

CHAPTER 2020-117

Committee Substitute for Senate Bill No. 72

An act relating to higher education; amending s. 287.057, F.S.; authorizing state agencies to contract with independent, nonprofit colleges and universities that meet specified requirements; amending s. 1001.03, F.S.; revising requirements for certain new construction, remodeling, or renovation projects; amending s. 1001.7065, F.S.; revising standards for the preeminent state research universities program; requiring such standards to be reported annually in a specified plan; repealing the programs of excellence designation within the State University System; creating the “state universities of distinction” designation within the State University System; requiring the Board of Governors to establish standards and measures for specific state university competencies; providing requirements for such standards and measures; authorizing the Board of Governors to annually submit such programs to the Legislature for funding by a specified date; amending s. 1001.92, F.S.; revising the performance-based metrics for state universities to include specific data; authorizing the Board of Governors to approve other metrics; prohibiting the adjustment of such metrics and benchmarks once specified data has been received; amending s. 1004.085, F.S.; requiring innovative pricing techniques and payment options to include an opt-out provision; amending s. 1004.346, F.S.; removing a limitation on the length of time a Phosphate Research and Activities Board member may serve after expiration of his or her term; creating s. 1004.6499, F.S.; creating the Florida Institute of Politics within Florida State University College of Social Sciences and Public Policy; providing the purpose and goals of the institute; creating s. 1004.64991, F.S.; creating the Adam Smith Center for the Study of Economic Freedom; providing a purpose and goals of the center; amending s. 1009.50, F.S.; requiring that grants administered through the Florida Public Student Assistance Grant Program not exceed a certain amount; authorizing students who receive an award in the fall or spring term to receive an award in the summer term, subject to the availability of funds; providing for the prioritization of eligible summer awards; prohibiting institutions from dispensing grants to students whose expected family contribution exceeds a certain amount; requiring the formula used to distribute funds for the program to account for changes in the number of eligible students across all student assistance grant programs; requiring institutions to certify the amount of funds disbursed within a specified timeframe; requiring institutions to remit any undisbursed advances within a specified timeframe; providing an exception; requiring institutions that receive moneys through the program to prepare and submit to the department by a specified date a biennial report that includes a financial audit conducted by the Auditor General; authorizing the department to conduct its own annual or biennial audit under certain circumstances; authorizing the department to suspend or revoke an institution’s eligibility or request a refund of moneys overpaid to

the institution under certain circumstances; providing a timeframe for such refunds; amending s. 1009.505, F.S.; requiring grants administered through the Florida Public Postsecondary Career Education Student Assistance Grant Program to not exceed a certain amount; authorizing students who receive an award in the fall or spring term to receive an award in the summer term, subject to the availability of funds; providing for the prioritization of eligible summer awards; requiring the formula used to distribute funds for the program to account for changes in the number of eligible students across all student assistance grant programs; requiring institutions to certify the amount of funds disbursed within a specified timeframe; requiring institutions to remit any undisbursed advances within a specified timeframe; providing an exception; requiring institutions that receive moneys through the program to prepare and submit to the department by a specified date a biennial report that includes a financial audit conducted by the Auditor General; authorizing the department to conduct its own annual or biennial audit under certain circumstances; authorizing the department to suspend or revoke an institution's eligibility or request a refund of moneys overpaid to the institution under certain circumstances; providing a timeframe for such refunds; authorizing funds appropriated for state student assistance grants to be deposited in a specified trust fund; requiring that any balance in the trust fund at the end of any fiscal year which has been allocated to the Florida Public Postsecondary Career Education Student Assistance Grant Program remain in the trust fund, subject to certain statutory exceptions; amending s. 1009.51, F.S.; requiring that grants administered through the Florida Private Student Assistance Grant Program not exceed a certain amount; authorizing students who receive an award in the fall or spring term to receive an award in the summer term, subject to the availability of funds; providing for the prioritization of eligible summer awards; prohibiting institutions from dispensing grants to students whose expected family contribution exceeds a certain amount; requiring the formula used to distribute funds for the program to account for changes in the number of eligible students across all student assistance grant programs; requiring institutions to certify the amount of funds disbursed within a specified timeframe; requiring institutions to remit any undisbursed advances within a specified timeframe; providing an exception; revising a requirement for a biennial report; amending s. 1009.52, F.S.; requiring that grants administered through the Florida Postsecondary Student Assistance Grant Program not exceed a certain amount; authorizing students who receive an award in the fall or spring term to receive an award in the summer term, subject to the availability of funds; providing for the prioritization of eligible summer awards; prohibiting institutions from dispensing grants to students whose expected family contribution exceeds a certain amount; requiring the formula used to distribute funds for the program to account for changes in the number of eligible students across all student assistance grant programs; requiring institutions to certify the amount of funds disbursed within a specified timeframe; requiring institutions to remit any undisbursed advances within a specified timeframe; providing an exception; revising a

requirement for a biennial report; amending s. 1009.534, F.S.; revising provisions relating to additional funds for textbooks under Florida Academic Scholars award; amending s. 1009.535, F.S.; revising the amount of an award certain Florida Medallion Scholars may receive under certain circumstances; amending s. 1009.893, F.S.; revising and specifying eligibility for initial awards under the Benacquisto Scholarship Program; revising requirements for a student to receive a renewal award; providing a timeframe within which students may receive an award; providing an exception to renewal requirements; amending s. 1011.45, F.S.; revising the date by which a university must annually submit a spending plan to the university's board of trustees for approval; revising the date by which the Board of Governors must annually review and approve such plan; authorizing certain expenditures in a carry forward spending plan to include a commitment of funds to a contingency reserve for certain purposes; amending s. 1011.90, F.S.; providing requirements for a specified legislative budget request; requiring the Board of Governors to define specified classifications by regulation and report such definitions in such budget requests; creating s. 1012.977, F.S.; providing for the disclosure of contracts that affect the integrity of state universities or entities; providing definitions; providing penalties for failure to disclose such information; amending s. 1013.841, F.S.; revising the date by which a Florida College System institution must annually submit a spending plan to the institution's board of trustees for approval; revising the date by which the State Board of Education must annually review and publish such plans; authorizing certain expenditures in a carry forward spending plan to include a commitment of funds to a contingency reserve for certain purposes; providing effective dates.

