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# **Education Committee**

**Tuesday, February 27, 2018**

**1:30 PM**

**Reed Hall (102 HOB)**

**Revised Meeting Packet**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Education Committee

**Start Date and Time:** Tuesday, February 27, 2018 01:30 pm

**End Date and Time:** Tuesday, February 27, 2018 04:30 pm

**Location:** Reed Hall (102 HOB)

**Duration:** 3.00 hrs

**Consideration of the following bill(s):**

CS/HB 423 Higher Education by Post-Secondary Education Subcommittee, Rodrigues

CS/HB 1213 Computer Science Instruction by PreK-12 Appropriations Subcommittee, Porter

**Consideration of the following proposed committee substitute(s):**

PCS for HB 495 -- Education

**NOTICE FINALIZED on 02/26/2018 4:20PM by Jones.Missy**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 423 Higher Education  
**SPONSOR(S):** Post-Secondary Education Subcommittee and Rodrigues  
**TIED BILLS:** None **IDEN./SIM. BILLS:** CS/SB 4

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Post-Secondary Education Subcommittee	12 Y, 1 N, As CS	Bishop	Bishop
2) Higher Education Appropriations Subcommittee	13 Y, 0 N	Crowley	Lloyd
3) Education Committee		Bishop	Hassell

### SUMMARY ANALYSIS

The bill establishes the "Excellence in Higher Education Act of 2018". Specifically, the bill:

- Modifies state university performance funding metrics and requires the Board of Governors (BOG) to develop and implement a performance agreement with each university.
- Requires the BOG to work with each university to establish 1-year, 2-year, 3-year, and 4-year improvement benchmarks for determining eligibility for performance funding.
- Requires the BOG to submit a plan for transitioning from the current partial performance-based funding model to a complete performance-based continuous improvement funding model focused on outcomes.
- Revises excellence standards for the Preeminent State Research Universities Program.
- Revises requirements for SUS institution direct-support organizations (DSO).
- Expands the Florida Bright Futures Academic Scholars (FAS) award to cover 100 percent of tuition and specified fees plus \$300 per fall and spring semester for textbooks and college-related expenses and the Florida Bright Futures Medallion Scholars award to cover 75 percent of tuition and fees.
- Authorizes the use of the Bright Futures Scholarship during the summer-term if funding is provided.
- Expands eligibility for the Benacquisto Scholarship Program to include eligible out-of-state students.
- Revises the state-to-private match requirements for the First Generation Matching Grant Program.
- Establishes the Florida Farmworker Student Scholarship Program for farmworkers and their children.
- Requires each state university to adopt an undergraduate block tuition policy for fall 2019.
- Establishes the World Class Faculty and Scholar Program to support the efforts of state universities to recruit and retain exemplary faculty and research scholars.
- Establishes the State University Professional and Graduate Degree Excellence Program to enhance the quality and excellence of state university programs in medicine, law, and business.
- Requires a reverse transfer agreement for Florida College System (FCS) associate in arts degree (AA) transfer students who transfer to a state university prior to earning the AA degree.
- Allows FCS institutions to require students to take the college placement test for diagnostic purposes.
- Requires the BOG to enter into an agreement with the Department of Economic Opportunity (DEO) for access to individual reemployment assistance wage reports for auditing and evaluation purposes;
- Prohibits ratio of state university students to administrators from exceeding ratio of students to faculty.
- Requires the University of South Florida (USF) to develop and implement a plan for phasing-out the separate accreditation of the USF St. Petersburg and USF Manatee/Sarasota campuses.

This bill includes initiatives which increase state funding requirements by \$140 million. See Fiscal Comments.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2018, except as otherwise expressly provided.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### **Board of Governors Powers and Duties Relating to Accountability**

The BOG is required to develop a strategic plan specifying goals and objectives for the State University System (SUS) and each constituent university, including each university's contribution to overall system goals and objectives.<sup>1</sup>

The strategic plan must include criteria for designating baccalaureate degree and master's degree programs at specified universities as high-demand programs of emphasis.<sup>2</sup> Fifty percent of the criteria for designation as high-demand programs of emphasis must be based on achievement of performance outcome thresholds determined by the BOG, and 50 percent of the criteria must be based on achievement of performance outcome thresholds specifically linked to:<sup>3</sup>

- job placement in employment of 36 hours or more per week and average full-time wages of graduates of the degree programs 1 year and 5 years after graduation; and
- data-driven gap analyses, conducted by the BOG, of the state's job market demands and the outlook for jobs that require a baccalaureate or higher degree.

The BOG is also required to develop an accountability plan for the SUS and each constituent university. The accountability plan must be submitted as part of the legislative budget request and address institutional and system achievement goals and objectives specified in the strategic plan.<sup>4</sup>

In May 2012, the Chair of the BOG issued a call to action to education, business and workforce, and legislative leaders to address Florida's need for future baccalaureate degree attainment.<sup>5</sup> In response to the call, the Commission on Higher Education Access and Educational Attainment (Commission), composed of seven members, was established. Among the major products from the Commission's work was a sustainable method for conducting a gap analysis of baccalaureate level workforce demand.<sup>6</sup>

##### **Preeminent State Research Universities Program**

The Preeminent State Research Universities Program is a collaborative partnership between the BOG and the Legislature to raise the academic and research preeminence of the highest performing state research universities in Florida.<sup>7</sup> A state university that meets 11 of the 12 academic and research excellence standards specified in law<sup>8</sup> is designated a "preeminent state research university."<sup>9</sup>

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<sup>1</sup> Section 1001.706(5)(b), F.S.

<sup>2</sup> Section 1001.706(5)(b)4., F.S.

<sup>3</sup> *Id.*

<sup>4</sup> Section 1001.706(5)(c), F.S.

<sup>5</sup> Board of Governors, *Aligning Workforce and Higher Education for Florida's Future* (Nov. 21, 2013), available at [http://www.flbog.edu/about/doc/commission-materials/Access-and-Attainment-Comm-FINAL-REPORT-10\\_29\\_13\\_rev.docx](http://www.flbog.edu/about/doc/commission-materials/Access-and-Attainment-Comm-FINAL-REPORT-10_29_13_rev.docx).

<sup>6</sup> *Id.*

<sup>7</sup> Section 1001.7065(1), F.S.

<sup>8</sup> Section 1001.7065(2), F.S. The standards include: incoming freshman academic characteristics (average weighted GPA and average SAT score); institutional ranking nationally; freshman retention rate; six-year graduation rate; national academy membership of institution faculty; research expenditures (2 measures); research expenditure national ranking; patents awarded annually; doctoral degrees awarded annually; postdoctoral appointees annually; and institutional endowment.

<sup>9</sup> Section 1001.7065(3)(a), F.S.

Currently, the University of Florida and the Florida State University are designated as preeminent state research universities.<sup>10</sup>

A state research university that meets at least 6 of the 12 standards is designated as an “emerging preeminent state research university.”<sup>11</sup> Currently, the University of Central Florida and the Tampa campus of the University of South Florida are designated as emerging preeminent state research universities.<sup>12,13</sup> Each designated emerging preeminent state research university receives an amount of funding that is equal to one-half of the total increased amount awarded to each designated preeminent state research university.

### Unique Courses

A university that is designated a preeminent state research university may require its incoming first-time-in-college (FTIC) students to take a six-credit set of unique courses.<sup>14</sup> The university may stipulate that credit for such courses may not be earned through any acceleration mechanism<sup>15</sup> or any other transfer credit specifically determined by the university.<sup>16</sup>

### Programs of National Excellence

The BOG is encouraged to establish standards and measures to identify individual programs in state universities that objectively reflect national excellence and make recommendations to the Legislature for ways to enhance and promote such programs.<sup>17</sup>

### **State University System Performance-Based Incentive**

Each fiscal year, the amount of funds available for allocation to the state universities based on the performance-based funding model consists of the state’s investment in performance funding plus institutional investments, which include funds deducted from the base funding of each state university in an amount provided in the General Appropriations Act (GAA).<sup>18</sup>

The SUS Performance-Based Incentive is awarded to state universities using performance-based metrics<sup>19</sup> adopted by the BOG.<sup>20</sup> The current metrics selected by the BOG include the following:<sup>21</sup>

- Percent of bachelor’s graduates employed (earning \$25,000+) and/or continuing their education further 1 year after graduation;
- Median average full-time wages of undergraduates employed in Florida 1 year after graduation;
- Average cost to the student (net tuition and fees per 120 semester credit hours);
- Six year graduation rate (full-time and part-time FTIC);

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<sup>10</sup> Board of Governors, State University System of Florida, *System Summary of University Work Plans 2016*, at 10, available at [http://www.flbog.edu/about/doc/budget/workplan\\_2016/2016\\_SYSTEM\\_WORK\\_PLAN\\_2016-09-09.pdf](http://www.flbog.edu/about/doc/budget/workplan_2016/2016_SYSTEM_WORK_PLAN_2016-09-09.pdf)

<sup>11</sup> Section 1001.7065(3)(b), F.S.

<sup>12</sup> Board of Governors, State University System of Florida, *Meeting Minutes* (September 22, 2016), available at [http://www.flbog.edu/documents\\_meetings/0202\\_1035\\_7803\\_9.2.2%20BOG\\_minutes%202016\\_09\\_22.pdf](http://www.flbog.edu/documents_meetings/0202_1035_7803_9.2.2%20BOG_minutes%202016_09_22.pdf)

<sup>13</sup> Board of Governors, State University System of Florida, *Minutes* (June 22-23, 2016) available at [http://www.flbog.edu/documents\\_meetings/0201\\_1020\\_7637\\_13.2.2%20BOG\\_minutes%202016\\_06\\_23.pdf](http://www.flbog.edu/documents_meetings/0201_1020_7637_13.2.2%20BOG_minutes%202016_06_23.pdf)

<sup>14</sup> Section 1001.7065(6), F.S.

<sup>15</sup> Acceleration mechanisms include Advanced Placement (AP), International Baccalaureate (IB), Advanced International Certificate of Education (AICE), credit by examination, and dual enrollment.

<sup>16</sup> Section 1001.7065(6), F.S.

<sup>17</sup> Section 1001.7065(8), F.S.

<sup>18</sup> Section 1001.92(2), F.S.

<sup>19</sup> Board of Governors, *Performance Funding Model Overview*, available at [http://www.flbog.edu/about/budget/docs/performance\\_funding/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version.pdf](http://www.flbog.edu/about/budget/docs/performance_funding/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version.pdf).

<sup>20</sup> Section 1001.92(1), F.S.

<sup>21</sup> Board of Governors, *Performance Funding Model Overview*, available at [http://www.flbog.edu/about/budget/docs/performance\\_funding/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version.pdf](http://www.flbog.edu/about/budget/docs/performance_funding/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version.pdf)

- Academic progress rate (2<sup>nd</sup> year retention with GPA above 2.0);
- Bachelor's degrees awarded in areas of strategic emphasis (includes STEM);
- University access rate (percent of undergraduates with a Pell grant);
- Graduate degrees awarded in areas of strategic emphasis (includes STEM)<sup>22</sup>;
- Board of Governors choice
  - Percent of baccalaureate degrees awarded without excess hours (FAMU, FAU, FGCU, FIU, UCF, UNF, USF, UWF)
  - Number of faculty awards (FSU, UF)
  - National ranking – Top 50 (NCF)
- Board of Trustees choice.

The BOG must adopt benchmarks to evaluate each state university's performance on the metrics.<sup>23</sup> The evaluation measures a state university's achievement of institutional excellence or need for improvement, which determines the university's eligibility to receive performance funding.<sup>24</sup>

The BOG assigns points for both excellence and improvement and the higher point value on each metric is counted toward each university's total score. A university must earn more than 50 points (out of a possible 100) to be eligible for the state investment in performance funding. However, the three lowest scoring institutions are not eligible for the state's investment in performance funding regardless of whether they earn more than 50 points. In addition, any university that earns 50 points or less has its institutional investment withheld and is required to submit an improvement plan to the BOG. If improvement is demonstrated according to the approved improvement plan, the institutional investment will be restored.<sup>25</sup>

### State University Direct Support Organizations

A university direct-support organization (DSO) is a Florida corporation not for profit, incorporated under the provisions of chapter 617 and approved by the Department of State<sup>26</sup>. Each of the 12 state universities have at least one DSO. The DSOs are organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to, or for the benefit of, a state university.<sup>27</sup> Each DSO has been reviewed and certified by the university BOT to be operating in a manner consistent with the goals of the university and in the best interest of the state.<sup>28</sup>

The university BOTs are currently authorized to permit the use of property, facilities, and personal services at their university by the DSO.<sup>29</sup> "Personal services" includes full-time or part-time personnel as well as payroll processing.<sup>30</sup> Currently, 10 of the state universities allow their DSOs to use personal services which are funded through university funds.

The university DSOs are currently prohibited from giving, either directly or indirectly, any gift to a political committee for any purpose other than those certified by a majority roll call vote of the governing board of the DSO at a regularly scheduled meeting as being directly related to the educational mission of the institution.<sup>31</sup>

<sup>22</sup> New College of Florida substitutes Freshman graduating in Top 10% of high school class for this metric.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> Board of Governors, *Performance Funding Model Overview*, available at

[http://www.flbog.edu/about/budget/docs/performance\\_funding/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version.pdf](http://www.flbog.edu/about/budget/docs/performance_funding/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version.pdf)

<sup>26</sup> Section 1004.28(1)(a)(1), F.S.

