act; repealing s. 1007.28, F.S., relating to a computer-assisted student advising system; amending s. 1007.33, F.S.; deleting provisions relating to exemption from State Board of Education approval of certain baccalaureate degree programs at a Florida College System institution; amending s. 1009.215, F.S.; revising provisions relating to scholarship awards under a student enrollment pilot program for the spring and summer terms; amending s. 1009.23, F.S.; revising provisions relating to the capital improvement fee for Florida College System institutions; amending s. 1009.24, F.S.; revising provisions relating to the Capital Improvement Trust Fund fee for state universities; amending s. 1009.25, F.S.; revising terminology; amending s. 1009.286, F.S., relating to additional student payment for credit hours exceeding baccalaureate degree program completion requirements; revising criteria for the excess credit hour surcharge; amending ss. 1009.531 and 1009.532, F.S.; revising eligibility requirements for initial and renewal awards under the Florida Bright Futures Scholarship Program; amending ss. 1009.534, 1009.535, and 1009.536, F.S.; revising provisions relating to the amount of a Florida Academic Scholars award, a Florida Medallion Scholars award, and a Florida Gold Seal Vocational Scholars award; revising student eligibility requirements for renewal awards; providing that a student may earn a Florida Gold Seal Vocational Scholarship for credit hours or equivalent clock hours to complete an applied technology diploma program, a technical degree education program, or a career certificate program; amending s. 1009.60, F.S.; providing a duty of the Florida Fund for Minority Teachers, Inc., relating to collections under the minority teacher education scholars program; amending s. 1009.605, F.S.; providing a duty of the Florida Fund for Minority Teachers, Inc., relating to reporting; amending s. 1009.70, F.S.; revising provisions relating to the Florida Education Fund; authorizing the Legislature to appropriate funds and providing the basis for matched funding and expenditures; requiring the fund to provide the Department of Education with its financial statement and annual report; revising the names of certain fellowship programs; providing requirements for the award of scholarships; deleting

the legal education component of the fund which includes a law and pre-law program; amending ss. 1009.72 and 1009.73, F.S.; revising requirements for matching funds under the Jose Marti Scholarship Challenge Grant Program and the Mary McLeod Bethune Scholarship Program; amending s. 1010.30, F.S.; requiring that the district school board, the Florida College System institution board of trustees, or the university board of trustees conduct an audit overview during a public meeting if an audit contains significant findings; amending s. 1011.80, F.S.; revising provisions relating to the reporting for funding purposes of certain students who are coenrolled in a K-12 education program and an adult education program; amending s. 1012.83, F.S.; revising provisions relating to employment contracts with Florida College System institutions; requiring that each contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, containing a provision for severance pay include certain provisions; amending s. 1012.885, F.S.; extending provisions relating to remuneration of Florida College System institution presidents; reenacting and amending s. 1012.886, F.S.; delaying the expiration of provisions relating to the remuneration of Florida College System institution administrative employees; amending s. 1012.975, F.S.; extending provisions relating to remuneration of state university presidents; reenacting and amending s. 1012.976, F.S.; delaying the expiration of provisions relating to the remuneration of state university administrative employees; authorizing the University of Florida to use revenues from the activity and service fee to finance the renovation and expansion of the university's J. Wayne Reitz Union; authorizing state universities to make certain fund transfers between program categories for the 2011-2012 fiscal year; authorizing a state university to enter into a local development agreement with a host local government for certain purposes relating to the campus master plan for the 2012-2013 fiscal year; providing effective dates.

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

Section 1. Paragraph (j) is added to subsection (7) of section 11.45, Florida Statutes, to read:

11.45 Definitions; duties; authorities; reports; rules.—

(7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

(j) The Auditor General shall notify the Legislative Auditing Committee of any financial or operational audit report prepared pursuant to this section which indicates that a state university or Florida College System institution has failed to take full corrective action in response to a recommendation that was included in the two preceding financial or operational audit reports.

1. The committee may direct the governing body of the state university or Florida College System institution to provide a written statement to the committee explaining why full corrective action has not been taken or, if the

governing body intends to take full corrective action, describing the corrective action to be taken and when it will occur.

2. If the committee determines that the written statement is not sufficient, the committee may require the chair of the governing body of the state university or Florida College System institution, or the chair's designee, to appear before the committee.

3. If the committee determines that the state university or Florida College System institution has failed to take full corrective action for which there is no justifiable reason or has failed to comply with committee requests made pursuant to this section, the committee may proceed in accordance with s. 11.40(2).

Section 2. Paragraph (b) of subsection (4) of section 282.201, Florida Statutes, is amended to read:

282.201 State data center system; agency duties and limitations.—A state data center system that includes all primary data centers, other nonprimary data centers, and computing facilities, and that provides an enterprise information technology service as defined in s. 282.0041, is established.

(4) SCHEDULE FOR CONSOLIDATIONS OF AGENCY DATA CENTERS.—

(b) By December 31, 2011, the following shall be consolidated into the Northwest Regional Data Center:

1. The Department of Education's Knott Data Center in the Turlington Building.

2. The Department of Education's Division of Vocational Rehabilitation.

3. The Department of Education's Division of Blind Services, except for the division's disaster recovery site in Daytona Beach.

4. The FCAT Explorer.

5.—FACTS.org.

Section 3. Effective upon the South Florida Community College receiving accreditation of its baccalaureate degree programs by the Commission on Colleges of the Southern Association of Colleges and Schools, paragraph (z) of subsection (3) of section 1000.21, Florida Statutes, is amended to read:

1000.21 Systemwide definitions.—As used in the Florida K-20 Education Code:

(3) "Florida College System institution" except as otherwise specifically provided, includes all of the following public postsecondary educational

institutions in the Florida College System and any branch campuses, centers, or other affiliates of the institution:

(z) South Florida State Community College, which serves DeSoto, Hardee, and Highlands Counties.

Section 4. Subsection (47) of section 1001.64, Florida Statutes, is amended, and subsection (48) is added to that section, to read:

1001.64 Florida College System institution boards of trustees; powers and duties.—

(47) Each contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, containing a provision for severance pay with an officer, agent, employee, or contractor must include the provisions required in s. 215.425. A board of trustees may not enter into an employment contract that requires the Florida College System institution to pay a Florida College System institution president an amount from state funds in excess of 1 year of the president's annual salary for termination, buyout, or any other type of contract settlement. This subsection does not prohibit the payment of leave and benefits accrued by the president in accordance with the Florida College System institution's leave and benefits policies before the contract terminates.

(48) Each board of trustees shall use purchasing agreements and state term contracts pursuant to s. 287.056 or enter into consortia and cooperative agreements to maximize the purchasing power for goods and services. A consortium or cooperative agreement may be statewide, regional, or a combination of institutions, as appropriate to achieve the lowest cost, with the goal of achieving a 5-percent savings on existing contract prices through the use of new cooperative arrangements or new consortium contracts.

Section 5. Paragraph (i) is added to subsection (3) and paragraph (e) is added to subsection (4) of section 1001.706, Florida Statutes, and paragraph (d) of subsection (6) of that section is amended, to read:

1001.706 Powers and duties of the Board of Governors.—

(3) POWERS AND DUTIES RELATING TO ORGANIZATION AND OPERATION OF STATE UNIVERSITIES.—

(i) The Board of Governors shall adopt regulations requiring universities to use purchasing agreements or state term contracts pursuant to s. 287.056 or enter into consortia and cooperative agreements to maximize the purchasing power for goods and services. A consortium or cooperative agreement may be statewide, regional, or a combination of institutions, as appropriate to achieve the lowest cost, with the goal of achieving a 5-percent savings on existing contract prices through the use of new cooperative arrangements or new consortium contracts.