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

Section 1. Subsection (21) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.—

(21) An agency may contract for services with any independent, nonprofit college or university which is located within the state on the same basis as it may contract with any state university or college if the independent, nonprofit college or university:

(a) and Is accredited by the Southern Association of Colleges and Schools; ~~or, on the same basis as it may contract with any state university and college~~

(b) Is authorized to operate within this state pursuant to chapter 1005, offers a professional degree, and is accredited by the Middle States Commission on Higher Education.

Section 2. Paragraph (c) of subsection (18) of section 1001.03, Florida Statutes, is amended to read:

1001.03 Specific powers of State Board of Education.—

(18) PUBLIC EDUCATION CAPITAL OUTLAY.—The State Board of Education shall develop and submit the prioritized list required by s. 1013.64(4). Projects considered for prioritization shall be chosen from a preliminary selection group which shall include the list of projects maintained pursuant to paragraph (d) and the top two priorities of each Florida College System institution.

(c) A new construction, remodeling, or renovation project that has not received an appropriation in a previous year shall not be considered for inclusion on the prioritized list required by s. 1013.64(4), unless:

1. A plan is provided to reserve funds in an escrow account, specific to the project, into which shall be deposited each year an amount of funds equal to 0.5 percent of the total value of the building for future maintenance;

2. There exists are sufficient capacity within the cash and bonding estimate of funds by the Revenue Estimating Conference to accommodate the project excess funds from the allocation provided pursuant to s. 1013.60 within the 3-year Public Education Capital Outlay funding cycle planning period which are not needed to complete the projects listed pursuant to paragraph (d); and

3. The project has been recommended pursuant to s. 1013.31.

Section 3. Effective upon this act becoming a law, subsections (2), (5), and (7) of section 1001.7065, Florida Statutes, are amended to read:

1001.7065 Preeminent state research universities program.—

(2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—The following academic and research excellence standards are established for the preeminent state research universities program and shall be reported annually in the Board of Governors Accountability Plan:

(a) An average weighted grade point average of 4.0 or higher on a 4.0 scale and an average SAT score of ~~1800 or higher on a 2400-point scale or 1200 or higher on a 1600-point scale~~ or an average ACT score of 25 or higher on a 36 score scale, using the latest published national concordance table developed jointly by the College Board and ACT, Inc., for fall semester incoming freshmen, as reported annually.

(b) A top-50 ranking on at least two well-known and highly respected national public university rankings, including, but not limited to, the U.S. News and World Report rankings, reflecting national preeminence, using most recent rankings.

(c) A freshman retention rate of 90 percent or higher for full-time, first-time-in-college students, ~~as reported annually to the Integrated Postsecondary Education Data System (IPEDS).~~

~~(d) A 4-year graduation rate of 60 percent or higher for full-time, first-time-in-college students, as reported annually to the IPEDS. However, for the 2018 determination of a state university's preeminence designation and the related distribution of the 2018-2019 fiscal year appropriation associated with preeminence and emerging preeminence, a university is considered to have satisfied this graduation rate measure by attaining a 6-year graduation rate of 70 percent or higher by October 1, 2017, for full-time, first-time-in-college students, as reported to the IPEDS and confirmed by the Board of Governors.~~

~~(e) Six or more faculty members at the state university who are members of a national academy, as reported by the Center for Measuring University Performance in the Top American Research Universities (TARU) annual report or the official membership directories maintained by each national academy.~~

~~(f) Total annual research expenditures, including federal research expenditures, of \$200 million or more, as reported annually by the National Science Foundation (NSF).~~

~~(g) Total annual research expenditures in diversified nonmedical sciences of \$150 million or more, based on data reported annually by the NSF.~~

~~(h) A top-100 university national ranking for research expenditures in five or more science, technology, engineering, or mathematics fields of study, as reported annually by the NSF.~~

~~(i) One hundred or more total patents awarded by the United States Patent and Trademark Office for the most recent 3-year period.~~

~~(j) Four hundred or more doctoral degrees awarded annually, including professional doctoral degrees awarded in medical and health care disciplines, as reported in the Board of Governors Annual Accountability Report.~~

~~(k) Two hundred or more postdoctoral appointees annually, as reported in the TARU annual report.~~

~~(l) An endowment of \$500 million or more, as reported in the Board of Governors Annual Accountability Report.~~

(5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM SUPPORT.—

(a) A state university that is designated as a preeminent state research university shall submit to the Board of Governors a 5-year benchmark plan with target rankings on key performance metrics for national excellence. Upon approval by the Board of Governors, and upon the university's meeting the benchmark plan goals annually, the Board of Governors shall award the

university its proportionate share of any funds provided annually to support the program created under this section.