<sup>27</sup> Section 1004.28(1)(a)(2), F.S.

<sup>28</sup> Section 1004.28(1)(a)(3), F.S.

<sup>29</sup> Section 1004.28(2)(a), F.S.

<sup>30</sup> Section 1004.28(1)(b), F.S.

<sup>31</sup> Section 1004.28(4), F.S.

Currently, all records of the DSOs other than the auditor's report, management letter, and any supplemental data requested by the BOG, university BOT, the Auditor General, and the Office of Program Policy Analysis and Government Accountability are confidential.<sup>32</sup>

### **State University Research and Development**

According to the BOG, for Florida to "secure its place as a national leader in the 21st century, it must prove competitive in discovery and innovation."<sup>33</sup> The stronger the universities and the State of Florida are in research and development (R&D) performance and reputation, the more competitive Florida becomes in attracting and retaining the best and most promising faculty, students, staff, and companies.<sup>34</sup>

In a 2014-15 National Science Foundation survey of R&D spending across the United States, the State of Florida ranked 4<sup>th</sup> on total research and development expenditures among public universities, behind California, Texas, and Michigan.<sup>35</sup> States with strong and competitive research enterprises support the research infrastructure within their state with a wide range of statewide grant programs to make their state universities more competitive for federal grant opportunities.<sup>36</sup>

In Florida, the state universities have identified the need for funding to support university efforts to:<sup>37</sup>

- increase research capacity, output, and impact through targeted cluster hiring of talented faculty and strategic investments in research infrastructure;
- increase and enhance undergraduate student participation in research through undergraduate research programs; and connect university research to Florida's industry and economic development through industry-sponsored research at state universities and research commercialization activities.

### **Statewide Articulation Agreement**

The SBE and the BOG are required to enter into a statewide articulation agreement to preserve Florida's "2+2" system of articulation, facilitate the seamless articulation of student credit across and among Florida's education entities, and reinforce the articulation and admission policies specified in law.<sup>38</sup>

The articulation agreement must provide that every associate in arts graduate of an FCS institution has met all general education requirements, has indicated a baccalaureate institution and program of interest by the time the student earns 30 semester hours, and must be granted admission to the upper division, with certain exceptions,<sup>39</sup> of a state university or an FCS institution that offers a baccalaureate degree.<sup>40</sup> However, eligibility for admission to a state university does not provide to a transfer student guaranteed admission to the specific university or degree program that the student chooses.<sup>41</sup>

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<sup>32</sup> Section 1004.28(5)(b), F.S.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> Email. Board of Governors (Jan. 12, 2017)

<sup>36</sup> Board of Governors, *Draft of Advancing Research and Innovation Legislative Budget Request*, Presentation to the Board of Governors Task Force on University Research (Sept. 22, 2016), available at [http://www.flbog.edu/documents\\_meetings/0201\\_1017\\_7616\\_10.3.2%20TF-RSRCH%2003b%20LBR%20Request%20VPRs%20\\_2017\\_18%201aug2016%20Form%201%20\(002\)\\_JMI.pdf](http://www.flbog.edu/documents_meetings/0201_1017_7616_10.3.2%20TF-RSRCH%2003b%20LBR%20Request%20VPRs%20_2017_18%201aug2016%20Form%201%20(002)_JMI.pdf).

<sup>37</sup> *Id.*

<sup>38</sup> Section 1007.23(1), F.S.

<sup>39</sup> Section 1007.23(2)(a), F.S., exceptions include limited access programs, teacher certification programs, and those requiring an audition.

<sup>40</sup> Section 1007.23(2)(a), F.S.

<sup>41</sup> Board of Governors Regulation 6.004(2)(b)



## Developmental Education

Developmental education is instruction through which a high school graduate who applies for any college credit program may attain the communication and computation skills necessary to successfully complete college credit instruction.<sup>42</sup> Developmental education may be delivered through a variety of delivery strategies described in law.<sup>43</sup>

Each FCS institution BOT must develop a plan to implement the developmental education strategies defined in law<sup>44</sup> and rules<sup>45</sup> of the SBE.<sup>46</sup> A university BOT may contract with a FCS institution to provide developmental education services for their students in need of developmental education.<sup>47</sup> Florida Agricultural and Mechanical University (FAMU) is also authorized to offer developmental education.<sup>48</sup>

During the 2013 Legislative Session, Senate Bill 1720 revised requirements relating to common placement testing.<sup>49</sup> The bill exempted any student who entered 9<sup>th</sup> grade in a Florida public school in the 2003-2004, or any year thereafter, and earned a standard high school diploma from taking the common placement test.

Prior to 2015, high schools were required to administer the Postsecondary Education Readiness Test (PERT) to all students in 11th grade who scored at Level 2 or 3 on the statewide, standardized 10th grade ELA assessment or Levels 2 through 4 on the Algebra I EOC assessment.<sup>50</sup> Students who demonstrated college readiness by achieving scores established by the state board on alternate assessments were not required to take the PERT. However, when a student did not achieve the minimum scores necessary to demonstrate college readiness on either the PERT or an alternative assessment, the school was required to use the test results to advise the student of identified deficiencies and provide appropriate postsecondary preparatory instruction during his or her 12th grade year. The student was required to complete the postsecondary preparatory instruction prior to high school graduation.<sup>51</sup> This requirement ensured that college readiness skills were assessed in high school and remediation was provided for any skill deficiencies prior to graduation. However, in an effort to reduce duplicative and excessive assessments, the legislature repealed the requirement to administer the PERT in high school.

## Block Tuition

The BOG is authorized to approve a proposal from a university BOT to implement flexible tuition<sup>52</sup> policies including, but not limited to, block tuition.<sup>53</sup> The block tuition policy for resident undergraduate students or undergraduate-level courses must be based on the established per-credit-hour

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<sup>42</sup> Section 1008.02(1), F.S.

<sup>43</sup> *Id.* Strategies include modularized instruction that is customized and targeted to address specific skills gaps, compressed course structures that accelerate student progression from developmental instruction to college level coursework, contextualized developmental instruction that is related to meta-majors, and corequisite developmental instruction or tutoring that supplements credit instruction while a student is concurrently enrolled in a credit-bearing course.

<sup>44</sup> *Id.*

<sup>45</sup> Rule 6A-14.030(12), F.A.C.

<sup>46</sup> Section 1008.30(5)(a), F.S.

<sup>47</sup> Section 1008.30(5)(c), F.S.

<sup>48</sup> Board of Governors Regulation 6.008(1).

<sup>49</sup> Florida Senate Staff Analysis for SB 1720 (2013). *Available at:*

<http://flsenate.gov/Session/Bill/2013/1720/Analyses/2013s1720.ap.PDF>

<sup>50</sup> Section 1008.30(3), F.S. (2014)

<sup>51</sup> Florida House of Representatives Staff Analysis for HB 7069 (2015). *Available at:*

<http://flsenate.gov/Session/Bill/2015/7069/Analyses/h7069z.EDC.PDF>

<sup>52</sup> Section 1009.01, F.S., defines tuition as the basic fee charged to a student for instruction provided by a public postsecondary education institution in this state.

<sup>53</sup> Section 1009.24(15)(a), F.S.

undergraduate tuition.<sup>54</sup> The block tuition policy for nonresident undergraduate students must be based on the established per-credit-hour undergraduate tuition and out-of-state fee.<sup>55</sup> The BOG has not received a block tuition policy proposal for approval from any state university.<sup>56</sup>

### Florida Bright Futures Scholarship Program

The Florida Bright Futures Scholarship Program (Bright Futures) was established in 1997<sup>57</sup> as a lottery-funded scholarship program to reward a Florida high school graduate who merits recognition for high academic achievement. The student must enroll in a degree program, certificate program, or applied technology diploma program at an eligible public or private postsecondary education institution<sup>58</sup> in Florida after graduating from high school.<sup>59</sup> Bright Futures consists of three types of awards:<sup>60</sup>

- Florida Academic Scholars (FAS);<sup>61</sup>
- Florida Medallion Scholars (FMS);<sup>62</sup> and
- Florida Gold Seal Vocational Scholars (FGSV) and Florida Gold Seal CAPE Scholars.<sup>63</sup>

Bright Futures program award amounts are specified annually in the GAA.<sup>64</sup> The 2017-2018 GAA provides FAS awards equal to 100 percent of tuition and applicable fees, and an additional \$300 each fall and spring semester for textbooks and college-related expenses.<sup>65</sup> The applicable fees include the activity and service fee, health fee, athletic fee, financial aid fee, capital improvement fee, campus access/transportation fee, technology fee, and the tuition differential fee.<sup>66</sup> However, current law prohibits both the technology fee and tuition differential fee from being included in any Florida Bright Futures Scholarship Program award.<sup>67</sup> The Department of Education (DOE) authorized these fees to be included in the 2017-2018 FAS awards<sup>68</sup> as appropriated in the 2017-2018 GAA. Students attending a private postsecondary education institution receive a comparable amount.<sup>69</sup>

A student may use a Bright Futures award for summer term enrollment if funds are available.<sup>70</sup> However, funds have not been appropriated for Bright Futures summer term awards since the 2000-2001 fiscal year.<sup>71</sup>

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<sup>54</sup> Section 1009.24(15)(a)3., F.S.

<sup>55</sup> *Id.*

<sup>56</sup> Board of Governors, *2017 Legislative Bill Analysis for SB 2* (Jan. 18, 2017), at 4.

<sup>57</sup> Section 2, ch. 1997-77, L.O.F.

<sup>58</sup> A student who receives any award under the Florida Bright Futures Scholarship Program, who is enrolled in a nonpublic postsecondary education institution, and who is assessed tuition and fees that are the same as those of a full-time student at that institution, receives a fixed award calculated by using the average tuition and fee calculation as prescribed by the Department of Education for full-time attendance at a public postsecondary education institution at the comparable level. Section 1009.538, F.S.

<sup>59</sup> Sections 1009.53(1) and 1009.531(2)(a)-(c), F.S. Starting with 2012-2013 graduates, a student graduating from high school is able to accept an initial award for 2 years following high school and to accept a renewal award for 5 years following high school graduation.

<sup>60</sup> Section 1009.53(2), F.S.

<sup>61</sup> Section 1009.534, F.S.

<sup>62</sup> Section 1009.535, F.S.

<sup>63</sup> Section 1009.536, F.S.

<sup>64</sup> Sections 1009.534(2), 1009.535(2), and 1009.536(3), F.S.

<sup>65</sup> Specific Appropriation 4, 2017-70, L.O.F. The 2017-2018 GAA also provides FMS awards at \$77 at 4-year institutions, \$63 at 2-year institutions, \$53 for upper-division programs at Florida Colleges, and \$39 for career and technical centers. *Id.*

<sup>66</sup> Florida Department of Education, 2017-18 Bright Futures Scholarship Program Award Amounts Update, July 12, 2017, *available at* <http://edr.state.fl.us/content/conferences/financialaid/DOEMemorandum.pdf>.

<sup>67</sup> Sections. 1009.22(7), 1009.23(10), 1009.24(13) and (16), F.S.

<sup>68</sup> Florida Department of Education, 2017-18 Bright Futures Scholarship Program Award Amounts Update, July 12, 2017, *available at* <http://edr.state.fl.us/content/conferences/financialaid/DOEMemorandum.pdf>.

<sup>69</sup> Section 1009.538, F.S.

<sup>70</sup> Section 1009.53 (9), F.S.

<sup>71</sup> Florida Office of Economic and Demographic Research, Student Financial Aid Impact Conference (March 2015), *available at* <http://edr.state.fl.us/Content/conferences/financialaidimpact/archives/150303financialaidimpact.pdf>.

## First Generation Matching Grant Program

The First Generation Matching Grant Program was established in 2006<sup>72</sup> to enable each state university to provide donors with a matching grant incentive for contributions to create grant-based student financial aid for undergraduate students who demonstrate financial need and whose parents have not earned a baccalaureate degree.<sup>73</sup> Funds appropriated for the program must be allocated by the Office of Student Financial Assistance (within the DOE) to match private contributions on a dollar-for-dollar basis.<sup>74</sup>

## Benacquisto Scholarship Program

The Benacquisto Scholarship Program, created in 2014,<sup>75</sup> rewards any Florida high school graduate who receives recognition as a National Merit Scholar (NMS) or National Achievement Scholar (NAS) and who enrolls in a baccalaureate degree program at an eligible Florida public or independent postsecondary education institution.<sup>76</sup> Among other statutory eligibility requirements,<sup>77</sup> the student must earn a standard Florida high school diploma or equivalent and be a state resident.<sup>78</sup>

The award amounts are as follows:

- At a Florida public postsecondary education institution the award is equal to the institutional cost of attendance less the sum of the student's Bright Futures Scholarship and NMS or NAS award;<sup>79,80</sup>
- At a Florida independent postsecondary education institution the award is equal to the highest cost of attendance at a Florida public university, as reported by the BOG, less the sum of the student's Bright Futures Scholarship and NMS or NAS award.<sup>81</sup>

## Stanley G. Tate Florida Prepaid College Program

The Florida Prepaid College Program (Prepaid Program) provides families an affordable and secure way to save for tuition and specified fees at Florida's postsecondary institutions.<sup>82</sup> The Prepaid Program allows a family to pay for tuition and specified fees in advance of enrollment in a state postsecondary institution at a rate lower than the projected corresponding cost at the time of actual enrollment.<sup>83</sup> These payments are invested in a manner that yields sufficient interest to generate the difference between the prepaid amount and the cost of tuition and specified fees at the time of actual enrollment. For the Fall 2014 semester, 57,945 students used a Florida Prepaid College Plan at a state university.<sup>84</sup>

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<sup>72</sup> Section 1, ch. 2006-73, L.O.F.