(4) POWERS AND DUTIES RELATING TO FINANCE.—

(e) The Board of Governors may transfer unused appropriations from the Education/General Student and Other Fees Trust Fund, pursuant to s. 1011.4106(2), between institutions.

(6) POWERS AND DUTIES RELATING TO PERSONNEL.—

~~(d) Each contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, containing a provision for severance pay with an officer, agent, employee, or contractor must include the provisions required in s. 215.425. The Board of Governors, or the board's designee, may not enter into an employment contract that requires it to pay an employee an amount from state funds in excess of 1 year of the employee's annual salary for termination, buyout, or any other type of contract settlement. This paragraph does not prohibit the payment of leave and benefits accrued by the employee in accordance with the board's or designee's leave and benefits policies before the contract terminates.~~

Section 6. Subsection (5) is added to section 1001.73, Florida Statutes, to read:

1001.73 University board empowered to act as trustee.—

(5) A board of trustees of a state university may not transfer in excess of \$1 million in funds that are appropriated to the state university in the General Revenue Fund, the Educational Enhancement Trust Fund, and the Education/General Student and Other Fees Trust Fund between the Education and General Activities category and other program categories. A board of trustees may request additional transfer authority from the Board of Governors. Upon approval of the additional transfer authority by the Board of Governors, the Board of Governors may request a budget amendment to transfer appropriations for a state university between categories in excess of \$1 million. Such transfers are subject to review and approval by the Legislative Budget Commission.

Section 7. Paragraph (a) of subsection (1) of section 1003.4156, Florida Statutes, is amended to read:

1003.4156 General requirements for middle grades promotion.—

(1) Promotion from a school composed of middle grades 6, 7, and 8 requires that:

(a) The student must successfully complete academic courses as follows:

1. Three middle school or higher courses in English. These courses shall emphasize literature, composition, and technical text.

2. Three middle school or higher courses in mathematics. Each middle school must offer at least one high school level mathematics course for which students may earn high school credit. Successful completion of a high school level Algebra I or geometry course is not contingent upon the student's

performance on the end-of-course assessment required under s. 1008.22(3)(c) 2.a.(I). However, beginning with the 2011-2012 school year, to earn high school credit for an Algebra I course, a middle school student must pass the Algebra I end-of-course assessment, and beginning with the 2012-2013 school year, to earn high school credit for a geometry course, a middle school student must pass the geometry end-of-course assessment.

3. Three middle school or higher courses in social studies, one semester of which must include the study of state and federal government and civics education. Beginning with students entering grade 6 in the 2012-2013 school year, one of these courses must be at least a one-semester civics education course that a student successfully completes in accordance with s. 1008.22(3)(c) and that includes the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, the Declaration of Independence, and the Constitution of the United States.

4. Three middle school or higher courses in science. Successful completion of a high school level Biology I course is not contingent upon the student's performance on the end-of-course assessment required under s. 1008.22(3)(c) 2.a.(II). However, beginning with the 2012-2013 school year, to earn high school credit for a Biology I course, a middle school student must pass the Biology I end-of-course assessment.

5. One course in career and education planning to be completed in 7th or 8th grade. The course may be taught by any member of the instructional staff; ~~must include career exploration using Florida CHOICES or a comparable cost-effective program; must include educational planning using the online student advising system known as Florida Academic Counseling and Tracking for Students at the Internet website FACTS.org; and shall result in the completion of a personalized academic and career plan.~~ The required personalized academic and career plan must inform students of high school graduation requirements, high school assessment and college entrance test requirements, Florida Bright Futures Scholarship Program requirements, state university and Florida College System institution admission requirements, and programs through which a high school student can earn college credit, including Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, career academy opportunities, and courses that lead to national industry certification.

A student with a disability, as defined in s. 1007.02(2), for whom the individual education plan team determines that an end-of-course assessment cannot accurately measure the student's abilities, taking into consideration all allowable accommodations, shall have the end-of-course assessment results waived for purposes of determining the student's course grade and completing the requirements for middle grades promotion. Each school must hold a parent meeting either in the evening or on a weekend to inform parents about the course curriculum and activities. Each student shall

complete an electronic personal education plan that must be signed by the student; the student's instructor, guidance counselor, or academic advisor; and the student's parent. The Department of Education shall develop course frameworks and professional development materials for the career exploration and education planning course. The course may be implemented as a stand-alone course or integrated into another course or courses. The Commissioner of Education shall collect longitudinal high school course enrollment data by student ethnicity in order to analyze course-taking patterns.

Section 8. Section 1004.09, Florida Statutes, is repealed.

Section 9. Section 1004.091, Florida Statutes, is repealed.

Section 10. Subsection (5) of section 1004.39, Florida Statutes, is amended to read:

1004.39 College of law at Florida International University.—

(5) The Florida International University Board of Trustees and the Board of Governors may accept grants, donations, gifts, and moneys available for this purpose, including moneys for planning and constructing the college. The Florida International University Board of Trustees may procure and accept any federal funds that are available for the planning, creation, and establishment of the college of law. If the American Bar Association or any other nationally recognized association for the accreditation of colleges of law issues a third disapproval of an application for provisional approval or for full approval or fails to grant, within 5 years following the graduation of the first class, a provisional approval, to the college of law at Florida International University, the Board of Governors shall make recommendations to the Governor and the Legislature as to whether the college of law will cease operations at the end of the full academic year subsequent to the receipt by the college of law of any such third disapproval, or whether the college of law will continue operations and any conditions for continued operations. If the college of law ceases operations pursuant to this section, the following conditions apply:

(a) The authority for the college of law at Florida International University and the authority of the Florida International University Board of Trustees and the Board of Governors provided in this section shall terminate upon the cessation of operations of the college of law at Florida International University. The college of law at Florida International University shall receive no moneys allocated for the planning, construction, or operation of the college of law after its cessation of operations other than moneys to be expended for the cessation of operations of the college of law. Any moneys allocated to the college of law at Florida International University not expended prior to or scheduled to be expended after the date of the cessation of the college of law shall be appropriated for other use by the Legislature of the State of Florida.

(b) Any buildings of the college of law at Florida International University constructed from the expenditure of capital outlay funds appropriated by the Legislature shall be owned by the Board of Trustees of the Internal Improvement Trust Fund and managed by the Florida International University Board of Trustees upon the cessation of the college of law.

~~Nothing in this section shall undermine commitments to current students receiving support as of the date of the enactment of this section from the law school scholarship program of the Florida Education Fund as provided in s. 1009.70(8). Students attending the college of law at Florida International University shall be eligible for financial, academic, or other support from the Florida Education Fund as provided in s. 1009.70(8) without the college's obtaining accreditation by the American Bar Association.~~

Section 11. Subsection (5) of section 1004.40, Florida Statutes, is amended to read:

1004.40 College of law at Florida Agricultural and Mechanical University.—

(5) The Florida Agricultural and Mechanical University Board of Trustees and the Board of Governors may accept grants, donations, gifts, and moneys available for this purpose, including moneys for planning and constructing the college. The Florida Agricultural and Mechanical University Board of Trustees may procure and accept any federal funds that are available for the planning, creation, and establishment of the college of law. If the American Bar Association or any other nationally recognized association for the accreditation of colleges of law issues a third disapproval of an application for provisional approval or for full approval or fails to grant, within 5 years following the graduation of the first class, a provisional approval, to the college of law at Florida Agricultural and Mechanical University, the Board of Governors shall make recommendations to the Governor and Legislature as to whether the college of law will cease operations at the end of the full academic year subsequent to the receipt by the college of law of any such third disapproval, or whether the college of law will continue operations and any conditions for continued operations. If the college of law ceases operations of the college of law pursuant to this section, the following conditions apply:

(a) The authority for the college of law at Florida Agricultural and Mechanical University and the authority of the Florida Agricultural and Mechanical University Board of Trustees and the Board of Governors provided in this section shall terminate upon the cessation of operations of the college of law at Florida Agricultural and Mechanical University. The college of law at Florida Agricultural and Mechanical University shall receive no moneys allocated for the planning, construction, or operation of the college of law after its cessation of operations other than moneys to be expended for the cessation of operations of the college of law. Any moneys allocated to the college of law at Florida Agricultural and Mechanical University not expended prior to or scheduled to be expended after the date

of the cessation of the college of law shall be appropriated for other use by the Legislature of the State of Florida.