(b) A state university designated as an emerging preeminent state research university shall submit to the Board of Governors a 5-year benchmark plan with target rankings on key performance metrics for national excellence. Upon approval by the Board of Governors, and upon the university's meeting the benchmark plan goals annually, the Board of Governors shall award the university its proportionate share of any funds provided annually to support the program created under this section.

(c) The award of funds under this subsection is contingent upon funding provided by the Legislature to support the preeminent state research universities program created under this section. Funding increases appropriated beyond the amounts funded in the previous fiscal year shall be distributed to as follows:

1. each designated preeminent state research university that meets the criteria in paragraph (a). Each designated preeminent state research university shall receive an equal amount of funding.

2. ~~Each designated emerging preeminent state research university that meets the criteria in paragraph (b) shall, beginning in the 2018-2019 fiscal year, receive an amount of funding that is equal to one-fourth of the total increased amount awarded to each designated preeminent state research university.~~

(7) STATE UNIVERSITIES PROGRAMS OF DISTINCTION EXCELLENCE THROUGHOUT THE STATE UNIVERSITY SYSTEM.—The Board of Governors shall establish standards and measures whereby state universities that focus on one core competency unique to the State University System that achieves excellence at the national or state level, meets state workforce needs, and fosters an innovation economy that focuses on areas such as health care, security, transportation, and science, technology, engineering, and mathematics (STEM), including supply chain management, individual undergraduate, graduate, and professional degree programs in state universities which objectively reflect national excellence can be identified. The Board of Governors may annually submit such programs, excluding those from preeminent state research universities, and make recommendations to the Legislature by January September 1 for funding, 2018, as to how any such programs could be enhanced and promoted.

Section 4. Subsection (1) of section 1001.92, Florida Statutes, is amended to read:

1001.92 State University System Performance-Based Incentive.—

(1) A State University System Performance-Based Incentive shall be awarded to state universities using performance-based metrics adopted by

the Board of Governors of the State University System. Beginning with the Board of Governors’ determination of each university’s performance improvement and achievement ratings for 2018, and the related distribution of annual the 2018-2019 fiscal year appropriation, the performance-based metrics must include:

- (a) The 4-year graduation rate for first-time-in-college students;
- (b) Beginning in fiscal year 2021-2022, the 2-year graduation rate for associate in arts transfer students rates;
- (c) Retention rates;
- (d) Postgraduation education rates;
- (e) Degree production;
- (f) Affordability;
- (g) Postgraduation employment and salaries, including wage thresholds that reflect the added value of a baccalaureate degree;
- (h) Access rate, based on the percentage of undergraduate students enrolled during the fall term who received a Pell Grant during the fall term; and
- (i) Beginning in fiscal year 2021-2022, the 6-year graduation rate for students who are awarded a Pell Grant in their first year.

The Board of Governors may approve and other metrics approved by the board in a publicly formally noticed meeting. The board shall adopt benchmarks to evaluate each state university’s performance on the metrics to measure the state university’s achievement of institutional excellence or need for improvement and minimum requirements for eligibility to receive performance funding. Benchmarks and metrics may not be adjusted after university performance data has been received by the Board of Governors ~~Access rate benchmarks must be differentiated and scored to reflect the varying access rate levels among the state universities; however, the scoring system may not include bonus points.~~

Section 5. Subsection (4) of section 1004.085, Florida Statutes, is amended to read:

1004.085 Textbook and instructional materials affordability.—

(4) Each Florida College System institution and state university board of trustees is authorized to adopt policies in consultation with providers, including bookstores, which allow for the use of innovative pricing techniques and payment options for textbooks and instructional materials. Such policies may include bulk pricing arrangements that enable students to purchase course materials or texts that are delivered digitally; delivered

through other technologies that are, or the licenses of which are, required for use within a course; or delivered in a print format. Innovative pricing techniques and payment options must include an opt-in or opt-out provision for students and may be approved only if there is documented evidence that the options reduce the cost of textbooks and instructional materials for students taking a course.

Section 6. Effective upon this act becoming a law, paragraph (c) of subsection (2) of section 1004.346, Florida Statutes, is amended to read:

1004.346 Florida Industrial and Phosphate Research Institute.—

(2) PHOSPHATE RESEARCH AND ACTIVITIES BOARD.—The Phosphate Research and Activities Board is created to monitor the expenditure of funds appropriated to the university from the Phosphate Research Trust Fund.

(c) Members of the board appointed by the Governor shall be appointed to 3-year terms. A board member may continue to serve until a successor is appointed, but not more than 180 days after the expiration of his or her term. A board member is eligible for reappointment to subsequent terms.

Section 7. Section 1004.6499, Florida Statutes, is created to read:

1004.6499 Florida Institute of Politics.—

(1) The Florida Institute of Politics is established at the Florida State University within the College of Social Sciences and Public Policy. The purpose of the institute is to provide the southeastern region of the United States with a world class, bipartisan, nationally renowned institute of politics.

(2) The goals of the institute are to:

(a) Motivate students throughout the Florida State University to become aware of the significance of government and civic engagement at all levels and politics in general.

(b) Provide students with an opportunity to be politically active and civically engaged.

(c) Nurture a greater awareness and passion for public service and politics.

(d) Plan and host forums to allow students and guests to hear from and interact with experts from government, politics, policy, and journalism on a frequent basis.

(e) Become a national and state resource on polling information and survey methodology.

(f) Provide fellowships and internship opportunities to students in government, nonprofit organizations, and community organizations.

(g) Provide training sessions for newly elected state and local public officials.

(h) Organize and sponsor conferences, symposia, and workshops throughout this state to educate and inform citizens, elected officials, and appointed policymakers regarding effective policymaking techniques and processes.

