

## CHAPTER 2021-46

### House Bill No. 5601

An act relating to higher education; amending s. 1004.6495, F.S.; removing a provision relating to the maximum annual start-up and enhancement grant awarded per institution; amending s. 1009.89, F.S.; revising eligibility criteria for the William L. Boyd, IV, Effective Access to Student Education grant program; requiring recipient institutions to submit a specified report to the Department of Education; requiring each recipient institution to report certain data to the department; requiring the department to submit an annual report to the Legislature and Governor; requiring the State Board of Education to adopt rules; repealing s. 1009.891, F.S., relating to the Access to Better Learning and Education Grant Program; amending s. 1012.976, F.S.; expanding state university compensation limits to all state university employees, rather than only state university administrative employees; providing exceptions; providing applicability; amending ss. 320.08056, 1009.40, and 1009.94, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsection (12) of section 320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.—

(12) Notwithstanding s. 320.08058(3)(a), the department, in cooperation with the independent colleges or universities as described ~~defined~~ in s. 1009.89 ~~or s. 1009.891~~, shall create a standard template specialty license plate with a unique logo or graphic identifying each independent college or university. Each independent college or university may elect to use this standard template specialty license plate in lieu of its own specialty license plate. Annual use fees from the sale of these license plates shall be distributed to the independent college or university for which the logo or graphic is displayed on the license plate and shall be used as provided in s. 320.08058(3). Independent colleges or universities opting to use the standard template specialty license plate shall have their plate sales combined for purposes of meeting the minimum license plate sales threshold in paragraph (8)(a) and for determining the license plate limit in s. 320.08053(3)(b). Specialty license plates created pursuant to this subsection must be ordered directly from the department.

Section 2. Paragraph (b) of subsection (5) of section 1004.6495, Florida Statutes, is amended to read:

1004.6495 Florida Postsecondary Comprehensive Transition Program and Florida Center for Students with Unique Abilities.—

(5) CENTER RESPONSIBILITIES.—The Florida Center for Students with Unique Abilities is established within the University of Central Florida. At a minimum, the center shall:

(b) Coordinate, facilitate, and oversee the statewide implementation of this section. At a minimum, the director shall:

1. Consult and collaborate with the National Center and the Coordinating Center, as identified in 20 U.S.C. s. 1140q, regarding guidelines established by the center for the effective implementation of the programs for students with disabilities and for students with intellectual disabilities which align with the federal requirements and with standards, quality indicators, and benchmarks identified by the National Center and the Coordinating Center.

2. Consult and collaborate with the Florida Talent Development Council to identify meaningful credentials for FPCTPs and to engage businesses and stakeholders to promote experiential training and employment opportunities for students with intellectual disabilities.

3. Establish requirements and timelines for the:

a. Submission and review of an application.

b. Approval or disapproval of an initial or renewal application.

c. Implementation of an FPCTP, which must begin no later than the academic year immediately following the academic year during which the approval is granted.

4. Administer scholarship funds.

5. Administer FPCTP ~~start-up and enhancement~~ grants. From funds appropriated in the 2016-2017 fiscal year for the FPCTP, \$3 million shall be used for such grants. Thereafter, funds appropriated for the FPCTP may only be used for such grants as if specifically authorized in the General Appropriations Act. ~~The maximum annual start-up and enhancement grant award shall be \$300,000 per institution.~~

6. Report on the implementation and administration of this section by planning, advising, and evaluating approved degree, certificate, and non-degree programs and the performance of students and programs pursuant to subsection (8).

Section 3. Paragraph (a) of subsection (1) of section 1009.40, Florida Statutes, is amended to read:

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

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

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

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

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

Section 4. Subsections (3) and (4) of section 1009.89, Florida Statutes, are amended, and paragraphs (c) and (d) are added to subsection (5) and subsection (7) is added to that section, to read:

1009.89 The William L. Boyd, IV, Effective Access to Student Education grants.—

(3) The department shall issue through the program a William L. Boyd, IV, Effective Access to Student Education grant to any full-time degree-seeking undergraduate student registered at an independent nonprofit college or university which is located in and chartered by the state; which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; which grants baccalaureate degrees; which is not a state university or Florida College System institution; and which has a secular purpose, so long as the receipt of state aid by students at the institution would not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any

religious sect. ~~Any independent college or university that was eligible to receive tuition vouchers on January 1, 1989, and which continues to meet the criteria under which its eligibility was established, shall remain eligible to receive William L. Boyd, IV, Effective Access to Student Education grant payments.~~

(4) A person is eligible to receive such William L. Boyd, IV, Effective Access to Student Education grant if:

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

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

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

3. He or she is making satisfactory academic progress as defined by the State Board of Education ~~college or university in which he or she is enrolled.~~

4. He or she has ~~not completed more than 110 percent of the degree program in which he or she is enrolled.~~

(5)

(c) By September 1 of each year institutions receiving funding as provided in the General Appropriations Act must submit an Effective Access to Student Education Grant Program Accountability Report to the Department of Education, in a format prescribed by the department. The report must use the most recently available information on Florida resident students and include, at a minimum, the following performance metrics, by institution:

1. Access rate based upon percentage of Pell-eligible students.

2. Affordability rate based upon average student loan debt; federal, state, and institutional financial assistance; and average tuition and fees.

3. Graduation rate.

4. Retention rate.

5. Postgraduate employment or continuing education rate.

The department shall recommend minimum performance standards that institutions must meet to remain eligible to receive grants pursuant to this section.

(d) By October 1 of each year, the department shall submit a report to the chair of the House Appropriations Committee, the chair of the Senate Appropriations Committee, and the Governor’s Office of Policy and Budget on the performance of eligible institutions and the institutions that have not met the minimum performance standards recommended by the department.

(7) The State Board of Education shall adopt rules to implement this section.

Section 5. Section 1009.891, Florida Statutes, is repealed.

Section 6. Paragraph (c) of subsection (2) of section 1009.94, Florida Statutes, is amended to read:

1009.94 Student financial assistance database.—

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

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

Section 7. Section 1012.976, Florida Statutes, is 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 in instructional programs classified as Computer Information Sciences and Support Services; Engineering; Engineering Technologies and Engineering-Related Fields; Florida Mental Health Institute; Health Professions and Related Programs; Homeland Security, Law Enforcement, Firefighting, and Related Fields; Mathematics; Nursing; Physical Sciences; or medical school faculty or staff.

Section 8. This act shall take effect July 1, 2021.

Approved by the Governor June 2, 2021.

Filed in Office Secretary of State June 2, 2021.