<sup>73</sup> Section 1009.701(1), F.S.

<sup>74</sup> *Id.* at (2)

<sup>75</sup> The Benacquisto Scholarship Program was formerly titled the Florida National Merit Scholar Incentive Program. Section 26, ch. 2016-237, L.O.F.

<sup>76</sup> Section 1009.893, F.S.

<sup>77</sup> Section 1009.893(4), F.S.

<sup>78</sup> Section 1009.893(4)(a), F.S. Under section 1009.40(1)(a)2., F.S., the student must meet the requirements of Florida residency for tuition purposes under s. 1009.21, F.S.; see also Rule 6A-10.044, F.A.C.

<sup>79</sup> The National Merit Scholarship Corporation discontinued the National Achievement Scholarship Program with the conclusion of the 2015 program, <http://www.nationalmerit.org/s/1758/interior.aspx?sid=1758&gid=2&pgid=433> (last visited Jan. 20, 2017).

<sup>80</sup> Section 1009.893(5)(a), F.S.

<sup>81</sup> *Id.* at (5)(b)

<sup>82</sup> Florida Prepaid College Board 2015 Annual Report, available at [http://www.itppv.com/documents/pdf/fpcb\\_2015\\_annual\\_report\\_web.pdf](http://www.itppv.com/documents/pdf/fpcb_2015_annual_report_web.pdf).

<sup>83</sup> Section 1009.98, F.S.

<sup>84</sup> Florida Prepaid College Board 2015 Annual Report, available at [http://www.itppv.com/documents/pdf/fpcb\\_2015\\_annual\\_report\\_web.pdf](http://www.itppv.com/documents/pdf/fpcb_2015_annual_report_web.pdf).

## SUS Faculty/Administrator Ratios

From 2010 through 2014, universities reduced the ratio of students to administrators (meaning the number of administrators was growing faster than the number of students) while student to full-time faculty ratios increased slightly.<sup>85</sup> The number of staff with administrative duties has increased at a faster rate than that of students or full-time faculty.<sup>86</sup>

### William L. Boyd, IV, Florida Resident Access Grant (FRAG)

The William L. Boyd, IV, FRAG is a tuition assistance program that is available to full-time degree-seeking undergraduate students registered at an independent nonprofit college or university which is located in and chartered by the state; which is accredited by the SACSCOC; which grants baccalaureate degrees; is not a state university or FCS institution; and has a secular purpose.<sup>87</sup>

### University of South Florida Branch Campuses

The University of South Florida (USF) is currently considered to be a "system" which includes three, separately accredited institutions: USF; USF St. Petersburg; and USF Sarasota-Manatee.<sup>88</sup> Both USF St. Petersburg and USF Sarasota/Manatee must be operated and maintained as separate organizational and budget entities of USF and all appropriations for both campuses are set forth as separate line items in the GAA.<sup>89</sup> Both campuses are required to have a Campus Board and a Campus Executive Officer<sup>90</sup> and obtain separate SACSCOC accreditation.<sup>91</sup>

### Intellectual and Viewpoint Diversity

In 2006, the American Association of Colleges and Universities (AAC&U) issued a statement on academic freedom and educational responsibility<sup>92</sup>. According to AAC&U:

*In any education of quality, students encounter an abundance of intellectual diversity—new knowledge, different perspectives, competing ideas, and alternative claims of truth. This intellectual diversity is experienced by some students as exciting and challenging, while others are confused and overwhelmed by the complexity. Liberal education, the nation's signature educational tradition, helps students develop the skills of analysis and critical inquiry with particular emphasis on exploring and evaluating competing claims and different perspectives.*

Diversity is defined by Webster's dictionary as "the condition of having or being composed of differing elements" and "the inclusion of different types of people (such as people of different races or cultures) in a group or organization."<sup>93</sup> Colleges and universities have long sought to foster diversity on campus. However, recent events on multiple college campuses across the country have raised the question of whether diversity of thought is included in what appears to be an evolving definition of diversity.

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<sup>85</sup> Office of Program Policy Analysis and Government Accountability, *OPPAGA Research on State University System Administrative Positions and Salaries*, Presentation to the House Higher Education Appropriations Subcommittee (March 14, 2017), available at: <http://www.oppaga.state.fl.us/monitordocs/Presentations/P17-17.pdf>

<sup>86</sup> *Id.*

<sup>87</sup> Section 1009.89(1) and (3), F.S.

<sup>88</sup> University of South Florida – About USF <http://www.usf.edu/about-usf/index.aspx> (last visited January 11, 2018).

<sup>89</sup> Sections 1004.33(1)(a) and 1004.34(1)(a), F.S.

<sup>90</sup> Sections 1004.33(1)(b) and 1004.34(1)(b), F.S.

<sup>91</sup> Sections 1004.33(1)(c) and 1004.34(1)(c), F.S.

<sup>92</sup> American Association of Colleges and Universities, *Academic Freedom and Educational Responsibility* (Washington DC: Association of Colleges and Universities, 2006) Available at: <https://www.aacu.org/about/statements/academic-freedom>

<sup>93</sup> Merriam-Webster Dictionary. Available at: <https://www.merriam-webster.com/dictionary/diversity>

## **Effect of Proposed Changes**

### **Board of Governors Powers and Duties Relating to Accountability**

The bill modifies the requirements of the strategic plan, developed by the BOG, to require state universities to use data-driven gap analyses to identify internship opportunities in high-demand fields.

Modifications to BOG's strategic plan emphasize the value of internships in experiential learning.<sup>94</sup> Through internships, students are likely to gain exposure to relevant on-the-job experience and develop skills critical to securing and maintaining gainful employment in high-demand fields of unmet need.

The bill requires the BOG to match individual student information with information from state and federal agencies that maintain educational and employment records and to enter into an agreement with DEO that allows access to reemployment assistance wage reports maintained by DEO. The agreement must protect individual privacy and provide that student information obtained through the agreement may be used only for the purposes of auditing and evaluating higher education programs offered by state universities. This access will decrease the BOG response time for legislative requests.

### **Preeminent State Research Universities Program**

Consistent with the emphasis on a 4-year graduation rate metric for the SUS Performance-Based Incentive program, the bill revises the full-time FTIC student graduation rate metric for the preeminent state research university program from a 6-year to a 4-year rate, and modifies the benchmark for the graduation rate metric from 70 percent to 60 percent. The amount of funding provided to emerging preeminent state research universities is revised from one-half to one-quarter of the total additional funding awarded to preeminent state research universities.

### **Unique Courses**

The bill eliminates the authority for the preeminent state research universities to require FTIC students to take a six-credit unique set of courses. Currently, UF lists two such courses and Florida State University lists one such course.<sup>95</sup>

### **Programs of Excellence**

The bill changes from a recommendation to a requirement that the BOG establish standards and measures for programs of excellence throughout the SUS and specifies that the programs include undergraduate, graduate, and professional degrees. Additionally, the bill requires the BOG to make recommendations to the Legislature for enhancing and promoting such programs by September 1, 2018.

### **State University System Performance-Based Incentive**

The bill, in an effort to better reflect the progress and outcomes of ALL students, revises existing performance funding metrics to include:

- 4-year graduation rate for FTIC students
- 2-year graduation rate for 2+2 transfer students
- 6 year graduation rates for Pell-eligible students as compared with non-Pell-eligible students
- Percent of students graduating without excess hours (for all institutions)
- Retention rates that incorporate 30, 60 and 90 credit hour milestones.
- Additional metrics approved by the BOG that reflect the unique mission of each university

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<sup>94</sup> Governor Scott's "Finish in Four, Save More" challenge encourages universities and colleges to "make it easier for students to get class credit for internships in their fields, which puts students on the path to getting a good paying job." Office of the Governor, *Governor Rick Scott Issues "Finish in Four, Save More" Challenge to Universities and Colleges* (May 25, 2016) <http://www.flgov.com/2016/05/25/governor-rick-scott-issues-finish-in-four-save-more-challenge-to-universities-and-colleges/> (last visited Jan. 20, 2017).

<sup>95</sup> Florida Statewide Course Numbering System (<http://scns.fldoe.org>).

The following metrics remain unchanged:

- Percent of graduates employed (earning \$25,000+) and/or continuing their education further 1 year after graduation;
- Median average full-time wages of undergraduates employed in Florida 1 year after graduation;
- Average cost to the student (net tuition and fees per 120 semester credit hours);
- Bachelor's degrees awarded in strategic areas of emphasis (includes STEM)

The BOG is required to develop and implement a performance agreement with each university that, by August 1, 2018, establishes baseline benchmarks unique to each university on the common performance metrics. The BOG must establish 1-year, 2-year, 3-year, and 4-year benchmarks for improvement based on the performance agreement entered into with each university that are to be used to determine eligibility for performance funding. In addition, the bill requires the office of the inspector general to annually verify the accuracy of the data used to implement performance funding and preeminence funding.

The bill eliminates unnecessary competition between universities for the state investment in performance funding because each university will compete against its own past performance. All universities will have the opportunity to meet eligibility requirements for performance funding if they meet their own individual improvement benchmarks. However, there will still be "skin in the game" because continuous improvement will be required for a share of the state investment and any regression in performance will still result in the withholding of the institutional investment (base funding).

The bill requires the BOG, in consultation with the state universities, to submit to the Governor, President of the Senate and Speaker of the House by January 1, 2019, a plan for transitioning from the current partial performance-based funding model to a complete performance-based continuous improvement funding model that is focused on outcomes. The plan must include:

- A revised method for the equitable distribution of performance funds that is not based solely on historical funding distributions; and
- A proposed method for transitioning to a complete performance-based funding formula driven by outcomes.

The Legislature will also consult with an independent contractor to develop an alternative transition plan that will be considered along with the BOG plan for legislative approval. Legislative approval of a performance funding plan is required before any performance funds may be distributed beginning with the 2019-2020 fiscal year.

### **State University Direct Support Organizations**

The bill prohibits state university BOTs from permitting the use of state funds for travel expenses by any state university DSO. DSOs are also prohibited from giving, either directly or indirectly, any gift to a political committee.

The bill narrows the provisions of current law relating to the confidentiality of records of a university DSO. Pursuant to the bill, any information related to the expenditure of state funds, and any information related to the expenditure of private funds for travel are no longer confidential.

The bill strengthens the oversight of DSOs by university boards of trustees by requiring each board to establish thresholds for approval of purchases, acquisitions, projects, and issuance of debt. In addition, the bill revises the appointment and approval process for members of a DSO board of directors. Specifically, the chair of the board of trustees will appoint at least one representative to the board of directors and the executive committee of any DSO and the board of trustees shall approve all other appointments.

The bill requires that personal services for DSOs must comply with requirements for other state employees and stipulates that, no later than July 1, 2019, university transfers of any state appropriation to direct-support organizations by a board of trustees may include only funds pledged for debt.

### **World Class Faculty and Scholar Program**

The bill establishes the World Class Faculty and Scholar Program to elevate the national prominence of state universities in Florida. Specifically, this section:

- Authorizes state university investments in recruiting and retaining talented faculty and specifies that funding for the program will be as provided in the GAA.
- Expresses that such investments may include, but not be limited to, investments in research-centric cluster hires, faculty research and research commercialization efforts, instructional and research infrastructure, undergraduate student participation in research, professional development, awards for outstanding performance, and postdoctoral fellowships.
- Expresses that such investments may not be used for the construction of buildings.
- Requires annually, by March 15, the BOG to provide to the Governor, President of the Senate, and Speaker of the House of Representatives, an accountability report which includes specific expenditure information on program funds and the impact of those expenditures in elevating the national competitiveness of the universities, specifically relating to the:
  - success in recruiting research faculty and the resulting research funding;
  - 4-year graduation rate;
  - number of undergraduate courses offered with fewer than 50 students; and
  - increased national academic standing of targeted programs.

### **State University Professional and Graduate Degree Excellence Program**

The bill establishes the State University Professional and Graduate Degree Excellence Program (Degree Excellence Program) to fund and support the efforts of state universities to enhance the quality and excellence of professional schools and graduate degree programs in medicine, law, and business, and expand the economic impact of state universities. Specifically, the bill:

- Authorizes quality improvement efforts of the state universities and specifies that funding for the program will be as provided in the GAA.
- Expresses that such efforts may include, but not be limited to, targeted investments in faculty, students, research, infrastructure, and other strategic endeavors to elevate the national and global prominence of state university medicine, law, and graduate-level business programs.
- Expresses that funds may not be used for the construction of buildings.
- Requires annually, by March 15, the BOG to provide to the Governor, President of the Senate, and Speaker of the House of Representatives, an accountability report which includes specific expenditure information on program funds and the impact of those expenditures in elevating the national and global prominence of the university medicine, law, and graduate-level business programs, specifically relating to the:
  - first-time pass rate on the United States Medical Licensing Examination;
  - first-time pass rate on the Florida Bar Examination;
  - percentage of graduates enrolled or employed at a wage threshold that reflects the added value of a graduate-level business degree;
  - advancement in rankings of the state university medicine, law, and graduate-level business programs; and
  - added economic benefit of the universities to the state.

### **Reverse Transfer Agreements**

The bill requires state universities to transfer credits back to the FCS institution once a transfer student earns the remaining credits for the Associate in Arts (AA) degree so that the FCS institution can award the AA degree to the student.