(b) Any buildings of the college of law at Florida Agricultural and Mechanical University constructed from the expenditure of capital outlay funds appropriated by the Legislature shall be owned by the Board of Trustees of the Internal Improvement Trust Fund and managed by the Florida Agricultural and Mechanical University Board of Trustees upon the cessation of the college of law.

~~Nothing in this section shall undermine commitments to current students receiving support as of the date of the enactment of this section from the law school scholarship program of the Florida Education Fund as provided in s. 1009.70(8). Students attending the college of law at Florida Agricultural and Mechanical University shall be eligible for financial, academic, or other support from the Florida Education Fund as provided in s. 1009.70(8) without the college's obtaining accreditation by the American Bar Association.~~

Section 12. Section 1004.935, Florida Statutes, is created to read:

1004.935 Adults with Disabilities Workforce Education Pilot Program.

(1) The Adults with Disabilities Workforce Education Pilot Program is established in the Department of Education for 2 years in Hardee, DeSoto, Manatee, and Sarasota Counties to provide the option of receiving a scholarship for instruction at private schools for up to 30 students who:

- (a) Have a disability;
- (b) Are 22 years of age;
- (c) Are receiving instruction from an instructor in a private school to meet the high school graduation requirements in s. 1003.428;
- (d) Do not have a standard high school diploma or a special high school diploma; and
- (e) Receive "supported employment services," which means employment that is located or provided in an integrated work setting with earnings paid on a commensurate wage basis and for which continued support is needed for job maintenance.

As used in this section, the term "student with a disability" includes a student who is documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; another health impairment; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder.

(2) A student participating in the pilot program may continue to participate in the program until the student graduates from high school or reaches the age of 30 years, whichever occurs first.

(3) Supported employment services may be provided at more than one site.

(4) The provider of supported employment services must be a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code which serves Hardee County, DeSoto County, Manatee County, or Sarasota County and must contract with a private school in this state which meets the requirements in subsection (5).

(5) A private school that participates in the pilot program may be sectarian or nonsectarian and must:

(a) Be academically accountable for meeting the educational needs of the student by annually providing to the provider of supported employment services a written explanation of the student's progress.

(b) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(c) Meet state and local health and safety laws and codes.

(d) Provide to the provider of supported employment services all documentation required for a student's participation, including the private school's and student's fee schedules, at least 30 days before any quarterly scholarship payment is made for the student. A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet this deadline.

The inability of a private school to meet the requirements of this subsection constitutes a basis for the ineligibility of the private school to participate in the pilot program.

(6)(a) If the student chooses to participate in the pilot program and is accepted by the provider of supported employment services, the student must notify the Department of Education of his or her acceptance into the program 60 days before the first scholarship payment and before participating in the pilot program in order to be eligible for the scholarship.

(b) Upon receipt of a scholarship warrant, the student or parent to whom the warrant is made must restrictively endorse the warrant to the provider of supported employment services for deposit into the account of the provider. The student or parent may not designate any entity or individual associated with the participating provider of supported employment services as the student's or parent's attorney in fact to endorse a scholarship warrant. A participant who fails to comply with this paragraph forfeits the scholarship.

(7) Funds for the scholarship shall be provided from the appropriation from the school district's Workforce Development Fund in the General

Appropriations Act for students who reside in the Hardee County School District, the DeSoto County School District, the Manatee County School District, or the Sarasota County School District. During the 2-year pilot program, the scholarship amount granted for an eligible student with a disability shall be equal to the cost per unit of a full-time equivalent adult general education student, multiplied by the adult general education funding factor, and multiplied by the district cost differential pursuant to the formula required by s. 1011.80(6)(a) for the district in which the student resides.

(8) Upon notification by the Department of Education that it has received the required documentation, the Chief Financial Officer shall make scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year in which the scholarship is in force. The initial payment shall be made after the Department of Education verifies that the student was accepted into the pilot program, and subsequent payments shall be made upon verification of continued participation in the pilot program. Payment must be by individual warrant made payable to the student or parent and mailed by the Department of Education to the provider of supported employment services, and the student or parent shall restrictively endorse the warrant to the provider of supported employment services for deposit into the account of that provider.

(9) Subsequent to each scholarship payment, the Department of Education shall request from the Department of Financial Services a sample of endorsed warrants to review and confirm compliance with endorsement requirements.

Section 13. Subsections (2), (4), (5), and (6) of section 1006.72, Florida Statutes, are amended to read:

1006.72 Licensing electronic library resources.—

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

(4) **POSTSECONDARY EDUCATION CORE RESOURCES.**—For purposes of licensing electronic library resources ~~required by both the Florida Center for Library Automation and the College Center for Library Automation~~ from funds appropriated to the Florida Virtual Campus centers, Florida College System institution and state university library staff shall identify the postsecondary education core resources that will be available to all public postsecondary education students.

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

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

Section 14. Section 1006.73, Florida Statutes, is created to read:

1006.73 Florida Virtual Campus.—

(1) The Florida Virtual Campus is established to provide access to online student and library support services and to serve as a statewide resource and clearinghouse for public postsecondary education distance learning courses and degree programs. The primary purposes of the Florida Virtual Campus are to:

(a) Establish a single library automation system and associated resources and services that all public postsecondary education institutions will use to support their learning, teaching, and research needs.

(b) Enhance and expand educational access and increase public postsecondary education degree attainment across the state.

(c) Address the educational needs of traditional students, place-bound students, time-bound students, and adult learners.

(d) Increase workforce skills and expand professional development opportunities.

(2) The chancellors of the Florida College System and the State University System shall exercise joint oversight of the Florida Virtual Campus and shall establish its governance and reporting structure, administrative and operational guidelines and processes, staffing requirements, and operational budget. All data center services needed by the Florida Virtual Campus shall be provided by a primary data center established pursuant to ss. 282.201 and 1004.649.

(a) In carrying out the purposes of this section:

1. The campus is not an “agency” as defined in s. 20.03(11) and is not subject to chapter 287.

2. The campus shall be deemed to be acting as an instrumentality of the state for purposes of sovereign immunity pursuant to s. 768.28(2).

3. All records of the campus are public records unless made confidential or exempt from law.

(b) The campus shall maintain an unencumbered balance of not less than 5 percent of its approved operating budget.

(c) The campus may secure comprehensive general liability coverage, professional liability coverage, property and casualty coverage, and any other insurance coverage deemed appropriate by the chancellors.

(d) The campus may contract for administrative services with a public postsecondary education institution. The administrative overhead costs charged by the institution may not exceed the actual cost of providing the services and shall require a specific appropriation in the General Appropriations Act.

(3) The Florida Virtual Campus, upon approval of the chancellors of the Florida College System and the State University System, shall have authority to apply for and accept funds, grants, gifts, and services from local, state, or federal governments or any of their agencies or from any other public or private source and is authorized to use funds derived from these sources to defray administrative costs and implement programs as may be necessary to support the services and resources provided by the campus.