(i) Create and promote research and awareness regarding politics, citizen involvement, and public service.

(j) Collaborate with related policy institutes and research activities at the Florida State University and other institutions of higher education to motivate, increase, and sustain citizen involvement in public affairs.

Section 8. Section 1004.64991, Florida Statutes, is created to read:

1004.64991 The Adam Smith Center for the Study of Economic Freedom.

(1) The Adam Smith Center for the Study of Economic Freedom at Florida International University, is hereby created.

(2) The goals of the center are to:

(a) Study the effect of government and free-market economies on individual freedom and human prosperity.

(b) Conduct and promote research on the effect of political and economic systems on human prosperity.

(c) Plan and host research workshops and conferences to allow, students, scholars, and guests to exchange in civil discussion of democracy and capitalism.

(d) Provide fellowship and mentoring opportunities to students engaged in scholarly studies of the effect of political and economic systems on human prosperity.

Section 9. Section 1009.50, Florida Statutes, is amended to read:

1009.50 Florida Public Student Assistance Grant Program; eligibility for grants.—

(1) There is hereby created a Florida Public Student Assistance Grant Program. The program shall be administered by the participating institutions in accordance with rules of the state board.

(2)(a) State student assistance grants through the program may be made only to degree-seeking students who enroll in at least 6 semester hours, or

the equivalent per term, and who meet the general requirements for student eligibility as provided in s. 1009.40, except as otherwise provided in this section. The grants shall be awarded annually for the amount of demonstrated unmet need for the cost of education and may not exceed the maximum annual award an amount equal to the average prior academic year cost of tuition fees and other registration fees for 30 credit hours at state universities or such other amount as specified in the General Appropriations Act, to any recipient. A demonstrated unmet need of less than \$200 shall render the applicant ineligible for a state student assistance grant. Recipients of the grants must have been accepted at a state university or Florida College System institution authorized by Florida law. If funds are available, a student who received an award in the fall or spring term may receive an award in the summer term. Priority in the distribution of summer awards shall be given to students who are within one semester of completing a degree program and students who have not yet earned at least 9 semester hours by attendance at one or more summer sessions. A student is eligible for the award for 110 percent of the number of credit hours required to complete the program in which enrolled, except as otherwise provided in s. 1009.40(3).

(b) A student applying for a Florida public student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to each student.

(c) ~~Priority in the distribution of grant moneys may be given to students who are within one semester of completing a degree program. shall be given to students with the lowest total family resources, in accordance with a nationally recognized system of need analysis. Using the system of need analysis, the department shall establish a maximum expected family contribution.~~ An institution may not make a grant from this program to a student whose expected family contribution exceeds one and one-half times the maximum Pell Grant-eligible family contribution level established by the department. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.

(d) Each participating institution shall report, to the department by the established date, ~~the eligible students eligible for the program for to whom grant moneys are disbursed~~ each academic term. Each institution shall also report to the department necessary demographic and eligibility data for such students.

(3) Based on the unmet financial need of an eligible applicant, the amount of a Florida public student assistance grant must be between \$200 and ~~the weighted average of the cost of tuition and other registration fees for 30 credit hours at state universities per academic year or the amount specified in the General Appropriations Act.~~

(4)(a) The funds appropriated for the Florida Public Student Assistance Grant shall be distributed to eligible institutions in accordance with a

formula approved by the State Board of Education. The formula must shall consider at least the prior year's distribution of funds, the number of full-time eligible applicants who did not receive awards, the standardization of the expected family contribution, and provisions for unused funds. The formula must account for changes in the number of eligible students across all student assistance grant programs established pursuant to this section and ss. 1009.505, 1009.51, and 1009.52.

(b) Payment of Florida public student assistance grants shall be transmitted to the president of the state university or Florida College System institution, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c) The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of changing eligibility determinations previously made.

(d) Institutions shall certify to the department within 30 days after the end of regular registration each term the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 60 days after the end of regular registration each spring term. An exception to the remittance deadline may be granted if the institution documents to the department how it plans to disburse awards to students for the subsequent summer term. An institution that uses funds for the summer term shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 30 days after the end of the summer term.

(e) Each institution that receives moneys through the Florida Public Student Assistance Grant Program shall prepare a biennial report that includes a financial audit, conducted by the Auditor General, of the institution's administration of the program and a complete accounting of moneys allocated to the institution for the program. Such report shall be submitted to the department by March 1 every other year. The department may conduct its own annual or biennial audit of an institution's administration of the program and its allocated funds in lieu of the required biennial report and financial audit report. The department may suspend or revoke an institution's eligibility to receive future moneys for the program or may request a refund of any moneys overpaid to the institution for the program if the department finds that an institution has not complied with this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days after notification by the department any advances by June 1 of each year.

(5) Funds appropriated by the Legislature for state student assistance grants may be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the ~~provisions of s. 216.301 and pursuant to s.~~

216.351, any balance in the trust fund at the end of any fiscal year which has been allocated to the Florida Public Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section.

(6) The State Board of Education shall establish rules necessary to implement this section.