## Developmental Education

The bill strengthens developmental education instruction provided by state universities by emphasizing the focus on instructional strategies specified in law.<sup>96</sup> FAMU is the only state university within the SUS that provides developmental education.<sup>97</sup> Consequently, FAMU may need to revise its developmental education program to incorporate the developmental education strategies specified in law.

The bill authorizes postsecondary institutions to assess students using the PERT (on a case-by-case basis) for diagnostic purposes, which will allow institutions to improve advising for students and collect more robust student success data. Students will still have the option to opt out of developmental courses and enroll directly in college credit courses regardless of the score they receive on the PERT.

## Block Tuition

The bill requires each state university board of trustees to adopt, for implementation by the fall 2019 semester, a block tuition policy for resident and non-resident undergraduate students. The policy must apply to the entering freshman class of full-time FTIC students and may be extended to other enrolled students. Each university must submit its policy, including its potential impact on students to the BOG by April 1, 2018. By August 1, 2018, the Chancellor of the SUS must provide a report to the Governor, the President of the Senate, and the Speaker of the House, summarizing the institutional policies and the board's review and approval of such policies. The report must also include recommendations for improving block tuition and fee benefits for students.

## Florida Bright Futures Scholarship Program

The bill eliminates the prohibitions in Florida law<sup>98</sup> regarding the inclusion of the following fees in Florida Bright Futures Scholarship Program awards:

- Technology fees at state universities and FCS institutions, and for postsecondary workforce education provided by school districts and FCS institutions.
- The tuition differential fee at a state university.

The bill codifies the FAS award amount<sup>99</sup> to cover 100 percent of tuition and certain tuition-indexed fees<sup>100</sup> plus \$300 for textbooks and educational expenses during each fall and spring semester or the equivalent, beginning in the 2017-2018 academic year. The Legislature appropriated \$397.3 million in the 2017-2018 GAA for the Bright Futures Program, which includes \$274.1 million<sup>101</sup> to provide FAS awards at an amount equal to 100 percent of tuition and specified fees, including a \$300 per semester textbook stipend.<sup>102</sup>

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<sup>96</sup> Section 1008.02, F.S.

<sup>97</sup> BOG Regulation 6.008(1).

<sup>98</sup> Sections 1009.22(7), 1009.23(10), and 1009.24(13), F.S.

<sup>99</sup> The 2017-2018 GAA provides that Florida Academic Scholars must receive an award equal to 100 percent of tuition and applicable fees, and an additional \$300 each fall and spring semester for textbooks and college-related expenses. Specific Appropriation 4, 2017-70, L.O.F.

<sup>100</sup> The tuition-indexed fees specified in the bill include financial aid, capital improvements, technology enhancements, equipping buildings, or the acquisition of improved real property, and technology (s. 1009.22, F.S.); activity and service, financial aid, technology, capital improvements, technology enhancements, and equipping student buildings or the acquisition of improved real property (s. 1009.23, F.S.); financial aid, Capital Improvement Trust Fund, activity and service, health, athletic, technology, transportation access, and includes the tuition differential (s. 1009.24, F.S.). The bill specifies that only university-wide transportation access fees may be included in any Bright Futures award.

<sup>101</sup> Office of Economic & Demographic Research, Florida Bright Futures Scholarship Program, Awards History and Forecast, available at: <http://edr.state.fl.us/Content/conferences/financialaid/ConferenceResults.pdf>, at 7.

<sup>102</sup> Specific Appropriation 4, 2017-70 L.O.F.



Award amounts for the FMS award are increased to cover 75 percent of tuition and specified fees, beginning in the 2018 fall semester. Additionally, Florida Bright Futures Scholarship awards may be used for summer term enrollment if funds are provided in the GAA.

Compared to 2017, FMS awards, the 75 percent award amount is projected to increase the per-credit-hour awards as shown in the table below:

	2017-2018 FMS Per-Credit-Hour Award <sup>103</sup>	Projected 2018-2019 FMS Per-Credit-Hour Award
4-Year Institutions	\$77	\$159
2-Year Institutions	\$63	\$80
Upper Division in the FCS	\$53	\$92
Career/Technical Education	\$39	\$62

### First Generation Matching Grant Program

The bill expands need-based financial aid by revising the state to private match requirements from a 1:1 match to a 2:1 match. In Fiscal Year 2015-16, 8,234 initial and renewal students received an average award of \$1,289.45, with 13,700 unfunded eligible students reported by postsecondary education institutions.<sup>104</sup> The increase in the state matching contribution may raise the award amount or make more awards available for eligible students, which may help these students to graduate on time. However, the bill specifies that new funds must first be used to increase the number of scholarships awarded to students before increasing the amount of funding per scholarship.

### Benacquisto Scholarship Program

The bill modifies eligibility requirements for the Benacquisto Scholarship Program to attract qualified students from out-of-state and assist these students in paying for higher education in Florida, graduate on time, and incur less education-related debt. Specifically, this section:

- Establishes student eligibility criteria, which apply only to students who are not residents of the state and who initially enroll in a baccalaureate degree program in the 2017-2018 academic year or thereafter, requiring such students to:
  - Physically reside in Florida on or near the campus of the postsecondary education institution in which they enroll;
  - Earn a high school diploma or equivalent or complete a home education program, comparable to Florida; and
  - Be accepted by and enroll full-time in a baccalaureate degree program at an eligible regionally accredited public or private postsecondary education institution.
- Provides that for an eligible student who is not a resident of the state and who attends:
  - A public postsecondary education institution, the award amount must be equal to the institutional cost of attendance<sup>105</sup> for a resident of the state less the student's National Merit Scholarship. Such student is exempt from out-of-state fees.
  - A private postsecondary education institution, the award amount must be equal to the highest cost of attendance<sup>106</sup> for a resident of the state enrolled at a state university, less the student's National Merit Scholarship.

<sup>103</sup> *Id.*

<sup>104</sup> Florida Department of Education, Office of Student Financial Assistance, *End-of-Year Report, 2015-16*, First Generation Matching Grant Program (FGMG), available at [https://www.floridastudentfinancialaidsg.org/pdf/EOY\\_Reports/2015-16/FGMG\\_2015\\_2016.pdf](https://www.floridastudentfinancialaidsg.org/pdf/EOY_Reports/2015-16/FGMG_2015_2016.pdf).

<sup>105</sup> The 2016-17 cost of attendance on campus for full time undergraduate Florida resident students includes tuition and fees, books and supplies, room and board, transportation, and other expenses; the average annual cost of attendance for the State University System is \$21,534.98. Board of Governors, *Fall/Spring Cost of Attendance On-Campus for Full-Time Undergraduate Florida Residents 2016-17*, available at [http://www.flbog.edu/about/doc/budget/attendance/CostAttendance2016\\_17\\_FINAL.xlsx](http://www.flbog.edu/about/doc/budget/attendance/CostAttendance2016_17_FINAL.xlsx).

<sup>106</sup> The highest State University System cost of attendance in 2016-17 is \$23,463 at Florida International University.

Of the 320 National Merit Scholars (NMS) and National Achievement Scholars (NAS) who initially enrolled in a Florida college or university in the 2015-16 academic year,<sup>107</sup> 266 received an initial award as a Benacquisto Scholar.<sup>108</sup> The other 54 NMS who enrolled in a Florida university during the 2015-16 academic year most likely graduated from out-of-state high schools, and thus were not eligible for the Benacquisto Scholarship. Assuming this number of students remains constant for the 2017-18 academic year, and these out-of-state students otherwise meet the eligibility requirements, the cost to fund the additional out-of-state students is estimated to be \$1.2 million.

### **Florida Farmworker Student Scholarship Program**

The bill creates the Florida Farmworker Scholarship Program (Farmworker Scholarship), to be administered by the DOE. The DOE may award up to 50 scholarships annually to farmworkers, as defined in s. 420.503, and the children of such farmworkers, who meet the scholarship eligibility criteria. To be eligible for an initial scholarship, a student must:

- Have resident status as required by s. 1009.40, F.S., and rules of the SBE;
- Earn a minimum cumulative 3.5 weighted grade point average (GPA) for all high school courses creditable towards a diploma;
- Complete a minimum of 30 hours of community service;
- Have at least a 90 percent attendance rate and not have had any disciplinary action brought against him or her, as documented on the student's high school transcript.

Undocumented immigrants are not eligible for an award. A Farmworker Scholarship recipient, who is enrolled full-time, is eligible for an award equal to 100 percent of tuition and specified fees at a public postsecondary institution. A scholarship recipient must maintain a cumulative 2.5 college GPA to renew the award, and may receive funding for a maximum of 100 percent of the number of credit hours required to complete his or her degree program. The bill specifies that funding for the Farmworker Scholarship is contingent upon an appropriation in the GAA.

### **Stanley G. Tate Florida Prepaid College Program**

The bill specifies that a Florida Prepaid College Program plan (Prepaid Plan), purchased prior to July 1, 2024, is obligated to pay only for the credit hours in which a student is enrolled. In effect, this section of the bill protects a student under any potential block tuition policy by limiting the Prepaid Plan obligation to actual hours in which the student enrolls, even if the student enrolls in fewer credit hours than the rate at which the block tuition is set.

### **SUS faculty/Administrator Ratios**

The bill requires that the legislative budget request for each state university must include 5-year trend information on ratios of student enrollment to both faculty and administrators. The ratio of students to administrators may not grow at a faster rate than the ratio of students to faculty at any university.

### **William L. Boyd, IV, Florida Resident Access Grant (FRAG)**

The bill renames the William L. Boyd, IV, Florida Resident Access Grant (FRAG) Program as the William L. Boyd, IV, Effective Access to Student Education (EASE) Grant Program.

### **University of South Florida**

The bill requires the University of South Florida Board of Trustees to, no later than January 15, 2019, adopt and submit an implementation plan to the BOG to phase-out the separate SACSCOC

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<sup>107</sup> National Merit Scholarship Corporation, *2014-15 Annual Report* (Oct. 31, 2015), available at [http://www.nationalmerit.org/s/1758/images/gid2/editor\\_documents/annual\\_report.pdf](http://www.nationalmerit.org/s/1758/images/gid2/editor_documents/annual_report.pdf).

<sup>108</sup> Florida Department of Education, Office of Student Financial Assistance, *End-of-Year Report, 2015-16*, Benacquisto Scholarship (FIS), available at: [https://www.floridastudentfinancialaidsg.org/pdf/EOY\\_Reports/2015-16/FIS\\_2015\\_2016.pdf](https://www.floridastudentfinancialaidsg.org/pdf/EOY_Reports/2015-16/FIS_2015_2016.pdf).

accreditation of the USF St. Petersburg and USF Sarasota/Manatee campuses. The implementation plan must:

- Provide detailed action steps and a timeline to ensure that each campus's separate accreditation is terminated no later than June 30, 2020, with no lapse in accreditation for any campus during the phase-out process;
- Be carried out in a manner that limits disruption to students attending any USF campus and does not impede any student's ability to complete a baccalaureate degree in 4 years;
- Provide that all campuses and other component units of USF shall operate under a single institutional accreditation from SACSCOC on or before July 1, 2020; and
- Provide that, on each regularly scheduled submission date after July 1, 2020, USF will report consolidated data for all campuses and students to the BOG and the Integrated Postsecondary Education Data System (IPEDS).

The bill provides that, for purposes of determining eligibility for funding through the State University System Performance-Based Incentive or the Preeminent State Research Universities Program, students who meet all of the following criteria will not be included by the BOG when calculating or confirming the graduation rate or retention rate for USF:

- The student was admitted and initially enrolled before the spring 2019 semester as an FTIC student at the USF St. Petersburg or the USF Sarasota/Manatee; and
- The student voluntarily disenrolled from all USF campuses without graduating before the date of termination of the separate SACSCOC accreditation of his or her admitting campus.

Finally, the bill specifies that the Florida Center for the Partnership for Arts Integrated Teaching within USF shall be physically headquartered at the university's Sarasota/Manatee campus.

### **Intellectual and Viewpoint Diversity**

The bill requires the BOG to annually, by September 1, report on the intellectual freedom and viewpoint diversity at each institution by conducting a survey of students, faculty and administrators. The survey must be objective, non-partisan, statistically valid, and enable comparisons among institutions over time.

## **B. SECTION DIRECTORY:**

**Section 1.** Names the act the "Florida Excellence in Higher Education Act of 2018."

**Section 2.** Amends s.1001.706, F.S., requiring each state university to use gap analysis to identify internship opportunities for students; requiring the BOG to develop and implement a performance agreement with each constituent university and establish baseline benchmarks; requiring the BOG to work with each university to establish 1-year, 2-year, 3-year, and 4-year improvement benchmarks for determining performance funding eligibility; requiring the Office of the Inspector General to annually verify the accuracy of data used to implement performance funding; requiring the BOG to match certain student information with specified educational and employment records; requiring the BOG to enter into an agreement with DEO that allows access to reemployment assistance wage data reports; requiring the BOG to annually report on intellectual freedom and viewpoint diversity at each institution.

**Section 3.** Amends s. 1001.7065, F.S., revising the excellence standards and benchmarks for the Preeminent State Research Universities program; reducing funding for available for emerging preeminent state research universities; and requiring the BOG to establish standards and measures for programs of national excellence.