(4) The Florida Virtual Campus shall be subject to the audit requirements of s. 11.45 for Florida College System institutions and state universities. The chancellors of the Florida College System and the State University System shall jointly serve as the governing body of the campus for purposes of the audit and all related activities.

(5) The Florida Virtual Campus shall:

(a) Develop and manage a library information portal and automated library management tools for use by the Florida College System institutions and state universities. The library information portal and automated library management tools shall include, but are not limited to, the following services and functions:

1. A shared Internet-based catalog and a discovery tool that allow a user to search and, if authorized, access the aggregate library holdings of the state’s public postsecondary education institutions. The catalog and discovery tool shall allow the user to search the library holdings of one institution, selected institutions, or all institutions and, to the extent

feasible, shall include an interlibrary loan function that ensures the authorized user can access the required library holding.

2. An Internet-based searchable collection of electronic resources which shall include, but not be limited to, full-text journals, articles, databases, and electronic books that the Florida Virtual Campus licenses pursuant to s. 1006.72.

3. An integrated library management system and its associated services which all public postsecondary education institution academic libraries must use for purposes of acquiring, cataloging, circulating, and tracking library material.

4. A statewide searchable database that includes an inventory of digital archives and collections held by public postsecondary education institutions.

(b) Develop and manage a statewide Internet-based catalog of distance learning courses, degree programs, and resources offered by public postsecondary education institutions which is intended to assist in the coordination and collaboration of articulation and access pursuant to parts II and III of chapter 1007. The campus shall establish operational guidelines and procedures for the catalog which must:

1. Require participating institutions to provide information concerning the distance learning course to include information on the availability of the course; the type of required technology; any prerequisite course or technology competency or skill; the availability of academic support services and financial aid resources; and course costs, fees, and payment policies.

2. Require that distance learning courses and degree programs meet applicable accreditation standards and criteria.

3. Require that, at a minimum, the catalog is reviewed at the start of each academic semester to ensure that distance learning courses and degree programs comply with all operational guidelines and procedures.

4. Use an Internet-based analytic tool that allows for the collection and analysis of data, including, but not limited to:

a. The number and type of students who use the catalog to search for distance learning courses and degree programs.

b. The number and type of requests for information on distance learning courses and degree programs that are not listed in the catalog.

c. A summary of specific requests by course type or course number, delivery method, offering institution, and semester.

5. Periodically obtain and analyze data from the Florida College System and the State University System concerning:

- a. Costs of distance learning courses and degree programs.
- b. Graduation and retention rates of students enrolled in distance learning programs.
- c. Distance learning course completion.

(c) Implement a streamlined, automated, online admissions application process for undergraduate transient students who are currently enrolled and pursuing a degree at a public postsecondary education institution and who enroll in a course offered by a public postsecondary education institution that is not the student's degree-granting institution. The Florida Virtual Campus shall work with the Florida College System and the State University System to implement this process which requires all Florida College System institutions and state universities to:

1. Use the transient student admissions application available through the statewide computer-assisted student advising system established pursuant to paragraph (d). This admissions application is the only application required for the enrollment of a transient student as described in this paragraph.

2. Implement the financial aid procedures required by the transient student admissions application process.

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

4. By December 1, 2012, provide for an interface between the institutional advising system and the statewide computer-assisted student advising system established pursuant to paragraph (d) in order to electronically send, receive, and process the transient student admissions application.

(d) Develop and manage a statewide computer-assisted student advising system which shall support the process of advising, registering, and certifying students for graduation and include a degree audit and an articulation component. The Florida College System institutions and state universities shall interface institutional advising systems with the statewide computer-assisted student advising system. At a minimum, the statewide computer-assisted student advising system shall:

1. Allow a student to access the system at any time, search public postsecondary education institutions, and identify course options that will meet the requirements of a selected path toward a degree.

2. Audit transcripts of students enrolled in a public postsecondary education institution to assess current academic standing, the impact of changing majors or institutions, the requirements for a student to transfer to another institution, and all requirements necessary for graduation.

3. Serve as the official statewide repository for the common prerequisite manual, admissions information for transferring programs, foreign language requirements, residency requirements, and statewide articulation agreements.

4. Provide information relating to career descriptions and corresponding educational requirements, admissions requirements, and available sources of student financial assistance.

5. Provide the admissions application for transient students pursuant to paragraph (c) which must include the electronic transfer and receipt of information and records for:

a. Admissions and readmissions.

b. Financial aid.

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

(e) Coordinate the negotiation of statewide licensing of electronic library resources and preferred pricing agreements, issue purchase orders, and enter into contracts for the acquisition of distance learning resources, student and library support services, electronic resources, and other goods and services necessary to carry out its duties under this section.

(f) Promote and provide recommendations concerning the use and distribution of open-access textbooks and education resources as a method for reducing costs and work with public postsecondary education institutions in developing a standardized process for the review and approval of open-access textbooks.

(g) Provide appropriate help desk support and training and consultation services to institutions and students using the services and resources of the Florida Virtual Campus.

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

(6) Beginning September 30, 2013, and annually thereafter, the chancellors of the Florida College System and the State University System shall jointly publish a report regarding the activities of the Florida Virtual Campus in the prior fiscal year. The report shall include, but not be limited to, information related to the provision of library services and electronic resources, to include those resources licensed pursuant to s. 1006.72; distance learning resources; the computer-assisted student advising system; and other provided programs, activities, and services.

(7) All records, personnel, property, existing contracts, and unexpended balances of appropriations, allocations, grants, and other funds of the Florida Distance Learning Consortium, the Florida Center for Library Automation, the College Center for Library Automation, and FACTS.org shall be transferred to the Florida Virtual Campus. The campus shall be the successor in interest to these organizations and shall be responsible for the provision of all services as authorized by this section.

Section 15. Effective upon this act becoming a law, section 1006.735, Florida Statutes, is created to read:

1006.735 Degree Completion Pilot Project.—

(1) The Degree Completion Pilot Project is established for the purpose of recruiting, recovering, and retaining the state's adult learners and assisting them in completing an associate degree or a baccalaureate degree that is aligned to high-wage, high-skill workforce needs. As used in this section, the term "adult learner" means a student who has successfully completed college-level coursework in multiple semesters but has left an institution in good standing before completing his or her degree. The pilot project shall give priority to adult learners who are veterans or active duty members of the United States Armed Forces.

(2) The pilot project shall be implemented by the University of West Florida, acting as the lead institution, the University of South Florida, Florida State College at Jacksonville, and St. Petersburg College and shall include the associate, applied baccalaureate, and baccalaureate degree programs that these institutions have selected. Other partnering public postsecondary education institutions shall provide areas of specialization or concentration.

(3) For purposes of selecting the degree programs that will be given priority in the pilot project, the institutions identified in subsection (2) shall partner with public and private job recruitment and placement agencies and use labor market data and projections to identify the specific workforce needs and targeted occupations of the state.

(4) The pilot project shall provide adult learners with a single point of access to information and links to innovative online and accelerated distance learning courses, student and library support services, and electronic resources that will guide the adult learner toward the successful completion of a postsecondary degree.

(5) Beginning with the 2012-2013 academic year, the pilot project shall be implemented and must:

(a) Use the distance learning course catalog established pursuant to s. 1006.73 to communicate course availability to the adult learner.

(b) Develop and implement an advising and student support system that includes the use of degree completion specialists, is based upon best practices

and processes, and includes academic and career support services designed specifically for the adult learner.

(c) Use the streamlined, automated, online admissions application process for transient students established pursuant to s. 1006.73. The pilot project shall identify any additional admissions and registration policies and practices that could be further streamlined and automated for purposes of assisting the adult learner.