Section 10. Subsections (5) and (6) of section 1009.505, Florida Statutes, are renumbered as subsections (6) and (7), respectively, a new subsection (5) is added to that section, and subsections (3) and (4) of that section are amended, to read:

1009.505 Florida Public Postsecondary Career Education Student Assistance Grant Program.—

(3)(a) Student assistance grants through the program may be made only to certificate-seeking students enrolled at least half-time in a public postsecondary career certificate program who meet the general requirements for student eligibility as provided in s. 1009.40, except as otherwise provided in this section. The grants shall be awarded annually to any recipient for the amount of demonstrated unmet need for the cost of education and may not exceed the ~~average annual cost of tuition and registration fees or such other~~ amount as specified in the General Appropriations Act. Priority in the distribution of grant moneys may be given to students who are within one semester of completing a certificate program. A demonstrated unmet need of less than \$200 shall render the applicant ineligible for a grant under this section. Recipients of the grants must have been accepted at a Florida College System institution authorized by Florida law or a career center operated by a district school board under s. 1001.44. If funds are available, a student who received an award in the fall or spring term may receive an award in the summer term. Priority in the distribution of summer awards shall be given to students who are within one term of completing a certificate program. A student is eligible for the award for 110 percent of the number of clock hours required to complete the program in which enrolled.

(b) A student applying for a Florida public postsecondary career education student assistance grant shall be required to apply for the Pell Grant. A Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to each student; however, a Pell Grant entitlement shall not be required as a condition of receiving a grant under this section.

(c) Each participating institution shall report, to the department by the established date, the ~~eligible students eligible for the program for to whom grant moneys are disbursed~~ each academic term. Each institution shall also report to the department necessary demographic and eligibility data for such students.

(4)(a) The funds appropriated for the Florida Public Postsecondary Career Education Student Assistance Grant Program shall be distributed to eligible Florida College System institutions and district school boards in accordance with a formula approved by the department. The formula must account for changes in the number of eligible students across all student assistance grant programs established pursuant to this section and ss. 1009.50, 1009.51, and 1009.52.

(b) Payment of Florida public postsecondary career education student assistance grants shall be transmitted to the president of the Florida College System institution or to the district school superintendent, or to the designee thereof, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c) The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of changing eligibility determinations previously made.

(d) Participating institutions shall certify to the department within 30 days after the end of regular registration each term the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 60 days after the end of regular registration each spring term. An exception to the remittance deadline may be granted if the institution documents to the department how it plans to disburse awards to students for the subsequent summer term. An institution that uses funds for the summer term shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 30 days after the end of the summer term.

(e) Each institution that receives moneys through the Florida Public Postsecondary Career Education Student Assistance Grant Program shall prepare a biennial report that includes a financial audit, conducted by the Auditor General, of the institution's administration of the program and a complete accounting of moneys allocated to the institution for the program. Such report shall be submitted to the department by March 1 every other year. The department may conduct its own annual or biennial audit of an institution's administration of the program and its allocated funds in lieu of the required biennial report and financial audit report. The department may suspend or revoke an institution's eligibility to receive future moneys for the program or may request a refund of any moneys overpaid to the institution if the department finds that an institution has not complied with this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days after notification by the department.

(5) Funds appropriated by the Legislature for state student assistance grants may be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year which has been allocated to the

Florida Public Postsecondary Career Education Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section by June 1 of each year.

Section 11. Section 1009.51, Florida Statutes, is amended to read:

1009.51 Florida Private Student Assistance Grant Program; eligibility for grants.—

(1) There is created a Florida Private Student Assistance Grant Program. The program shall be administered by the participating institutions in accordance with rules of the State Board of Education.

(2)(a) ~~Florida private student assistance grants from the State Student Financial Assistance Trust Fund may be made only to full-time degree-seeking students who meet the general requirements for student eligibility as provided in s. 1009.40, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed the maximum annual award an amount equal to the average tuition and other registration fees for 30 credit hours at state universities plus \$1,000 per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than \$200 shall render the applicant ineligible for a Florida private student assistance grant. Recipients of such grants must have been accepted at a baccalaureate-degree-granting independent nonprofit college or university, which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools and which is located in and chartered as a domestic corporation by the state. If funds are available, a student who received an award in the fall or spring term may receive an award in the summer term. Priority in the distribution of summer awards shall be given to students who are within one semester of completing a degree or certificate program.~~ No student may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 1009.40(3).

(b) A student applying for a Florida private student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to each student.

(c) ~~Priority in the distribution of grant moneys may be given to students who are within one semester of completing a degree or certificate program shall be given to students with the lowest total family resources, in accordance with a nationally recognized system of need analysis. Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds one and one-half times the maximum Pell Grant-eligible family contribution the level established by the department. An institution may not impose~~

additional criteria to determine a student's eligibility to receive a grant award.

(d) Each participating institution shall report, to the department by the established date, the ~~eligible students eligible for the program for to whom grant moneys are disbursed~~ each academic term. Each institution shall also report to the department necessary demographic and eligibility data for such students.

(3) Based on the unmet financial need of an eligible applicant, the amount of a Florida private student assistance grant must be between \$200 and the average cost of tuition and other registration fees for 30 credit hours at state universities plus \$1,000 per academic year or the amount specified in the General Appropriations Act.

(4)(a) The funds appropriated for the Florida Private Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula approved by the State Board of Education. The formula must shall consider at least the prior year's distribution of funds, the number of ~~full-time~~ eligible applicants who did not receive awards, the standardization of the expected family contribution, and provisions for unused funds. The formula must account for changes in the number of eligible students across all student assistance grant programs established pursuant to this section and ss. 1009.50, 1009.505, and 1009.52.

(b) Payment of Florida private student assistance grants shall be transmitted to the president of the college or university, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c) The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of changing eligibility determinations previously made.

(d) Institutions shall certify to the department within 30 days after the end of regular registration each term the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 60 days after the end of regular registration each spring term. An exception to the remittance deadline may be granted if the institution documents to the department how it plans to disburse awards to students for the subsequent summer term. An institution that uses funds for the summer term shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 30 days after the end of the summer term by June 1 of each year.