**Section 4.** Amends s. 1001.92, F.S., revising the metrics for the State University System Performance-Based Incentive; requiring benchmarks and metrics must remain in place for 4 years and may not be adjusted after university performance data has been received by the BOG; stipulating each state university that meets benchmarks for improvement established in the performance agreement are eligible for a share of the state investment in performance funding; revising the criteria for determining if an institutional investment in performance funds will be withheld; revising the distribution of institutional investment funds that are not restored; requiring that, beginning with the 2019-202 fiscal year, the Legislature must approve a performance funding plan prior to the distribution of funds; requiring the BOG to submit a plan to the Governor, President of the Senate and Speaker of the House by January 1, 2019 for transitioning from a partial performance-based funding model to a complete performance-based continuous improvement model.

**Section 5.** Amends s. 1004.28, F.S., revising the requirements for rules a state university board of trustees must adopt relating to the services, activities, and expenses of its DSOs; prohibiting the transfer of funds to certain state university DSOs; prohibiting the use of state funds for certain purposes; requiring the chair of the board of trustees to appoint certain members of a state university DSO; requiring the university board of trustees to approve all appointments to a state university; deleting an exception to the prohibition against DSOs donating gifts to a political committee; requiring the disclosure of certain financial documents;

**Section 6.** Creates s. 1004.6497, F.S., creating the World Class Faculty and Scholar Program to fund and support efforts of state universities to recruit and retain exemplary faculty and research scholars.

**Section 7.** Creates s. 1004.6498, F.S., creating the State University Professional and Graduate Degree Excellence Program to support the efforts of state universities to enhance the quality and excellence of programs in medicine, law, and business.

**Section 8.** Amends s. 1007.23, F.S., requiring the statewide articulation agreement to provide for a reverse transfer agreement.

**Section 9.** Amends s. 1008.30, F.S., revising developmental education instruction at a state university and authorizing postsecondary institutions to assess students using the PERT for diagnostic purposes.

**Section 10.** Amends s. 1008.46, F.S., revising the date by which the BOG must submit an annual accountability report.

**Section 11.** Amends 1009.22, F.S., providing authority for the payment of specific postsecondary workforce education fees with Bright Futures Scholarship awards.

**Section 12.** Amends s. 1009.23, F.S., providing authority for the payment of specific Florida College System fees with Bright Futures Scholarship awards.

**Section 13.** Amends s. 1009.24, F.S., providing authority for the payment of specific state university fees with Bright Futures Scholarship awards; requiring each state university board of trustees to adopt a block tuition policy for implementation by fall 2019.

**Section 14.** Amends s. 1009.53, F.S., permitting students to use Bright Futures Scholarship awards for summer term beginning in the 2018 summer term; authorizing the use of other Bright Futures Scholarship awards for summer term if funding is provided in the GAA.

**Section 15.** Amends s. 1009.534, F.S., revising award amount for the Florida Academic Scholars award.

**Section 16.** Amends s. 1009.535, F.S., revising award amount for the Florida Medallion Scholars award.

**Section 17.** Amends s. 1009.701, F.S., revising the contribution ratios for the First Generation Matching Grant Program; requiring that additional funds be used to increase the number of eligible students receiving an award before awards amounts may be increased.

**Section 18.** Amends s. 1009.893, F.S., expanding eligibility for the Benacquisto Scholarship Program to include eligible out-of-state students.

**Section 19.** Creating s. 1009.894, F.S., establishing the Florida Farmworker Student Scholarship Program for farmworkers and their children.

**Section 20.** Amends s. 1009.98, F.S., specifies that a Florida Prepaid College Program Plan is obligated to pay only for the credit hours in which a student is enrolled.

**Section 21.** Amends s. 1011.90, F.S., requiring that the BOG legislative budget request include 5-year trend information on the ratio of student enrollment to faculty and administrators at each university; requiring that the ratio of students to administrators may not grow at a greater rate than the ratio of students to faculty.

**Section 22.** Directs the Division of Law Revision and Information to prepare a Reviser's bill for the 2019 Regular Session to substitute the term "Effective Access to Student Education Grant Program" for "Florida Resident Access Grant Program" and the term Effective Access to Student Education grant" for "Florida resident access grant."

**Section 23.** Repeals ss. 1004.33 and 1004.34, F.S., effective July 1, 2020.

**Section 24.** Creates s. 1004.335, F.S., requiring USF to adopt and submit a plan, no later than January 15, 2019, to phase out the separate accreditations of USF St. Petersburg and USF Manatee/Sarasota by July 1, 2020; providing that certain students may not be included in specified graduation and retention rate calculations.

**Section 25.** Amends s. 1004.344, F.S., specifying the physical location of the Florida Center for the Partnership for Arts Integrated Teaching is at the USF Sarasota/Manatee campus.

**Section 26.** This bill takes effect upon becoming law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The estimated fiscal impact to expand the Bright Futures Scholarship coverage for the 2018-2019 fiscal year is \$121.8 million in recurring funds from the Educational Enhancement Trust Fund (EETF). More specifically,

- \$11.7 million in additional funding to cover the workload increase associated with 3,699 additional FAS students which includes funding for the summer term. The total cost to provide 100 percent of tuition and fees for FAS is \$68.8 million (\$59.3 million, plus \$9.5 million for the summer term). Recurring funding was provided in the 2017-2018 General Appropriations Act to cover 100 percent of tuition and fees to FAS, including the summer

term;<sup>109</sup> therefore, only funding for the increased workload is included in the total estimated fiscal impact for the 2018-2019 fiscal year. The Department of Education is currently providing FAS awards at 100 percent of tuition and fees during 2017-2018.<sup>110</sup>

- \$81.7 million for the FMS award to cover 75 percent of tuition and specified fees for an estimated 46,521 FMS-eligible students, and
- \$28.4 million for 2018-2019 FMS summer term awards at 75% of tuition and fees.

The estimated fiscal impact of expanding the Benacquisto Scholarship Program Fund for a projected 59 additional scholars from out of state is \$1.2 million for the 2018-2019 fiscal year.

The estimated cost for the Florida Farmworker Student Scholarship Program is \$317,355 in Fiscal Year 2018-2019. \$500,000 in recurring general revenue was appropriated for this program in the 2017-2018 General Appropriations Act.<sup>111</sup> The appropriation was in anticipation of CS/CS/SB 374 becoming law in Fiscal Year 2017-2018. The new program's implementation did not occur since the Governor vetoed CS/CS/SB 374.<sup>112</sup> No additional appropriation is required in the 2018-19 fiscal year because the associated recurring funds for the scholarship program as provided in the 2017-2018 General Appropriations Act were not vetoed, and therefore, remain in the base budget.

Additionally, the following provisions are expected to have an indeterminate impact on state revenues and expenditures:

- Requiring state universities to adopt and implement a block tuition policy for resident and non-resident undergraduate students at the state universities.
- Establishing the World Class Faculty and Scholar Program - funding will be as provided in the GAA.
- Establishing the State University Professional and Graduate Degree Excellence programs - funding will be as provided in the GAA.

## B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

### 1. Revenues:

None.

### 2. Expenditures:

None.

## C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill increases financial aid and tuition assistance to students. Specifically, the bill:

- Modifies the Florida Medallion Scholars (FMS) award to an amount equal to 75 percent of public postsecondary education institution tuition and specified fees for educational expenses. The increase in the FMS award to cover 75 percent of tuition and specified fees may increase the current average FMS award per academic year by approximately:
  - \$2,000 if the student is enrolled at a 4-year institution.
  - \$300 if the student is enrolled at a 2-year institution.

<sup>109</sup> Chapter 2017-70, Laws of Florida, (SB 2500), Specific Appropriation 4

<sup>110</sup> Department of Education memorandum: OSFA-State: #17-18:07

<sup>111</sup> Chapter 2017-70, Laws of Florida, (SB 2500), Specific Appropriation 73

<sup>112</sup> The Florida Farmworker Student Scholarship Program was created in section 134 of CS for CS for SB 374, which was vetoed.

<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=56972&SessionId=83>

- Expands the Benacquisto Scholarship Program to include out-of-state National Merit Scholar students who meet the specified eligibility criteria, which is likely to provide a significant cost savings to such students. Such students may be eligible for an annual award of approximately \$21,148.
- Doubles the state match for the First Generation in College Matching Grant, which may make the matching grant available to additional eligible students, provide increased awards to currently eligible students, or a combination of the two.
- Establishes the Florida Farmworker Student Scholarship Program for farmworkers and the children of farmworkers. Scholarship recipients are eligible for an award equal to 100 percent of tuition and specified fees at a public postsecondary institution. A scholarship recipient who enrolls in 30 credit hours per academic year at a state university is estimated to receive an award of approximately \$6,000.
- Requires state universities to adopt and implement a block tuition policy. The impact on students will depend upon the parameters of the various policies implemented and the number of credits in which a particular student enrolls.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

N/A

2. Other:

N/A

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 17, 2018, the House Post-Secondary Education Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as amended. The PCS as amended differs from the bill in the following ways:

#### State University System Performance Funding Incentive

- Revises existing performance funding metrics to include:
  - 4-year graduation rate for FTIC students
  - 2-year graduation rate for 2+2 transfer students
  - 6 year graduation rates for Pell-eligible students as compared with non-Pell-eligible students
  - Percent of students graduating without excess hours (for all institutions)
  - Retention rates that incorporate 30, 60 and 90 credit hour milestones.
  - Additional metrics approved by the BOG that reflect the unique mission of each university

- Requires the BOG to develop and implement a performance agreement with each university that (by August 1, 2018) establishes baseline benchmarks unique to each university on the common performance metrics.
- Requires the BOG to establish 1-year, 2-year, 3-year, and 4-year benchmarks for improvement based on the performance agreement entered into with each university.
- Requires the office of the inspector general to annually verify the accuracy of the data used to implement performance funding and preeminence funding.
- Requires the BOG, in consultation with the state universities, to submit to the Governor, Senate President and Speaker (by January 1, 2019), a plan for transitioning from the current partial performance-based funding model to a complete performance-based continuous improvement funding model focused on outcomes.
- Stipulates that the Legislature will also consult with an independent contractor to develop an alternative transition plan.
- Legislative approval of performance plans is required before any performance funds may be distributed beginning with the 2019-2020 fiscal year.

#### **State University Direct Support Organizations (DSOs)**

- Requires that personal services for DSOs must comply with requirements for other state employees.
- Requires thresholds for approval of purchases, acquisitions, projects, and issuance of debt.
- Requires that, no later than July 1, 2019, university transfers of any state appropriation to direct-support organizations by a board of trustees may include only funds pledged for debt.
- Revises the appointment and approval process for members of a DSO board of directors.

#### **Block Tuition**

- Delays the implementation date for the block tuition policy from fall 2018 to fall 2019 semester.
- Stipulates that block tuition policy may not increase the cost of tuition and fees for students above 2017-2018 level

#### **State University Accountability Process**

- Amends the due date for the BOG annual accountability report from December 31 to March 15.

#### **Reverse Transfer**

- Requires the statewide articulation agreement to include a reverse transfer agreement that requires a state university to transfer credits back to the FCS institution once the remaining credits for the AA degree have been earned so that the FCS institution can grant the student an AA degree from the FCS institution.

#### **Employment Data Access**

- Requires the BOG to enter into an agreement with DEO that allows access to reemployment assistance wage data for purposes of auditing and evaluating higher education programs at state universities.

#### **Developmental Education**

- Allows colleges to assess students using the PERT (on a case-by-case basis) for diagnostic purposes to improve advising and collect student success data.

#### **Administrative Growth Rate**

- Requires the legislative budget request to include 5-year trend information on ratios of student enrollment to faculty and administrators at each university.
- The ratio of students to administrators at any state university may not grow at a greater rate than the ratio of students to faculty.

#### **First Generation Matching Grant Program**

- Requires that additional funds must first be used to increase the number of students getting a scholarship before the amount of each scholarship awarded may be increased.



**University of South Florida**

- Requires USF Board of Trustees, no later than January 15, 2019, to adopt and submit an implementation plan to the Board of Governors to phase-out the separate SACSCOC accreditation of the USF St. Petersburg and USF Manatee/Sarasota campuses.
- Requires termination of separate accreditation by June 30, 2020, with no lapse in accreditation for any USF campus.
- Requires that, on or before July 1, 2020, the entirety of the USF, including all campuses and other component units of the university shall operate under a single institutional accreditation.
- Requires consolidation of data for all campuses for purposes of reporting data to IPEDS and BOG.
- Holds USF harmless for students who enroll in a branch campus prior to consolidation or who drop out of all USF campuses before the separation.
- Specifies that PAInT is physically headquartered at the Manatee/Sarasota location of USF.

**Intellectual and Viewpoint Diversity**

- Requires BOG to annually, by September 1, report on the intellectual freedom and viewpoint diversity at each institution by conducting a survey of students, faculty and administrators.

**Retroactivity**

- Removes retroactivity of certain provisions to 2017-2018.

**Specific Appropriations**

- Deletes specific appropriations in the bill.

The bill analysis is drafted to the PCS as amended, as adopted by the Post-Secondary Education Subcommittee.