(d) Use existing and, if necessary, develop new competency-based instructional and evaluation tools to assess prior performance, experience, and education for the award of college credit in order to reduce the time required for adult learners to complete their degrees. The tools may include the use of the American Council on Education's collaborative link between the United States Department of Defense and higher education through the review of military training and experiences for the award of equivalent college credit for members of the United States Armed Forces.

(e) Develop and implement an evaluation process that collects, analyzes, and provides to the participating postsecondary education institutions, the chairs of the legislative appropriations committees, and the Executive Office of the Governor information on the effectiveness of the pilot project and the attainment of its goals. Such a process shall include a management information system that collects the appropriate student, programmatic, and fiscal data necessary to complete the evaluation of the pilot project. Institutions involved in the pilot project shall also collect job placement and employment data on the adult learners who have completed their degrees as a result of the pilot project.

(f) Develop and implement a statewide marketing campaign targeted toward recruiting adult learners, particularly veterans and active duty members of the United States Armed Forces, for enrollment in the degree programs offered through the pilot project.

(6) For purposes of the pilot project, each institution's current tuition and fee structure shall be used. However, all participating institutions shall collaboratively identify the applicable cost components involved in the development and delivery of distance learning courses, collect information on these cost components, and submit the information to the Florida Virtual Campus. The chancellors of the Florida College System and the State University System shall submit a report to the chairs of the legislative appropriations committees no later than December 31, 2013, on the need for a differentiated tuition and fee structure for the development and delivery of distance learning courses.

(7) The University of West Florida, in collaboration with the University of South Florida, Florida State College at Jacksonville, and St. Petersburg College, shall submit to the chairs of the legislative appropriations committees no later than June 1, 2012, a detailed project plan that defines

the major work activities, student eligibility criteria, timeline, and cost for implementing the pilot project.

(8) The University of West Florida, in collaboration with the University of South Florida, Florida State College at Jacksonville, and St. Petersburg College, shall develop and implement a transition plan that transfers the administration of the pilot project to the Florida Virtual Campus no later than June 30, 2013.

Section 16. Paragraph (h) of subsection (3) of section 1007.01, Florida Statutes, is amended to read:

1007.01 Articulation; legislative intent; purpose; role of the State Board of Education and the Board of Governors; Articulation Coordinating Committee.—

(3) The Commissioner of Education, in consultation with the Chancellor of the State University System, shall establish the Articulation Coordinating Committee which shall make recommendations related to statewide articulation policies to the Higher Education Coordination Council, the State Board of Education, and the Board of Governors. The committee shall consist of two members each representing the State University System, the Florida College System, public career and technical education, public K-12 education, and nonpublic education and one member representing students. The chair shall be elected from the membership. The committee shall:

(h) Recommend roles and responsibilities of public education entities in interfacing with the single, statewide computer-assisted student advising system established pursuant to s. 1006.73 ~~1007.28~~.

Section 17. Subsection (1) of section 1007.27, Florida Statutes, is amended to read:

1007.27 Articulated acceleration mechanisms.—

(1) It is the intent of the Legislature that a variety of articulated acceleration mechanisms be available for secondary and postsecondary students attending public educational institutions. It is intended that articulated acceleration serve to shorten the time necessary for a student to complete the requirements associated with the conference of a high school diploma and a postsecondary degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject. Articulated acceleration mechanisms shall include, but not be limited to, dual enrollment as provided for in s. 1007.271, early admission, advanced placement, credit by examination, the International Baccalaureate Program, and the Advanced International Certificate of Education Program. Credit earned through the Florida Virtual School shall provide additional opportunities for early graduation and acceleration. Students of Florida public secondary schools enrolled pursuant to this subsection shall be deemed authorized users of the state-funded electronic library resources

that are licensed for Florida College System institutions and state universities by the Florida Virtual Campus ~~Florida Center for Library Automation and the College Center for Library Automation~~. Verification of eligibility shall be in accordance with rules established by the State Board of Education and regulations established by the Board of Governors and processes implemented by Florida College System institutions and state universities.

Section 18. Section 1007.28, Florida Statutes, is repealed.

Section 19. Subsection (7) of section 1007.33, Florida Statutes, is renumbered as subsection (6), and present subsection (6) of that section is amended to read:

1007.33 Site-determined baccalaureate degree access.—

~~(6)(a) Beginning July 1, 2010, and each subsequent July 1, the Division of Florida Colleges may accept and review applications from a Florida College System institution to obtain an exemption from the State Board of Education's approval for subsequent degrees as required in subsection (5), if the Florida College System institution is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools as a baccalaureate-degree-granting institution and has been offering baccalaureate degree programs for 3 or more years. The division shall develop criteria for determining eligibility for an exemption based upon demonstrated compliance with the requirements for baccalaureate degrees, primary mission, and fiscal, including, but not limited to:~~

- ~~1. Obtaining and maintaining appropriate SACS accreditation;~~
- ~~2. The maintenance of qualified faculty and institutional resources;~~
- ~~3. The maintenance of enrollment projections in previously approved programs;~~
- ~~4. The appropriate management of fiscal resources;~~
- ~~5. Compliance with the primary mission and responsibility requirements in subsections (2) and (3);~~
- ~~6. The timely submission of the institution's annual performance accountability report; and~~
- ~~7. Other indicators of success such as program completers, placements, and surveys of students and employers.~~

~~(b) If the Florida College System institution has demonstrated satisfactory progress in fulfilling the eligibility criteria in this subsection, the Division of Florida Colleges may recommend to the State Board of Education that the institution be exempt from the requirement in subsection (5) for approval of future baccalaureate degree programs. The State Board of~~

Education shall review the division's recommendation and determine if an exemption is warranted. If the State Board of Education approves the application, the Florida College System institution is exempt from subsequent program approval under subsection (5) and such authority is delegated to the Florida College System institution board of trustees. If the State Board of Education disapproves of the Florida College System institution's request for an exemption, the college shall continue to be subject to the State Board of Education's approval of subsequent baccalaureate degree programs.

~~(c) Prior to developing or proposing a new baccalaureate degree program, all Florida College System institutions, regardless of an exemption from subsection (5), shall:~~

~~1. Engage in need, demand, and impact discussions with the state university in their service district and other local and regional, accredited postsecondary providers in their region.~~

~~2. Send documentation, data, and other information from the inter-institutional discussions regarding program need, demand, and impact required in subparagraph 1. to the college's board of trustees, the Division of Florida Colleges, and the Chancellor of the State University System.~~

~~3. Base board of trustees approval of the new program upon the documentation, data, and other information required in this paragraph and the factors in subsection (5)(d).~~

The Division of Florida Colleges shall use the documentation, data, and other information required in this subsection, including information from the Chancellor of the State University System, in its compliance review.

~~(d) The board of trustees of a Florida College System institution that is exempt from subsection (5) must submit newly approved programs to the Division of Florida Colleges and SACS within 30 days after approval.~~

~~(e) Within 30 days after receiving the approved baccalaureate degree program, the Division of Florida Colleges shall conduct a compliance review and notify the college if the proposal meets the criteria for implementation based upon the criteria in paragraphs (5)(d) and (6)(c). If the program fails to meet the criteria for implementation as determined by the Division of Florida Colleges, the college may not proceed with implementation of the program until the State Board of Education reviews the proposal and the compliance materials and gives its final approval of the program.~~

Section 20. Subsection (3) of section 1009.215, Florida Statutes, is amended to read:

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

(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 during no more than 2 semesters or the equivalent in any fiscal year, including the summer term ~~in the spring and summer terms but are not eligible to receive the scholarship for attendance during the fall term.~~

Section 21. Paragraph (a) of subsection (11), paragraphs (a) and (c) of subsection (16), and subsection (17) of section 1009.23, Florida Statutes, are amended to read:

1009.23 Florida College System institution student fees.—

(11)(a) Each Florida College System institution board of trustees may establish a separate fee for capital improvements, technology enhancements, equipping student buildings, or the acquisition of improved real property which may not exceed ~~20~~ 10 percent of tuition for resident students or ~~20~~ 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 Florida College System institutions through the fee may be bonded only as provided in this subsection for the purpose of financing or refinancing new construction and equipment, renovation, 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 Florida College System institution. 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 Florida College System institution shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee.