(e) Each institution that receives moneys through the Florida Private Student Assistance Grant Program shall prepare a biennial report that includes a financial audit, conducted by an independent certified public

accountant, of the institution's administration of the program and a complete accounting of moneys in the State Student Financial Assistance Trust Fund allocated to the institution for the program. Such report shall be submitted to the department by March 1 every other year. The department may conduct its own annual or biennial audit of an institution's administration of the program and its allocated funds in lieu of the required biennial report and financial audit report. The department may suspend or revoke an institution's eligibility to receive future moneys from the trust fund for the program or request a refund of any moneys overpaid to the institution through the trust fund for the program if the department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days after notification by the department.

(5) Funds appropriated by the Legislature for Florida private student assistance grants may be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year which has been allocated to the Florida Private Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

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

Section 12. Section 1009.52, Florida Statutes, is amended to read:

1009.52 Florida Postsecondary Student Assistance Grant Program; eligibility for grants.—

(1) There is created a Florida Postsecondary Student Assistance Grant Program. The program shall be administered by the participating institutions in accordance with rules of the State Board of Education.

(2)(a) Florida postsecondary student assistance grants ~~through the State Student Financial Assistance Trust Fund~~ may be made only to full-time degree-seeking students who meet the general requirements for student eligibility as provided in s. 1009.40, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed the maximum annual award an amount equal to the average prior academic year cost of tuition and other registration fees for 30 credit hours at state universities plus \$1,000 per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than \$200 shall render the applicant ineligible for a Florida postsecondary student assistance grant. Recipients of such grants must have been accepted at a postsecondary institution that is located in this ~~the~~ state and that is:

1. A private nursing diploma school approved by the Florida Board of Nursing; or

2. A college or university licensed by the Commission for Independent Education, excluding those institutions the students of which are eligible to receive a Florida private student assistance grant pursuant to s. 1009.51.

If funds are available, a student who received an award in the fall or spring term may receive an award in the summer term. Priority in the distribution of summer awards shall be given to students who are within one semester of completing a degree or certificate program. No student may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 1009.40(3).

(b) A student applying for a Florida postsecondary student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to each student.

(c) Priority in the distribution of grant moneys may be given to students who are within one semester of completing a degree or certificate program ~~shall be given to students with the lowest total family resources, in accordance with a nationally recognized system of need analysis. Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds one and one-half times the maximum Pell Grant-eligible family contribution the level established by the department.~~ An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.

(d) Each participating institution shall report, to the department by the established date, the eligible students eligible for the program for to whom grant moneys are disbursed each academic term. Each institution shall also report to the department necessary demographic and eligibility data for such students.

(3) Based on the unmet financial need of an eligible applicant, the amount of a Florida postsecondary student assistance grant must be between \$200 and ~~the average cost of tuition and other registration fees for 30 credit hours at state universities plus \$1,000 per academic year or the amount specified in the General Appropriations Act.~~

(4)(a) The funds appropriated for the Florida Postsecondary Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula approved by the State Board of Education. The formula must ~~shall~~ consider at least the prior year's distribution of funds, the number of ~~full-time~~ eligible applicants who did not receive awards, the standardization of the expected family contribution, and provisions for unused funds. The formula must account for changes in the number of eligible students across all student assistance grant programs established pursuant to this section and ss. 1009.50, 1009.505, and 1009.51.

(b) Payment of Florida postsecondary student assistance grants shall be transmitted to the president of the eligible institution, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c) The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of changing eligibility determinations previously made.

(d) Institutions shall certify to the department within 30 days after the end of regular registration each term the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 60 days after the end of regular registration each spring term. An exception to the remittance deadline may be granted if the institution documents to the department how it plans to disburse awards to students for the subsequent summer term. An institution that uses funds for the summer term shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 30 days after the end of the summer term by June 1 of each year.

(e) Each institution that receives moneys through the Florida Postsecondary Student Assistance Grant Program shall prepare a biennial report that includes a financial audit, conducted by an independent certified public accountant, of the institution's administration of the program and a complete accounting of moneys ~~in the State Student Financial Assistance Trust Fund allocated to the institution~~ for the program. Such report shall be submitted to the department by March 1 every other year. The department may conduct its own annual or biennial audit of an institution's administration of the program and its allocated funds in lieu of the required biennial report and financial audit report. The department may suspend or revoke an institution's eligibility to receive future moneys ~~from the trust fund~~ for the program or request a refund of any moneys overpaid to the institution ~~through the trust fund~~ for the program if the department finds that an institution has not complied with ~~the provisions of this section~~. Any refund requested pursuant to this paragraph shall be remitted within 60 days after notification by the department.

(5) Any institution that was eligible to receive state student assistance grants on January 1, 1989, and that is not eligible to receive grants pursuant to s. 1009.51 is eligible to receive grants pursuant to this section.

(6) Funds appropriated by the Legislature for Florida postsecondary student assistance grants may be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding ~~the provisions of s. 216.301 and pursuant to s. 216.351~~, any balance in the trust fund at the end of any fiscal year which has been allocated to the Florida Postsecondary Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

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

Section 13. Subsection (2) of section 1009.534, Florida Statutes, is amended to read:

1009.534 Florida Academic Scholars award.—

(2) 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, ~~beginning in the 2017-2018 academic year,~~ for an award equal to the amount necessary to pay 100 percent of tuition and fees established under ss. 1009.22(3), (5), (6), and (7); 1009.23(3), (4), (7), (8), (10), and (11); and 1009.24(4), (7)-(13), (14)(r), and (16), as applicable, and is eligible for an additional stipend \$300 each fall and spring academic semester or the equivalent for textbooks, to assist with the payment of educational expenses as funds are specifically appropriated in the General Appropriations Act.