1                   A bill to be entitled  
 2           An act relating to higher education; providing a short  
 3           title; amending s. 1001.706, F.S.; requiring the Board  
 4           of Governors to report on the intellectual freedom and  
 5           viewpoint diversity of each institution; requiring  
 6           state universities to identify internship  
 7           opportunities in high-demand fields; revising the  
 8           Board of Governor's accountability plan to include  
 9           certain performance agreements; providing requirements  
 10          for such agreements; requiring the Board of Governors  
 11          to establish improvement benchmarks for specified  
 12          purposes; providing requirements for the Office of the  
 13          Inspector General; requiring the Board of Governors to  
 14          match certain student information with specified  
 15          educational and employment records; providing the  
 16          Board of Governors with access to certain reports  
 17          maintained by the Department of Economic Opportunity;  
 18          requiring the Board of Governors to enter into an  
 19          agreement with the department to ensure the proper use  
 20          and privacy of certain data; amending s. 1001.7065,  
 21          F.S.; revising the preeminent state research  
 22          universities program academic and research excellence  
 23          standards; revising the amount an emerging preeminent  
 24          state research university may receive; deleting the  
 25          authority for such universities to stipulate a special

26 course requirement for incoming students; requiring  
27 the Board of Governors to establish certain standards  
28 by a specified date; amending s. 1001.92, F.S.;  
29 revising the performance-based metrics for the state  
30 university performance-based incentives; providing  
31 requirements for such metrics and benchmarks used to  
32 evaluate a university; revising provisions relating to  
33 the amount of funding available and the distribution,  
34 withholding, and reinstatement of funds; requiring  
35 legislative approval of performance funding plans  
36 before the distribution of performance funds;  
37 requiring the Board of Governors, in consultation with  
38 the state universities and by a specified date, to  
39 submit a plan for transitioning to a complete  
40 performance-based continuous improvement funding  
41 model; providing plan requirements; amending s.  
42 1004.28, F.S.; revising the requirements for rules a  
43 state university board of trustees must adopt relating  
44 to the services, activities, and expenses of its  
45 direct-support organizations; prohibiting the transfer  
46 of funds to certain state university direct-support  
47 organizations; prohibiting the use of state funds for  
48 certain purposes; requiring, rather than authorizing  
49 the chair of the board of trustees to appoint certain  
50 members of a state university direct-support

51 organization; requiring the university board of  
 52 trustees to approve all appointments to a state  
 53 university direct-support organization; deleting an  
 54 exception to the prohibition against direct-support  
 55 organizations donating gifts to a political committee;  
 56 requiring the disclosure of certain financial  
 57 documents; creating s. 1004.6497, F.S.; establishing  
 58 the World Class Faculty and Scholar Program; providing  
 59 the purpose and intent; authorizing state university  
 60 investments in certain faculty retention, recruitment,  
 61 and recognition activities; specifying funding as  
 62 provided in the General Appropriations Act; requiring  
 63 an annual report to the Governor and the Legislature  
 64 by a specified date; creating s. 1004.6498, F.S.;  
 65 establishing the State University Professional and  
 66 Graduate Degree Excellence Program; providing the  
 67 purpose; listing the quality improvement efforts that  
 68 may be used to elevate the prominence of state  
 69 university medicine, law, and graduate-level business  
 70 programs; specifying funding as provided in the  
 71 General Appropriations Act; requiring an annual report  
 72 to the Governor and the Legislature by a specified  
 73 date; amending s. 1006.62, F.S.; providing that a  
 74 student who is subject to a disciplinary hearing is  
 75 entitled to certain rights; amending s. 1007.23, F.S.;

76 requiring the statewide articulation agreement to  
 77 provide for a reverse transfer agreement; providing  
 78 for an associate degree to be awarded to certain  
 79 students by Florida College System institutions;  
 80 providing requirements for state universities;  
 81 amending s. 1008.30, F.S.; authorizing a Florida  
 82 College System institution to require the common  
 83 placement test for diagnostic purposes; authorizing  
 84 certain state universities to continue to provide  
 85 developmental education instruction; amending s.  
 86 1008.46, F.S.; revising the date by which the Board of  
 87 Governors must submit an annual accountability report;  
 88 amending ss. 1009.22 and 1009.23, F.S.; removing the  
 89 prohibition on the inclusion of a technology fee in  
 90 the Florida Bright Futures Scholarship Program award;  
 91 amending s. 1009.24, F.S.; removing the prohibition on  
 92 the inclusion of a technology fee and a tuition  
 93 differential fee in the Florida Bright Futures  
 94 Scholarship Program award; requiring each state  
 95 university board of trustees to implement a block  
 96 tuition policy for specified undergraduate students  
 97 beginning in a specified academic semester; requiring  
 98 the Chancellor of the State University System to  
 99 submit a report to the Governor and the Legislature by  
 100 a specified date; amending s. 1009.53, F.S.;

101 | authorizing a student to use Florida Bright Futures  
 102 | Scholarship Program awards for summer term enrollment;  
 103 | amending s. 1009.534, F.S.; specifying Florida  
 104 | Academic Scholars award amounts to cover tuition,  
 105 | fees, textbooks, and other educational expenses;  
 106 | amending s. 1009.535, F.S.; specifying Florida  
 107 | Medallion Scholars award amounts to cover specified  
 108 | tuition and fees; amending s. 1009.701, F.S.; revising  
 109 | the state-to-private match requirement for  
 110 | contributions to the First Generation Matching Grant  
 111 | Program beginning in a specified fiscal year;  
 112 | providing for the increase in award amounts under  
 113 | certain circumstances; extending the program to  
 114 | include Florida College System institution students;  
 115 | amending s. 1009.893, F.S.; extending coverage of the  
 116 | Benacquisto Scholarship Program to include tuition and  
 117 | fees for qualified nonresident students; creating s.  
 118 | 1009.894, F.S.; creating the Florida Farmworker  
 119 | Student Scholarship Program; providing a purpose;  
 120 | requiring the Department of Education to administer  
 121 | the scholarship program; providing student eligibility  
 122 | criteria; specifying award amounts and distributions;  
 123 | providing for funding as specified in the General  
 124 | Appropriations Act; amending s. 1009.98, F.S.;

125 | providing that certain payments from the Florida

126        Prepaid College Board to a state university on behalf  
 127        of a qualified beneficiary may not exceed a specified  
 128        amount; amending s. 1011.90, F.S.; providing  
 129        requirements for certain legislative budget requests;  
 130        prohibiting certain ratios relating to student  
 131        enrollment from growing faster than a specified rate;  
 132        providing a directive to the Division of Law Revision  
 133        and Information; providing for the future repeal of  
 134        ss. 1004.33 and 1004.34, F.S., relating to the  
 135        University of South Florida St. Petersburg and  
 136        Manatee/Sarasota, respectively; creating s. 1004.335,  
 137        F.S.; requiring the University of South Florida to  
 138        adopt and submit a plan to phase out the separate  
 139        accreditations of the University of South Florida St.  
 140        Petersburg and the University of South Florida  
 141        Manatee/Sarasota by a specified date; providing  
 142        requirements for such plan; providing that certain  
 143        students may not be included in specified graduation  
 144        and retention rate calculations; amending s. 1004.344;  
 145        requiring the University of South Florida's Florida  
 146        Center for the Partnership for Arts Integrated  
 147        Teaching to be located at a certain branch campus;  
 148        providing an effective date.

149  
 150    Be It Enacted by the Legislature of the State of Florida:

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Section 1. This act shall be cited as the "Florida Excellence in Higher Education Act of 2018."

Section 2. Paragraphs (b), (c), and (e) of subsection (5) of section 1001.706, Florida Statutes, are amended, and paragraph (j) is added to subsection (3) and paragraph (h) is added to subsection (5) of that section, to read:

1001.706 Powers and duties of the Board of Governors.—

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

(j) The Board of Governors shall annually report, by September 1 of each year, on the intellectual freedom and viewpoint diversity at each institution through an objective, nonpartisan, and statistically valid survey that enables comparison among institutions over time. Each institution shall conduct an annual survey of students, faculty, and administrators that assesses the extent to which competing ideas, perspectives, and claims of truth are presented and members of the university community feel safe and supported in exploring and articulating their beliefs and viewpoints on campus and in the classroom.

(5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

(b) The Board of Governors shall develop a strategic plan specifying goals and objectives for the State University System and each constituent university, including each university's



176 contribution to overall system goals and objectives. The  
177 strategic plan must:

178 1. Include performance metrics and standards common for  
179 all institutions and metrics and standards unique to  
180 institutions depending on institutional core missions,  
181 including, but not limited to, student admission requirements,  
182 retention, graduation, percentage of graduates who have attained  
183 employment, percentage of graduates enrolled in continued  
184 education, licensure passage, average wages of employed  
185 graduates, average cost per graduate, excess hours, student loan  
186 burden and default rates, faculty awards, total annual research  
187 expenditures, patents, licenses and royalties, intellectual  
188 property, startup companies, annual giving, endowments, and  
189 well-known, highly respected national rankings for institutional  
190 and program achievements.

191 2. Consider reports and recommendations of the Higher  
192 Education Coordinating Council pursuant to s. 1004.015 and the  
193 Articulation Coordinating Committee pursuant to s. 1007.01.

194 3. Include student enrollment and performance data  
195 delineated by method of instruction, including, but not limited  
196 to, traditional, online, and distance learning instruction.

197 4. Include criteria for designating baccalaureate degree  
198 and master's degree programs at specified universities as high-  
199 demand programs of emphasis. Fifty percent of the criteria for  
200 designation as high-demand programs of emphasis must be based on

201 achievement of performance outcome thresholds determined by the  
 202 Board of Governors, and 50 percent of the criteria must be based  
 203 on achievement of performance outcome thresholds specifically  
 204 linked to:

205 a. Job placement in employment of 36 hours or more per  
 206 week and average full-time wages of graduates of the degree  
 207 programs 1 year and 5 years after graduation, based in part on  
 208 data provided in the economic security report of employment and  
 209 earning outcomes produced annually pursuant to s. 445.07.

210 b. Data-driven gap analyses, conducted by the Board of  
 211 Governors, of the state's job market demands and the outlook for  
 212 jobs that require a baccalaureate or higher degree. Each state  
 213 university must use the gap analyses to identify internship  
 214 opportunities for students to benefit from mentorship by  
 215 industry experts, earn industry certifications, and become  
 216 employed in high-demand fields.

217 (c) The Board of Governors shall develop an accountability  
 218 plan for the State University System by developing and  
 219 implementing a performance agreement with ~~and~~ each constituent  
 220 university. The accountability plan must address institutional  
 221 and system achievement of goals and objectives specified in the  
 222 strategic plan adopted pursuant to paragraph (b) and must be  
 223 submitted as part of its legislative budget request. The initial  
 224 performance agreement shall, by August 1, 2018, establish  
 225 baseline benchmarks for each state university based on the

226 previous 2-year average performance on each common metric  
 227 established pursuant to s. 1001.92. Once institution-specific  
 228 baseline benchmarks are established, the Board of Governors must  
 229 work with each university to establish and include in the  
 230 performance agreement 1-year, 2-year, 3-year, and 4-year  
 231 improvement benchmarks for determining eligibility for  
 232 performance funding.

233 (e) The Board of Governors shall maintain an effective  
 234 information system to provide accurate, timely, and cost-  
 235 effective information about each university. The board shall  
 236 continue to collect and maintain, at a minimum, management  
 237 information as such information existed on June 30, 2002. The  
 238 Office of the Inspector General shall annually verify the  
 239 accuracy of the data used to implement ss. 1001.7065 and  
 240 1001.92.

241 (h) The Board of Governors shall match individual student  
 242 information with information in the files of state and federal  
 243 agencies that maintain educational and employment records. The  
 244 board must enter into an agreement with the Department of  
 245 Economic Opportunity that allows access to the individual  
 246 reemployment assistance wage records maintained by the  
 247 department. The agreement must protect individual privacy and  
 248 provide that student information may be used only for the  
 249 purposes of auditing or evaluating higher education programs  
 250 offered by state universities.

251 Section 3. Paragraph (d) of subsection (2), paragraph (c)  
 252 of subsection (5), and subsections (6) and (8) of section  
 253 1001.7065, Florida Statutes, are amended to read:

254 1001.7065 Preeminent state research universities program.—

255 (2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—The  
 256 following academic and research excellence standards are  
 257 established for the preeminent state research universities  
 258 program:

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

270 (5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM  
 271 SUPPORT.—

272 (c) The award of funds under this subsection is contingent  
 273 upon funding provided in the General Appropriations Act to  
 274 support the preeminent state research universities program  
 275 created under this section. Funding increases appropriated

276 beyond the amounts funded in the previous fiscal year shall be  
 277 distributed as follows:

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

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

287 ~~(6) PREEMINENT STATE RESEARCH UNIVERSITY SPECIAL COURSE~~  
 288 ~~REQUIREMENT AUTHORITY. In order to provide a jointly shared~~  
 289 ~~educational experience, a university that is designated a~~  
 290 ~~preeminent state research university may require its incoming~~  
 291 ~~first time in college students to take a six credit set of~~  
 292 ~~unique courses specifically determined by the university and~~  
 293 ~~published on the university's website. The university may~~  
 294 ~~stipulate that credit for such courses may not be earned through~~  
 295 ~~any acceleration mechanism pursuant to s. 1007.27 or s. 1007.271~~  
 296 ~~or any other transfer credit. All accelerated credits earned up~~  
 297 ~~to the limits specified in ss. 1007.27 and 1007.271 shall be~~  
 298 ~~applied toward graduation at the student's request.~~

299 (7) ~~(8)~~ PROGRAMS OF EXCELLENCE THROUGHOUT THE STATE  
 300 UNIVERSITY SYSTEM.—The Board of Governors shall ~~is encouraged to~~

301 | establish standards and measures whereby individual  
 302 | undergraduate, graduate, and professional degree programs in  
 303 | state universities which ~~that~~ objectively reflect national  
 304 | excellence can be identified and make recommendations to the  
 305 | Legislature by September 1, 2018, as to how any such programs  
 306 | could be enhanced and promoted.