(16)(a) Each Florida College System institution may assess a student who enrolls in a course listed in the ~~Florida Higher Education~~ distance learning catalog, established pursuant to s. ~~1006.73~~ 1004.09, a per-credit-hour distance learning course user fee. For purposes of assessing this fee, a distance learning course is a course in which at least 80 percent of the direct instruction of the course is delivered using some form of technology when the student and instructor are separated by time or space, or both.

(c) The link for the catalog must be prominently displayed within the advising and distance learning sections of the institution's website, using a graphic and description provided by the Florida Virtual Campus Distance Learning Consortium, to inform students of the catalog.

(17) Each Florida College System institution that accepts transient students, pursuant to s. ~~1006.73~~ 1004.09~~1~~, may establish a transient student fee not to exceed \$5 per ~~distance learning~~ course for processing the transient student admissions application.

Section 22. Subsection (8), paragraph (t) of subsection (14), and paragraphs (a) and (c) of subsection (17) of section 1009.24, Florida Statutes, are amended to read:

1009.24 State university student fees.—

(8)(a) The Capital Improvement Trust Fund fee is established as \$4.76 \$2.44 per credit hour per semester. ~~The building fee is established as \$2.32 per credit hour per semester.~~

(b) Beginning with the 2012 fall term, each university board of trustees may increase the Capital Improvement Trust Fund fee. Any increase in the fee must be recommended by a Capital Improvement Trust Fund committee, at least half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chair, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the university board of trustees. An increase in the fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Governors shall adopt regulations and timetables to implement the fee.

(c) The fee may not exceed 10 percent of the 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. The Capital Improvement Trust Fund fee may be used to fund any project or real property acquisition that meets the requirements of chapter 1013. The Division of Bond Finance of the State Board of Administration shall analyze any proposed reductions to the Capital Improvement Trust Fund fee to ensure consistency with prudent financial management of the bond program associated with the revenues from the fee. The Board of Governors shall approve any proposed fee reductions provided that no such reduction reduces the fee below the level established in paragraph (a).

(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. 1006.73 ~~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.

(17)(a) A state university may assess a student who enrolls in a course listed in the ~~Florida Higher Education~~ distance learning catalog, established pursuant to s. ~~1006.73~~ 1004.09, a per-credit-hour distance learning course fee. For purposes of assessing this fee, a distance learning course is a course in which at least 80 percent of the direct instruction of the course is delivered using some form of technology when the student and instructor are separated by time or space, or both.

(c) The link for the catalog must be prominently displayed within the advising and distance learning sections of the institution's website, using a graphic and description provided by the Florida Virtual Campus Distance Learning Consortium, informing students of the catalog.

Section 23. Subsection (1) of section 1009.25, Florida Statutes, is amended to read:

1009.25 Fee exemptions.—

(1) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides workforce education ~~postsecondary-career~~ programs, Florida College System institution, 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, Florida College System institution, 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.

Section 24. 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 percent of the tuition rate~~ for each credit hour in excess of ~~115 percent~~ of the number of credit hours required to complete the baccalaureate degree program in which the student is enrolled. The excess hour surcharge shall become effective for students who enter a state university for the first time and maintain continuous enrollment as follows:

(a) For the 2009-2010 and 2010-2011 academic years, an excess hour surcharge equal to 50 percent of the tuition rate for each credit hour in excess of 120 percent.

(b) For the 2011-2012 academic year, an excess hour surcharge equal to 100 percent of the tuition rate for each credit hour in excess of 115 percent.

(c) For the 2012-2013 academic year and thereafter, an excess hour surcharge equal to 100 percent of the tuition rate for each credit hour in excess of 110 percent.

~~(7) The provisions of this section become effective for students who enter a Florida College System institution or a state university for the first time in the 2011-2012 academic year and thereafter.~~

Section 25. Subsections (2) and (7) of section 1009.531, Florida Statutes, are amended to read:

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

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

(b) ~~For~~ Students graduating from high school in the 2010-2011 and 2011-2012 academic years ~~are year and thereafter~~, a student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 5 years following high school graduation. A student who applies for an award by high school graduation and who meets all other eligibility requirements, but who does not accept his or her award, may reapply during subsequent application periods up to 3 years after high school graduation. For a student who enlists in the United States Armed Forces immediately after completion of high school, the 3-year eligibility period for his or her initial award and the 5-year renewal period shall begin upon the date of separation from active duty. For a student who is receiving a Florida Bright Futures Scholarship award and discontinues his or her education to enlist in the United States Armed Forces, the remainder of his or her 5-year renewal period shall commence upon the date of separation from active duty. If a course of study is not completed after 5 academic years, an exception of 1 year to the renewal timeframe may be granted due to a verifiable illness or other documented emergency pursuant to s. 1009.40(1)(b)4.

(c) A student graduating from high school in the 2012-2013 academic year and thereafter is eligible to accept an initial award for 2 years following high school graduation and to accept a renewal award for 5 years following high school graduation. A student who applies for an award by high school graduation and who meets all other eligibility requirements, but who does not accept his or her award, may reapply during subsequent application periods up to 2 years after high school graduation. For a student who enlists in the United States Armed Forces immediately after completion of high school, the 2-year eligibility period for his or her initial award and the 5-year renewal period shall begin upon the date of separation from active duty. For a student who is receiving a Florida Bright Futures Scholarship award and discontinues his or her education to enlist in the United States Armed Forces, the remainder of his or her 5-year renewal period shall commence upon the date of separation from active duty. If a course of study is not

completed after 5 academic years, an exception of 1 year to the renewal timeframe may be granted due to a verifiable illness or other documented emergency pursuant to s. 1009.40(1)(b)4.

(7) To be eligible for an initial award and each renewal 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 26. Subsection (3) of section 1009.532, Florida Statutes, is amended to read:

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

(3)(a) A student who is initially eligible prior to the 2010-2011 academic year and is enrolled in a program that terminates in an associate degree or a baccalaureate degree may receive an award for a maximum of 110 percent of the number of credit hours required to complete the program. A student who is enrolled in a program that terminates in a career certificate may receive an award for a maximum of 110 percent of the credit hours or clock hours required to complete the program up to 90 credit hours.

~~(b) Students For a student who are is initially eligible in the 2010-2011 and 2011-2012 academic years term and thereafter, the student may receive an award for a maximum of 100 percent of the number of credit hours required to complete an associate degree program or a baccalaureate degree program; or the student may receive an award for a maximum of 100 percent of the credit hours or clock hours required to complete up to 90 credit hours of a program that terminates in a career certificate.~~

(c) A student who is initially eligible in the 2012-2013 academic year and thereafter may receive an award for a maximum of 100 percent of the number of credit hours required to complete an associate degree program, a baccalaureate degree program, or a postsecondary career certificate program or, for a Florida Gold Seal Vocational Scholars award, may receive an award for a maximum of 100 percent of the number of credit hours or equivalent clock hours required to complete one of the following at a Florida public or nonpublic education institution that offers these specific programs: for an applied technology diploma program as defined in s. 1004.02(8), up to 60 credit hours or equivalent clock hours; for a technical degree education program as defined in s. 1004.02(14), up to the number of hours required for a specific degree not to exceed 72 credit hours or equivalent clock hours; or for a career certificate program as defined in s. 1004.02(21), up to the number of hours required for a specific certificate not to exceed 72 credit hours or equivalent clock hours. A student who transfers from one of these program levels to another program level becomes eligible for the higher of the two credit hour limits.