Section 14. Subsection (2) of section 1009.535, Florida Statutes, is amended to read:

1009.535 Florida Medallion Scholars award.—

(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, beginning in the fall 2018 semester, for an award equal to the amount necessary to pay 75 percent of tuition and fees established under ss. 1009.22(3), (5), (6), and (7); 1009.23(3), (4), (7), (8), (10), and (11); and 1009.24(4), (7)-(13), (14)(r), and (16), as applicable, to assist with the payment of educational expenses. Beginning in the fall 2021 semester, a Florida Medallion Scholar who is enrolled in an associate degree program at a Florida College System institution is eligible for an award equal to the amount necessary to pay 100 percent of tuition and fees established under s. 1009.23(3), (4), (7), (8), (10), and (11) to assist with the payment of educational expenses.

Section 15. Subsections (2), (4), (5), and (6) of section 1009.893, Florida Statutes, are amended to read:

1009.893 Benacquisto Scholarship Program.—

(2) The Benacquisto Scholarship Program is created to reward a high school graduate who receives recognition as a National Merit Scholar ~~or National Achievement Scholar~~ and who initially enrolls in the 2014-2015 academic year or, later, in a baccalaureate degree program at an eligible Florida public or independent postsecondary educational institution.

(4) In order to be eligible for an initial award under the scholarship program, a student must meet the requirements of paragraph (a) or paragraph (b).

(a) A student who is a resident of this state, as determined in s. 1009.40 and rules of the State Board of Education, must:

1. Earn a standard Florida high school diploma or its equivalent pursuant to s. 1002.3105, s. 1003.4281, s. 1003.4282, or s. 1003.435 unless:

a. The student completes a home education program according to s. 1002.41; or

b. The student earns a high school diploma from a non-Florida school while living with a parent who is on military or public service assignment out of this state;

2. Be accepted by and enroll in a Florida public or independent postsecondary educational institution that is regionally accredited; and

3. Be enrolled full-time in a baccalaureate degree program at an eligible regionally accredited Florida public or independent postsecondary educational institution during the fall academic term following high school graduation.

(b) A student who initially enrolls in a baccalaureate degree program in the 2018-2019 academic year or later and who is not a resident of this state, as determined in s. 1009.40 and rules of the State Board of Education, must:

1. Physically reside in this state on or near the campus of the postsecondary educational institution in which the student is enrolled;

2. Earn a high school diploma from a school outside Florida which is comparable to a standard Florida high school diploma or its equivalent pursuant to s. 1002.3105, s. 1003.4281, s. 1003.4282, or s. 1003.435 or must complete a home education program in another state; and

3. Be accepted by and enrolled full-time in a baccalaureate degree program at an eligible regionally accredited Florida public or independent postsecondary educational institution during the fall academic term following high school graduation.

(5)(a)1. An eligible student who meets the requirements of paragraph (4)(a), who is a National Merit Scholar ~~or National Achievement Scholar~~, and who attends a Florida public postsecondary educational institution shall receive a scholarship award equal to the institutional cost of attendance minus the sum of the student's Florida Bright Futures Scholarship and National Merit Scholarship ~~or National Achievement Scholarship~~.

2. An eligible student who meets the requirements of paragraph (4)(b), who is a National Merit Scholar, and who attends a Florida public postsecondary educational institution shall receive a scholarship award equal to the institutional cost of attendance for a resident of this state minus the student's National Merit Scholarship. Such student is exempt from the payment of out-of-state fees.

(b) An eligible student who is a National Merit Scholar ~~or National Achievement Scholar~~ and who attends a Florida independent postsecondary educational institution shall receive a scholarship award equal to the highest cost of attendance for a resident of this state enrolled at a Florida public university, as reported by the Board of Governors of the State University System, minus the sum of the student's Florida Bright Futures Scholarship and National Merit Scholarship ~~or National Achievement Scholarship~~.

(6)(a) To be eligible for a renewal award, a student must be enrolled full time, earn all credits for which he or she was enrolled, and maintain a 3.0 or higher grade point average. An eligible Benacquisto Scholar who has fewer than 12 credits remaining to complete his or her first baccalaureate degree may receive funding for one term in order to complete the degree.

(b) A student's renewal status is not affected by subsequent changes in the residency status of the student or the residency status of the student's family.

(c)(b) A student may receive the scholarship award for a maximum of 100 percent of the number of credit hours required to complete a baccalaureate degree program, or until completion of a baccalaureate degree program, whichever comes first.

(d) A student may receive an award for up to 5 years following high school graduation and may not receive the award for more than 10 semesters.

(e) A student who receives an award under this program and fails to meet the renewal requirements due to a verifiable illness or other documented emergency may be granted an exception pursuant to s. 1009.40(1)(b)4.

Section 16. Subsection (2) and paragraphs (e) and (f) of subsection (3) of section 1011.45, Florida Statutes, are amended, and paragraph (g) is added to subsection (3) of that section, to read:

1011.45 End of year balance of funds.—Unexpended amounts in any fund in a university current year operating budget shall be carried forward and included as the balance forward for that fund in the approved operating budget for the following year.