307 | Section 4. Section 1001.92, Florida Statutes, is amended  
 308 | to read:

309 | 1001.92 State University System Performance-Based  
 310 | Incentive.—

311 | (1) A State University System Performance-Based Incentive  
 312 | shall be awarded to state universities using performance-based  
 313 | metrics adopted by the Board of Governors of the State  
 314 | University System. The performance-based metrics must include:

315 | (a) Four-year graduation rates for full-time, first-time-  
 316 | in-college students.

317 | (b) Two-year graduation rates for full-time 2+2 associate  
 318 | degree transfer students from Florida College System  
 319 | institutions.†

320 | (c) Retention rates, with points awarded for students  
 321 | earning 30, 60, and 90 credits.†

322 | (d) Postgraduation education rates.†

323 | (e) Degree production.†

324 | (f) Affordability.†

325 | (g) Postgraduation employment and salaries, including wage

326 thresholds that reflect the added value of a baccalaureate  
 327 degree.~~†~~

328 (h) Six-year graduation rates for students who are  
 329 eligible for a Pell Grant as compared with students who are not  
 330 eligible for a Pell Grant, with points deducted for decreases in  
 331 the enrollment of students who are eligible for a Pell Grant.

332 (i) The percent of students graduating without excess  
 333 hours. ~~access; and~~

334  
 335 The Board of Governors may approve other metrics ~~approved by the~~  
 336 ~~board~~ in a formally noticed meeting that reflect the unique  
 337 mission of each university. The board shall adopt benchmarks to  
 338 evaluate each state university's performance on the metrics to  
 339 measure the state university's achievement of institutional  
 340 ~~excellence or need for~~ improvement and minimum requirements for  
 341 eligibility to receive performance funding. Benchmarks and  
 342 metrics must remain in place for 4 years and may not be adjusted  
 343 after university performance data has been received by the Board  
 344 of Governors.

345 (2) Each fiscal year, the amount of performance funding  
 346 ~~funds~~ available for allocation to each the state university  
 347 ~~universities~~ based on the performance-based funding model shall  
 348 include:

349 (a) The state ~~consist of the state's~~ investment, which  
 350 consists of the state appropriation for ~~in~~ performance funding.

351 (b) The plus institutional investment, which consists  
 352 ~~investments consisting of funds solely~~ deducted from the base  
 353 funding of ~~the each~~ state university ~~in the State University~~  
 354 ~~System~~ in an amount provided in the General Appropriations Act.

355 (3) (a) Each state university that meets the benchmarks for  
 356 improvement established in its performance agreement pursuant to  
 357 s. 1001.706(5)(c) shall be eligible for a share of the state  
 358 investment in performance funding.

359 (b) Each state university that meets or exceeds the  
 360 baseline performance benchmarks established in its performance  
 361 agreement pursuant to s. 1001.706(5)(c) shall have its  
 362 institutional investment restored. ~~The Board of Governors shall~~  
 363 ~~establish minimum performance funding eligibility thresholds for~~  
 364 ~~the state's investment and the institutional investments. A~~  
 365 ~~state university that meets the minimum institutional investment~~  
 366 ~~eligibility threshold, but fails to meet the minimum state~~  
 367 ~~investment eligibility threshold, shall have its institutional~~  
 368 ~~investment restored but is ineligible for a share of the state's~~  
 369 ~~investment in performance funding. The institutional investment~~  
 370 ~~shall be restored for each institution eligible for the state's~~  
 371 ~~investment under the performance-based funding model.~~

372 (4) (3) (a) Each A state university that fails to maintain or  
 373 exceed meet the baseline performance benchmarks established in  
 374 its performance agreement pursuant to s. 1001.706(5)(c) Board of  
 375 Governors' minimum institutional investment performance funding



376 ~~eligibility threshold~~ shall have its institutional investment  
 377 withheld by the board and must submit an improvement plan to the  
 378 board that specifies the activities and strategies for improving  
 379 the state university's performance. The board must review and  
 380 approve the improvement plan and, if the plan is approved, must  
 381 monitor the state university's progress in implementing the  
 382 activities and strategies specified in the improvement plan. The  
 383 state university shall submit monitoring reports to the board by  
 384 December 31 and May 31 of each year in which an improvement plan  
 385 is in place. ~~The ability of a state university to submit an~~  
 386 ~~improvement plan to the board is~~ valid for ~~limited to~~ 1 fiscal  
 387 year.

388 (b) The Chancellor of the State University System shall  
 389 withhold disbursement of the institutional investment until the  
 390 monitoring report is approved by the Board of Governors. A state  
 391 university determined by the board to be making satisfactory  
 392 progress on implementing the improvement plan shall receive no  
 393 more than one-half of the withheld institutional investment in  
 394 January and the balance of the withheld institutional investment  
 395 in June. A state university that fails to make satisfactory  
 396 progress may not have its full institutional investment  
 397 restored. ~~Any institutional investment funds that are not~~  
 398 ~~restored shall be redistributed in accordance with the board's~~  
 399 ~~performance-based metrics.~~

400 (5) ~~(4)~~ Distributions of performance funding, as provided

401 in this section, shall be made to each of the state universities  
 402 listed in the Education and General Activities category in the  
 403 General Appropriations Act. Beginning with the 2019-2020 fiscal  
 404 year, funds may only be distributed pursuant to a performance  
 405 funding plan that is approved by the Legislature. In addition to  
 406 the plan submitted by the Board of Governors pursuant to  
 407 subsection (6), the Legislature shall review recommendations  
 408 from an independent entity selected by the Legislature.

409 (6)(5) By January 1, 2019 ~~October 1 of each year,~~ the  
 410 Board of Governors, in consultation with the state universities,  
 411 shall submit to the Governor, the President of the Senate, and  
 412 the Speaker of the House of Representatives a plan for  
 413 transitioning from the current partial performance-based funding  
 414 model to a complete performance-based continuous improvement  
 415 funding model that focuses on outcomes. The plan must include  
 416 the following:

417 (a) A revised method for the equitable distribution of  
 418 performance funds that is not based solely on historical funding  
 419 distributions. Funding must be distributed in accordance with  
 420 the performance agreements adopted pursuant to s.  
 421 1001.706(5)(c).

422 (b) A proposed method for transitioning to a complete  
 423 performance-based funding formula driven by outcomes ~~report on~~  
 424 ~~the previous fiscal year's performance funding allocation which~~  
 425 ~~must reflect the rankings and award distributions.~~

426           ~~(7)(6)~~ The Board of Governors shall adopt regulations to  
 427 administer this section.

428           Section 5. Paragraphs (b) and (c) of subsection (2),  
 429 subsections (3) and (4), and paragraph (b) of subsection (5) of  
 430 section 1004.28, Florida Statutes, are amended, and paragraph  
 431 (d) is added to subsection (2) of that section, to read:

432           1004.28 Direct-support organizations; use of property;  
 433 board of directors; activities; audit; facilities.—

434           (2) USE OF PROPERTY.—

435           (b) The board of trustees, in accordance with rules and  
 436 guidelines of the Board of Governors, shall prescribe by rule  
 437 conditions with which a university direct-support organization  
 438 must comply in order to use property, facilities, or personal  
 439 services at any state university, including that personal  
 440 services must comply with the requirements of s. 1012.976. Such  
 441 rules shall provide for budget and audit review and oversight by  
 442 the board of trustees, including thresholds for approval of  
 443 purchases, acquisitions, projects, and issuance of debt. No  
 444 later than July 1, 2019, the transfer of a state appropriation  
 445 by the board of trustees to any direct-support organization may  
 446 only include funds pledged for debt.

447           (c) The board of trustees may not transfer any funds to  
 448 and shall not permit the use of property, facilities, or  
 449 personal services at any state university by any university  
 450 direct-support organization that does not provide equal

451 employment opportunities to all persons regardless of race,  
 452 color, religion, gender, age, or national origin.

453 (d) The board of trustees may not permit the use of state  
 454 funds for travel expenses by any university direct-support  
 455 organization.

456 (3) BOARD OF DIRECTORS.—The chair of the university board  
 457 of trustees shall ~~may~~ appoint at least one a representative to  
 458 the board of directors and the executive committee of any  
 459 direct-support organization established under this section. The  
 460 president of the university for which the direct-support  
 461 organization is established, or his or her designee, shall also  
 462 serve on the board of directors and the executive committee of  
 463 any direct-support organization established to benefit that  
 464 university. The university board of trustees shall approve all  
 465 appointments to any direct-support organization not authorized  
 466 by this subsection.

467 (4) ACTIVITIES; RESTRICTION.—A university direct-support  
 468 organization is prohibited from giving, either directly or  
 469 indirectly, any gift to a political committee as defined in s.  
 470 106.011 for any purpose ~~other than those certified by a majority~~  
 471 ~~roll call vote of the governing board of the direct-support~~  
 472 ~~organization at a regularly scheduled meeting as being directly~~  
 473 ~~related to the educational mission of the university.~~

474 (5) ANNUAL AUDIT; PUBLIC RECORDS EXEMPTION; PUBLIC  
 475 MEETINGS EXEMPTION.—

476 (b) All records of the organization other than the  
 477 auditor's report, management letter, any records related to the  
 478 expenditure of state funds, any records related to the  
 479 expenditure of private funds for travel, and any supplemental  
 480 data requested by the Board of Governors, the university board  
 481 of trustees, the Auditor General, and the Office of Program  
 482 Policy Analysis and Government Accountability shall be  
 483 confidential and exempt from s. 119.07(1).

484 Section 6. Section 1004.6497, Florida Statutes, is created  
 485 to read:

486 1004.6497 World Class Faculty and Scholar Program.-

487 (1) PURPOSE AND LEGISLATIVE INTENT.-The World Class  
 488 Faculty and Scholar Program is established to fund, beginning in  
 489 the 2017-2018 fiscal year, and support the efforts of state  
 490 universities to recruit and retain exemplary faculty and  
 491 research scholars. It is the intent of the Legislature to  
 492 elevate the national competitiveness of Florida's state  
 493 universities through faculty and scholar recruitment and  
 494 retention.

495 (2) INVESTMENTS.-Retention, recruitment, and recognition  
 496 efforts, activities, and investments may include, but are not  
 497 limited to, investments in research-centric cluster hires,  
 498 faculty research and research commercialization efforts,  
 499 instructional and research infrastructure, undergraduate student  
 500 participation in research, professional development, awards for

501 outstanding performance, and postdoctoral fellowships.

502 (3) FUNDING AND USE.—Funding for the program shall be as  
 503 provided in the General Appropriations Act. Each state  
 504 university shall use the funds only for the purpose and  
 505 investments authorized under this section. These funds may not  
 506 be used to construct buildings.

507 (4) ACCOUNTABILITY.—By March 15 of each year, the Board of  
 508 Governors shall provide to the Governor, the President of the  
 509 Senate, and the Speaker of the House of Representatives a report  
 510 summarizing information from the universities in the State  
 511 University System, including, but not limited to:

512 (a) Specific expenditure information as it relates to the  
 513 investments identified in subsection (2).

514 (b) The impact of those investments in elevating the  
 515 national competitiveness of the universities, specifically  
 516 relating to:

517 1. The success in recruiting research faculty and the  
 518 resulting research funding;

519 2. The 4-year graduation rate for undergraduate students;

520 3. The number of undergraduate courses offered with fewer  
 521 than 50 students; and

522 4. The increase in national academic standing of targeted  
 523 programs, specifically advancement in ranking among top 50  
 524 universities in the targeted programs in well-known and highly  
 525 respected national public university rankings, including, but

526 not limited to, the U.S. News and World Report rankings, which  
 527 reflect national preeminence, using the most recent rankings.

528 Section 7. Section 1004.6498, Florida Statutes, is created  
 529 to read:

530 1004.6498 State University Professional and Graduate  
 531 Degree Excellence Program.—

532 (1) PURPOSE.—The State University Professional and  
 533 Graduate Degree Excellence Program is established to fund,  
 534 beginning in the 2017-2018 fiscal year, and support the efforts  
 535 of state universities to enhance the quality and excellence of  
 536 professional and graduate schools and degree programs in  
 537 medicine, law, and business and expand the economic impact of  
 538 state universities.

539 (2) INVESTMENTS.—Quality improvement efforts may include,  
 540 but are not limited to, targeted investments in faculty,  
 541 students, research, infrastructure, and other strategic  
 542 endeavors to elevate the national and global prominence of state  
 543 university medicine, law, and graduate-level business programs.

544 (3) FUNDING AND USE.—Funding for the program shall be as  
 545 provided in the General Appropriations Act. Each state  
 546 university shall use the funds only for the purpose and  
 547 investments authorized under this section. These funds may not  
 548 be used to construct buildings.

549 (4) ACCOUNTABILITY.—By March 15 of each year, the Board of  
 550 Governors shall provide to the Governor, the President of the

551 Senate, and the Speaker of the House of Representatives a report  
 552 summarizing information from the universities in the State  
 553 University System, including, but not limited to:

554 (a) Specific expenditure information as it relates to the  
 555 investments identified in subsection (2).