Section 27. Subsections (2), (4), and (5) of section 1009.534, Florida Statutes, are amended to read:

1009.534 Florida Academic Scholars award.—

(2) ~~Effective January 1, 2008, A Florida Academic Scholar who is enrolled in a certificate, diploma, associate, or baccalaureate degree program at a public or nonpublic postsecondary education institution is eligible for an award equal to the amount specified in the General Appropriations Act to assist with the payment of educational expenses required to pay tuition and fees. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay for the average tuition and fees of a public postsecondary education institution at the comparable level.~~

(4) In each school district, the Florida Academic Scholar with the highest academic ranking shall receive an additional award equal to the amount specified in the General Appropriations Act of \$1,500 for college-related expenses. This award must be funded from the Florida Bright Futures Scholarship Program.

~~(5) Notwithstanding subsections (2) and (4), a Florida Academic Scholar is eligible for an award equal to the amount specified in the General Appropriations Act.~~

Section 28. Subsections (1), (2), and (4) of section 1009.535, Florida Statutes, are amended to read:

1009.535 Florida Medallion Scholars award.—

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

(a) Has achieved a weighted grade point average of 3.0 as calculated pursuant to s. 1009.531, or the equivalent, in high school courses that are designated by the State Board of Education as college-preparatory academic courses; and has attained at least the score pursuant to s. 1009.531(6)(b) 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, or the Department of Education for home education program students, 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.

~~(2) A Florida Medallion Scholar who is enrolled in a certificate, diploma, associate, or baccalaureate degree program at a public or nonpublic postsecondary education institution is eligible for an award equal to the amount specified in the General Appropriations Act to assist with the payment of educational expenses required to pay 75 percent of tuition and fees if the student is enrolled in a state university or a baccalaureate degree program authorized pursuant to s. 1007.33. A Florida Medallion Scholar is eligible for an award equal to the amount required to pay 100 percent of tuition and fees for college credit courses leading to an associate degree if the student is enrolled in a Florida College System institution. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the tuition and fees of a public postsecondary education institution at the comparable level.~~

~~(4) Notwithstanding subsection (2), a Florida Medallion Scholar is eligible for an award equal to the amount specified in the General Appropriations Act.~~

Section 29. Paragraphs (a) and (e) of subsection (1) and subsections (2), (4), and (5) of section 1009.536, Florida Statutes, are amended to read:

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

(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:

(a) ~~Completes the secondary school portion of a sequential program of studies that requires at least three secondary school career credits taken over at least 2 academic years, and is continued in a planned, related postsecondary education program. If the student's school does not offer such a two-plus-two or tech-prep program, the student must complete a job-preparatory career education program selected by Workforce Florida, Inc., for its ability to provide high-wage employment in an occupation with high potential for employment opportunities. On-the-job training may not be substituted for any of the three required career credits.~~

(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, or the Department of Education for home education program students,~~ 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.

(2) ~~A Florida Gold Seal Vocational Scholar who is enrolled in a public or nonpublic postsecondary education institution is eligible for an award equal to the amount specified in the General Appropriations Act to assist with the payment of educational expenses required to pay 75 percent of tuition and fees, if the student is enrolled in a public postsecondary education institution. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the tuition and mandatory fees of a public postsecondary education institution at the comparable level.~~

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

(b) ~~Students For a student who are is initially eligible in the 2010-2011 and 2011-2012 academic years term and thereafter, the student may earn a Florida Gold Seal Vocational Scholarship for 100 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent.~~

(c) A student who is initially eligible in the 2012-2013 academic year and thereafter may earn a Florida Gold Seal Vocational Scholarship for a maximum of 100 percent of the number of credit hours or equivalent clock hours required to complete one of the following at a Florida public or nonpublic education institution that offers these specific programs: for an applied technology diploma program as defined in s. 1004.02(8), up to 60 credit hours or equivalent clock hours; for a technical degree education program as defined in s. 1004.02(14), up to the number of hours required for a specific degree not to exceed 72 credit hours or equivalent clock hours; or for a career certificate program as defined in s. 1004.02(21), up to the number of hours required for a specific certificate not to exceed 72 credit hours or equivalent clock hours.

~~(5) Notwithstanding subsection (2), a Florida Gold Seal Vocational Scholar is eligible for an award equal to the amount specified in the General Appropriations Act.~~

Section 30. Subsection (7) of section 1009.60, Florida Statutes, is renumbered as subsection (8), and a new subsection (7) is added to that section 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 Florida College System institutions and its public and private universities that have teacher education programs.

(7) The Florida Fund for Minority Teachers, Inc., shall use a contingency collections agency to collect repayments of defaulted scholarships.

Section 31. Paragraph (b) of subsection (2) of section 1009.605, Florida Statutes, is amended to read:

1009.605 Florida Fund for Minority Teachers, Inc.—

(2)

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

Section 32. Subsections (2), (5), (7), and (8) of section 1009.70, Florida Statutes, are amended to read:

## 1009.70 Florida Education Fund.—

(2)(a) The Florida Education Fund, a not-for-profit statutory corporation, is created from a challenge endowment grant from the McKnight Foundation and operates on income derived from the investment of endowment gifts and other gifts as provided by state statute and appropriate matching funds as provided by the state.

(b) The Legislature may appropriate funds to the Florida Education Fund to be used for scholarships under subsection (5). Funds The amount appropriated to the Florida Education Fund shall be matched on a dollar-for-dollar the basis by funds of \$1 for each \$2 contributed from by private sources, including, but not limited to, income earned from investment returns on the Florida Education Fund Endowment, the value of monetary and in-kind contributions to the McKnight Doctoral Fellowship Program, the value of services provided by McKnight Doctoral Fellows to Florida not-for-profit corporations and public and nonpublic colleges and universities, and the value of tuition and fees paid on behalf of McKnight Doctoral Fellows from funds not appropriated to the Florida Education Fund. The Florida Education Fund shall certify to the Department of Education's Office of Student Financial Assistance Legislature the estimated value of such matching amounts prior to the disbursement of the appropriation and shall certify to the Legislature the actual value of such matching amounts as of June 30 each year amount of donations contributed between July 1, 1990, and June 30, 1991. Only the new donations above the certified base shall be calculated for state matching funds during the first year of the program. In subsequent years, only the new donations above the certified prior year base shall be calculated for state matching funds. The department shall provide the format for which the Florida Education Fund shall comply with the reporting requirements of this paragraph.

(c) The corporation shall provide to the department a copy of its certified financial statement and annual report, including the corporation's assets and cash reserve balances. The corporation shall also provide the department documentation which includes the name of each scholarship recipient, the postsecondary education institution attended, the discipline of study, and the amount awarded to each recipient. The corporation shall post a copy of its certified financial statement and annual report on its website.

(5) The Board of Directors of the Florida Education Fund shall review and evaluate initial programs created by the McKnight Foundation and continue funding the McKnight Doctoral Black Doctorate Fellowship Program and the McKnight Junior Faculty Fellowship Program if the evaluations are evaluation is positive, and the board shall identify, initiate, and fund new and creative programs and monitor, review, and evaluate those programs. The purpose of this commitment is to broaden the participation and funding potential for further significant support of higher education in this state. In addition, the board shall:

(a) Hold such meetings as are necessary to implement the provisions of this section.

(b) Select a chairperson annually.

(c) Adopt and use an official seal in the authentication of its acts.

(d) Make rules for its own government.