(2) Each university that retains a state operating fund carry forward balance in excess of the 7 percent minimum shall submit a spending plan for its excess carry forward balance. The spending plan shall be submitted to the university's board of trustees for review, approval, or, if necessary, amendment by September ~~30~~ 1, 2020, and each September ~~30~~ 1 thereafter. The Board of Governors shall review, approve, and amend, if necessary, each university's carry forward spending plan by November 15 ~~October 1~~, 2020, and each November 15 ~~October 1~~ thereafter.

(3) A university's carry forward spending plan shall include the estimated cost per planned expenditure and a timeline for completion of the expenditure. Authorized expenditures in a carry forward spending plan may include:

(e) Operating expenditures that support the university mission and that are nonrecurring; and

(f) Any purpose specified by the board or in the General Appropriations Act; and

(g) A commitment of funds to a contingency reserve for expenses incurred as a result of a state of emergency declared by the Governor pursuant to s. 252.36.

Section 17. Subsection (4) of section 1011.90, Florida Statutes, is amended to read:

1011.90 State university funding.—

(4) The Board of Governors shall establish and validate a cost-estimating system consistent with the requirements of subsection (1) and shall report as part of its legislative budget request the actual expenditures for the fiscal year ending the previous June 30. The legislative budget request must also include 5-year trend information on the number of faculty and administrators at each university and the proportion of FTE dedicated to instruction and research compared to administration. The Board of Governors, by regulation, shall define faculty and administrator classifications and shall also report the definitions in the legislative budget request. Expenditure analysis, operating budgets, and annual financial statements of each university must be prepared using the standard financial reporting procedures and formats prescribed by the Board of Governors. These formats shall be the same as used for the 2000-2001 fiscal year reports. Any revisions to these financial and reporting procedures and formats must be approved by the Executive Office of the Governor and the appropriations committees of the Legislature jointly under ~~the provisions of s. 216.023(3).~~ The Board of Governors shall continue to collect and maintain at a minimum management information existing on June 30, 2002. The expenditure analysis report shall include total expenditures from all sources for the general operation of the university and shall be in such detail as needed to support the legislative budget request.

Section 18. Section 1012.977, Florida Statutes, is created to read:

1012.977 Disclosure of contracts that affect the integrity of state universities or entities; penalties.—

(1) Any person employed by a state university or entity engaging in research which was created or authorized pursuant to part II of chapter 1004 consents to the policies of the university or entity, the regulations of the Board of Governors, and the laws of this state. At a minimum, such policies

shall require employees engaged in the design, conduct, or reporting of research to disclose and receive a determination that the outside activity or financial interest does not affect the integrity of the state university or entity.

(2)(a) “Financial interest” includes anything of value other than that provided directly by the university or entity.

(b) “Outside activity” includes anything an employee does for an organization or an individual, other than the university or entity, that is related to the employee’s expertise.

(3) An employee who has failed to disclose any outside activity or financial interest as required by subsection (1) shall be suspended without pay pending the outcome of an investigation which shall not exceed 60 days. Upon conclusion of the investigation, the university or entity may terminate the contract of the employee.

Section 19. Paragraph (b) of subsection (2), paragraph (b) of subsection (3), and subsection (4) of section 1013.841, Florida Statutes, are amended to read:

1013.841 End of year balance of Florida College System institution funds.—

(2)

(b) Each Florida College System institution with a final FTE less than 15,000 for the prior year that retains a state operating fund carry forward balance in excess of the 5 percent minimum shall submit a spending plan for its excess carry forward balance. The spending plan shall include all excess carry forward funds from state operating funds. The spending plan shall be submitted to the Florida College System institution’s board of trustees for approval by September ~~30~~ 1, 2020, and each September ~~30~~ 1 thereafter. The State Board of Education shall review and publish each Florida College System institution’s carry forward spending plan by November 15 ~~October 1~~, 2020, and each November 15 ~~October 1~~ thereafter.

(3)

(b) Each Florida College System institution with a final FTE of 15,000 or greater for the prior year that retains a state operating fund carry forward balance in excess of the 7 percent minimum shall submit a spending plan for its excess carry forward balance. The spending plan shall include all excess carry forward funds from state operating funds. The spending plan shall be submitted to the Florida College System institution’s board of trustees for approval by September ~~30~~ 1, 2020, and each September ~~30~~ 1 thereafter. The State Board of Education shall review and publish each Florida College System institution’s carry forward spending plan by November 15 ~~October 1~~, 2020, and each November 15 ~~October 1~~ thereafter.

(4) A Florida College System institution identified in paragraph ~~(3)(b)~~ ~~(3)(a)~~ must include in its carry forward spending plan the estimated cost per planned expenditure and a timeline for completion of the expenditure. Authorized expenditures in a carry forward spending plan may include:

(a) Commitment of funds to a public education capital outlay project for which an appropriation was previously provided, which requires additional funds for completion, and which is included in the list required by s. 1001.03(18)(d);

(b) Completion of a renovation, repair, or maintenance project that is consistent with the provisions of s. 1013.64(1), up to \$5 million per project;

(c) Completion of a remodeling or infrastructure project, up to \$10 million per project, if such project is survey recommended pursuant to s. 1013.31;

(d) Completion of a repair or replacement project necessary due to damage caused by a natural disaster for buildings included in the inventory required pursuant to s. 1013.31;

(e) Operating expenditures that support the Florida College System institution's mission which are nonrecurring; ~~and~~

(f) Any purpose approved by the state board or specified in the General Appropriations Act; ~~and~~

(g) A commitment of funds to a contingency reserve for expenses incurred as a result of a state of emergency declared by the Governor pursuant to s. 252.36.

Section 20. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2020.

Approved by the Governor June 29, 2020.

Filed in Office Secretary of State June 29, 2020.