(e) Administer this section.

(f) Appoint an executive director to serve at its pleasure and perform all duties assigned by the board. The executive director shall be the chief administrative officer and agent of the board.

(g) Maintain a record of its proceedings.

(h) Delegate to the chairperson of the board the responsibility for signing final orders.

(i) Utilize existing higher education organizations, associations, and agencies to carry out its educational programs and purposes with minimal staff employment.

(j) Be empowered to enter into contracts with the Federal Government, state agencies, or individuals.

(k) Receive bequests, gifts, grants, donations, and other valued goods and services. Such bequests and gifts shall be used only for the purpose or purposes stated by the donor.

(7) It is the intent of the Legislature that the Board of Directors of the Florida Education Fund recruit eligible residents of the state before it extends its search to eligible nonresidents. ~~However, for the purposes of subsection (8), the board of directors shall recruit eligible residents only.~~ It is further the intent of the Legislature that the board of directors establish service terms, if any, that accompany the award of moneys from the fund.

~~(8) There is created a legal education component of the Florida Education Fund to provide the opportunity for minorities to attain representation within the legal profession proportionate to their representation within the general population. The legal education component of the Florida Education Fund includes a law school program and a pre-law program.~~

~~(a) The law school scholarship program of the Florida Education Fund is to be administered by the Board of Directors of the Florida Education Fund for the purpose of increasing the number of minority students enrolled in law schools in this state by 200. Implementation of this program is to be phased in over a 3-year period.~~

~~1.— The board of directors shall provide financial, academic, and other support to students selected for participation in this program from funds appropriated by the Legislature.~~

~~2.— Student selection must be made in accordance with rules adopted by the board of directors for that purpose and must be based, at least in part, on an assessment of potential for success, merit, and financial need.~~

~~3.— Support must be made available to students who enroll in private, as well as public, law schools in this state which are accredited by the American Bar Association.~~

~~4.— Scholarships must be paid directly to the participating students.~~

~~5.— Students who participate in this program must agree in writing to sit for The Florida Bar examination and, upon successful admission to The Florida Bar, to practice law in the state for a period equal to the amount of time for which the student received aid, up to 3 years, or repay the amount of aid received.~~

~~(b) The minority pre-law scholarship loan program of the Florida Education Fund is to be administered by the Board of Directors of the Florida Education Fund for the purpose of increasing the opportunity of minority students to prepare for law school.~~

~~1.— From funds appropriated by the Legislature, the board of directors shall provide for student fees, room, board, books, supplies, and academic and other support to selected minority undergraduate students matriculating at eligible public and independent colleges and universities in Florida.~~

~~2.— Student selection must be made in accordance with rules adopted by the board of directors for that purpose and must be based, at least in part, on an assessment of potential for success, merit, and financial need.~~

~~3.— To be eligible, a student must make a written agreement to enter or be accepted to enter a law school in this state within 2 years after graduation or repay the scholarship loan amount plus interest at the prevailing rate.~~

~~4.— Recipients who fail to gain admission to a law school within the specified period, may, upon admission to law school, be eligible to have their loans canceled.~~

~~5.— Minority pre-law scholarship loans shall be provided to 34 minority students per year for up to 4 years each, for a total of 136 scholarship loans. To continue receiving scholarship loans, recipients must maintain a 2.75 grade point average for the freshman year and a 3.25 grade point average thereafter. Participants must also take specialized courses to enhance competencies in English and logic.~~

~~6.—The board of directors shall maintain records on all scholarship loan recipients. Participating institutions shall submit academic progress reports to the board of directors following each academic term.~~

Section 33. Subsection (4) of section 1009.72, Florida Statutes, is amended to read:

1009.72 Jose Marti Scholarship Challenge Grant Program.—

(4) The amounts appropriated for the program shall be allocated by the department on the basis of one \$5,000 challenge grant for each ~~\$5,000~~ \$2,500 raised from private sources. Matching funds shall be generated through contributions made after July 1, 1986, and pledged for the purposes of this section. Pledged contributions shall not be eligible for matching prior to the actual collection of the total funds.

Section 34. Subsection (4) of section 1009.73, Florida Statutes, is amended to read:

1009.73 Mary McLeod Bethune Scholarship Program.—

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

Section 35. Section 1010.30, Florida Statutes, is amended to read:

1010.30 Audits required.—

(1) School districts, Florida College System institutions, and other institutions and agencies under the supervision of the State Board of Education and state universities under the supervision of the Board of Governors are subject to the audit provisions of ~~under~~ ss. 11.45 and 218.39.

(2) If an audit contains a significant finding, the district school board, the Florida College System institution board of trustees, or the university board of trustees shall conduct an audit overview during a public meeting.

Section 36. Subsection (10) of section 1011.80, Florida Statutes, is amended to read:

1011.80 Funds for operation of workforce education programs.—

(10) A high school student dually enrolled under s. 1007.271 in a workforce education program operated by a Florida College System institution 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 Florida College System institution program, including a program conducted at a high school, the Florida College System institution 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 and 2012-2013 fiscal years year only, students who are coenrolled in core curricula courses for credit recovery or dropout prevention purposes and do not have a pattern of excessive absenteeism or habitual truancy or a history of disruptive behavior in school 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 37. Subsection (2) of section 1012.83, Florida Statutes, is amended to read:

1012.83 Contracts with administrative and instructional staff.—

(2) Each contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, containing a provision for severance pay with an officer, agent, employee, or contractor must include the provisions required in s. 215.425. A Florida College System institution ~~board of trustees may not enter into an employment contract that requires the Florida College System institution to pay an employee an amount from appropriated state funds in excess of 1 year of the employee's annual salary for termination, buyout, or any other type of contract settlement. This subsection does not prohibit the payment of leave and benefits accrued by the employee in accordance with the Florida College System institution's leave and benefits policies before the contract terminates.~~

Section 38. Subsection (4) of section 1012.885, Florida Statutes, is amended to read:

1012.885 Remuneration of Florida College System institution presidents; limitations.—

(4) LIMITATION ON REMUNERATION.—Notwithstanding the provisions of this section, for the 2012-2013 ~~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 39. Section 1012.886, Florida Statutes, is reenacted and amended 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, 2013 ~~2012~~.

Section 40. Subsection (4) of section 1012.975, Florida Statutes, is amended to read:

## 1012.975 Remuneration of state university presidents; limitations.—

(4) **LIMITATION ON REMUNERATION.**—Notwithstanding the provisions of this section, for the 2012-2013 ~~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 41. Section 1012.976, Florida Statutes, is reenacted and amended 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, 2013 ~~2012~~.

Section 42. Notwithstanding the 5-percent limitation provided in s. 1010.62(2)(a), Florida Statutes, the University of Florida may use revenues derived from the activity and service fee to pay and secure debt with annual

debt service in an amount not to exceed \$3.5 million to finance or refinance the renovation and expansion of the university's J. Wayne Reitz Union.

Section 43. Effective upon this act becoming a law and notwithstanding s. 1001.73(5), Florida Statutes, as created by this act, or section 32 of the 2012 regular legislative session Conference Report for House Bill 5001, for the 2011-2012 fiscal year, state universities may make transfers between the Educational and General Activities category and other program categories up to \$2 million to make necessary adjustments.

Section 44. Notwithstanding ss. 1013.30(10), (11), (12), and (13) and 1013.51(4), Florida Statutes, for the 2012-2013 fiscal year, a state university may enter into a local development agreement with an affected host local government to identify specific projects in the university's campus master plan to be constructed by the university for purposes of negotiating mitigation of the impact of such projects on the host local government.

Section 45. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2012.

Approved by the Governor April 20, 2012.

Filed in Office Secretary of State April 20, 2012.