556 (b) The impact of those investments in elevating the  
 557 national and global prominence of the state university medicine,  
 558 law, and graduate-level business programs, specifically relating  
 559 to:

560 1. The first-time pass rate on the United States Medical  
 561 Licensing Examination;

562 2. The first-time pass rate on The Florida Bar  
 563 Examination;

564 3. The percentage of graduates enrolled or employed at a  
 565 wage threshold that reflects the added value of a graduate-level  
 566 business degree;

567 4. The advancement in the rankings of the state university  
 568 medicine, law, and graduate-level programs in well-known and  
 569 highly respected national graduate-level university rankings,  
 570 including, but not limited to, the U.S. News and World Report  
 571 rankings, which reflect national preeminence, using the most  
 572 recent rankings; and

573 5. The added economic benefit of the universities to the  
 574 state.

575 Section 8. Subsection (7) is added to section 1007.23,



576 Florida Statutes, to read:

577 1007.23 Statewide articulation agreement.—

578 (7) The articulation agreement must specifically provide  
 579 for a reverse transfer agreement for Florida College System  
 580 associate in arts degree-seeking students who transfer to a  
 581 state university prior to earning an associate in arts degree.  
 582 Students must be awarded an associate in arts degree by the  
 583 Florida College System institution upon completion of degree  
 584 requirements at the state university if the student earned a  
 585 majority of the credit hours from the Florida College System  
 586 institution. State universities must identify students who have  
 587 completed requirements for the associate in arts degree and  
 588 transfer credits earned at the state university back to the  
 589 Florida College System institution so that the associate in arts  
 590 degree may be awarded by the Florida College System institution.

591 Section 9. Subsections (3), (4), and (5) of section  
 592 1008.30, Florida Statutes, are amended to read:

593 1008.30 Common placement testing for public postsecondary  
 594 education.—

595 (3) ~~By October 31, 2013,~~ The State Board of Education  
 596 shall establish by rule the test scores a student must achieve  
 597 to demonstrate readiness to perform college-level work, and the  
 598 rules must specify the following:

599 (a) A student may ~~who entered 9th grade in a Florida~~  
 600 ~~public school in the 2003-2004 school year, or any year~~

601 ~~thereafter, and earned a Florida standard high school diploma or~~  
 602 ~~a student who is serving as an active duty member of any branch~~  
 603 ~~of the United States Armed Services shall not be required to~~  
 604 take the common placement test unless the Florida College System  
 605 institution deems the test necessary as a diagnostic tool to  
 606 provide appropriate advising. Regardless of whether the test is  
 607 taken, a student may and shall not be required to enroll in  
 608 developmental education instruction in a Florida College System  
 609 institution. However, a student ~~who is not required to take the~~  
 610 ~~common placement test and is not required to enroll in~~  
 611 ~~developmental education under this paragraph may opt to be~~  
 612 ~~assessed and to enroll in developmental education instruction,~~  
 613 and the college shall provide such ~~assessment and~~ instruction  
 614 upon the student's request.

615 (b) A student who takes the common placement test and  
 616 whose score on the test indicates a need for developmental  
 617 education must be advised of all the developmental education  
 618 options offered at the institution and, after advisement, shall  
 619 be allowed to enroll in the developmental education option of  
 620 his or her choice.

621 (c) A student who demonstrates readiness by achieving or  
 622 exceeding the test scores established by the state board and  
 623 enrolls in a Florida College System institution within 2 years  
 624 after achieving such scores shall not be required to retest ~~or~~  
 625 ~~complete developmental education~~ when admitted to any Florida

626 College System institution.

627 (4) ~~By December 31, 2013,~~ The State Board of Education, in  
 628 consultation with the Board of Governors, shall approve a series  
 629 of meta-majors and the academic pathways that identify the  
 630 gateway courses associated with each meta-major. Florida College  
 631 System institutions shall use placement test results to  
 632 determine the extent to which each student demonstrates  
 633 sufficient communication and computation skills to indicate  
 634 readiness for his or her chosen meta-major. Florida College  
 635 System institutions shall counsel students into college credit  
 636 courses as quickly as possible, with developmental education  
 637 limited to that content needed for success in the meta-major.

638 (5) (a) Each Florida College System institution board of  
 639 trustees shall develop a plan to implement the developmental  
 640 education strategies defined in s. 1008.02 and rules established  
 641 by the State Board of Education. The plan must be submitted to  
 642 the Chancellor of the Florida College System for approval ~~no~~  
 643 ~~later than March 1, 2014, for implementation no later than the~~  
 644 ~~fall semester 2014.~~ Each plan must include, at a minimum, local  
 645 policies that outline:

- 646 1. Documented student achievements such as grade point  
 647 averages, work history, military experience, participation in  
 648 juried competitions, career interests, degree major declaration,  
 649 or any combination of such achievements that the institution may  
 650 consider, in addition to common placement test scores, for

651 advising students regarding enrollment options.

652         2. Developmental education strategies available to  
653 students.

654         3. A description of student costs and financial aid  
655 opportunities associated with each option.

656         4. Provisions for the collection of student success data.

657         5. A comprehensive plan for advising students into  
658 appropriate developmental education strategies based on student  
659 success data.

660         (b) ~~Beginning October 31, 2015,~~ Each Florida College  
661 System institution shall annually prepare an accountability  
662 report that includes student success data relating to each  
663 developmental education strategy implemented by the institution.  
664 The report shall be submitted to the Division of Florida  
665 Colleges by October 31 in a format determined by the Chancellor  
666 of the Florida College System. By December 31, the chancellor  
667 shall compile and submit the institutional reports to the  
668 Governor, the President of the Senate, the Speaker of the House  
669 of Representatives, and the State Board of Education.

670         (c) A university board of trustees may contract with a  
671 Florida College System institution board of trustees for the  
672 Florida College System institution to provide developmental  
673 education on the state university campus. Any state university  
674 in which the percentage of incoming students requiring  
675 developmental education equals or exceeds the average percentage

676 of such students for the Florida College System may offer  
 677 developmental education without contracting with a Florida  
 678 College System institution; however, any state university  
 679 offering college-preparatory instruction as of January 1, 1996,  
 680 may continue to provide developmental education instruction as  
 681 defined in s. 1008.02(1) ~~such services.~~

682 Section 10. Paragraph (a) of subsection (1) of section  
 683 1008.46, Florida Statutes, is amended to read:

684 1008.46 State university accountability process.—It is the  
 685 intent of the Legislature that an accountability process be  
 686 implemented that provides for the systematic, ongoing evaluation  
 687 of quality and effectiveness of state universities. It is  
 688 further the intent of the Legislature that this accountability  
 689 process monitor performance at the system level in each of the  
 690 major areas of instruction, research, and public service, while  
 691 recognizing the differing missions of each of the state  
 692 universities. The accountability process shall provide for the  
 693 adoption of systemwide performance standards and performance  
 694 goals for each standard identified through a collaborative  
 695 effort involving state universities, the Board of Governors, the  
 696 Legislature, and the Governor's Office, consistent with  
 697 requirements specified in s. 1001.706. These standards and goals  
 698 shall be consistent with s. 216.011(1) to maintain congruity  
 699 with the performance-based budgeting process. This process  
 700 requires that university accountability reports reflect measures

701 defined through performance-based budgeting. The performance-  
 702 based budgeting measures must also reflect the elements of  
 703 teaching, research, and service inherent in the missions of the  
 704 state universities.

705 (1)(a) By March 15 ~~December 31~~ of each year, the Board of  
 706 Governors shall submit an annual accountability report providing  
 707 information on the implementation of performance standards,  
 708 actions taken to improve university achievement of performance  
 709 goals, the achievement of performance goals during the prior  
 710 year, and initiatives to be undertaken during the next year. The  
 711 accountability reports shall be designed in consultation with  
 712 the Governor's Office, the Office of Program Policy Analysis and  
 713 Government Accountability, and the Legislature.

714 Section 11. Subsection (7) of section 1009.22, Florida  
 715 Statutes, is amended to read:

716 1009.22 Workforce education postsecondary student fees.—

717 (7) Each district school board and Florida College System  
 718 institution board of trustees is authorized to establish a  
 719 separate fee for technology, not to exceed 5 percent of tuition  
 720 per credit hour or credit-hour equivalent for resident students  
 721 and not to exceed 5 percent of tuition and the out-of-state fee  
 722 per credit hour or credit-hour equivalent for nonresident  
 723 students. Revenues generated from the technology fee shall be  
 724 used to enhance instructional technology resources for students  
 725 and faculty ~~and shall not be included in any award under the~~

726 ~~Florida Bright Futures Scholarship Program.~~ Fifty percent of  
 727 technology fee revenues may be pledged by a Florida College  
 728 System institution board of trustees as a dedicated revenue  
 729 source for the repayment of debt, including lease-purchase  
 730 agreements, not to exceed the useful life of the asset being  
 731 financed. Revenues generated from the technology fee may not be  
 732 bonded.

733 Section 12. Subsection (10) of section 1009.23, Florida  
 734 Statutes, is amended to read:

735 1009.23 Florida College System institution student fees.—

736 (10) Each Florida College System institution board of  
 737 trustees is authorized to establish a separate fee for  
 738 technology, which may not exceed 5 percent of tuition per credit  
 739 hour or credit-hour equivalent for resident students and may not  
 740 exceed 5 percent of tuition and the out-of-state fee per credit  
 741 hour or credit-hour equivalent for nonresident students.

742 Revenues generated from the technology fee shall be used to  
 743 enhance instructional technology resources for students and  
 744 faculty. The technology fee may apply to both college credit and  
 745 developmental education ~~and shall not be included in any award~~  
 746 ~~under the Florida Bright Futures Scholarship Program.~~ Fifty  
 747 percent of technology fee revenues may be pledged by a Florida  
 748 College System institution board of trustees as a dedicated  
 749 revenue source for the repayment of debt, including lease-  
 750 purchase agreements, not to exceed the useful life of the asset

751 being financed. Revenues generated from the technology fee may  
 752 not be bonded.

753 Section 13. Subsection (13), paragraph (r) of subsection  
 754 (14), paragraphs (a) and (b) of subsection (15), paragraphs (a),  
 755 (b), and (e) of subsection (16), and subsection (20) of section  
 756 1009.24, Florida Statutes, are amended to read:

757 1009.24 State university student fees.—

758 (13) Each university board of trustees may establish a  
 759 technology fee of up to 5 percent of the tuition per credit  
 760 hour. The revenue from this fee shall be used to enhance  
 761 instructional technology resources for students and faculty. ~~The~~  
 762 ~~technology fee may not be included in any award under the~~  
 763 ~~Florida Bright Futures Scholarship Program established pursuant~~  
 764 ~~to ss. 1009.53-1009.538.~~

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

768 (r) Traffic and parking fines, charges for parking decals,  
 769 and transportation access fees. Only universitywide  
 770 transportation access fees may be included in any state  
 771 financial assistance award authorized under part III of chapter  
 772 1009, as specifically authorized by law or the General  
 773 Appropriations Act.

774  
 775 With the exception of housing rental rates and except as



776 otherwise provided, fees assessed pursuant to paragraphs (h)-(s)  
 777 shall be based on reasonable costs of services. The Board of  
 778 Governors shall adopt regulations and timetables necessary to  
 779 implement the fees and fines authorized under this subsection.  
 780 The fees assessed under this subsection may be used for debt  
 781 only as authorized under s. 1010.62.

782 (15)(a) The Board of Governors may approve:

783 1. A proposal from a university board of trustees to  
 784 establish a new student fee that is not specifically authorized  
 785 by this section.

786 2. A proposal from a university board of trustees to  
 787 increase the current cap for an existing fee authorized pursuant  
 788 to paragraphs (14)(a)-(g).

789 3.a. A proposal from a university board of trustees to  
 790 implement flexible tuition policies, such as undergraduate or  
 791 graduate block tuition, block tuition differential, or market  
 792 tuition rates for graduate-level online courses or graduate-  
 793 level courses offered through a university's continuing  
 794 education program. A block tuition policy for resident  
 795 undergraduate students or undergraduate-level courses must ~~shall~~  
 796 be based on the per-credit-hour undergraduate tuition  
 797 established under subsection (4). A block tuition policy for  
 798 nonresident undergraduate students must ~~shall~~ be based on the  
 799 per-credit-hour undergraduate tuition and out-of-state fee  
 800 established under subsection (4). Flexible tuition policies,

801 including block tuition, may not increase the state's fiscal  
 802 liability or obligation.

803 b. A block tuition policy, which must be adopted by each  
 804 university board of trustees for implementation beginning in the  
 805 fall 2019 academic semester. The policy must apply to the  
 806 entering freshman class of full-time, first-time-in-college  
 807 students and may be extended to include other enrolled students.  
 808 The policy must, at a minimum:

809 (I) Include block tuition and any required fees,  
 810 including, but not limited to, tuition differential fees,  
 811 activity and service fees, financial aid fees, capital  
 812 improvement fees, athletic fees, health fees, and technology  
 813 fees.

814 (II) Require the university to maximize the application of  
 815 appropriate accelerated credits to minimize unnecessary credits  
 816 and excess hours.

817 (III) Enable students to have the flexibility to earn at  
 818 least 30 credits per academic year in any combination of fall,  
 819 spring, and summer academic terms or semesters.

820 (b) A proposal developed pursuant to paragraph (a) shall  
 821 be submitted in accordance with the public notification  
 822 requirements of subsection (20) and guidelines established by  
 823 the Board of Governors. Approval by the Board of Governors of  
 824 such proposals ~~proposal~~ must be made in accordance with ~~the~~  
 825 ~~provisions of~~ this subsection. By April 1, 2018, each state

826 university board of trustees must submit to the Board of  
 827 Governors its block tuition policy, adopted pursuant to  
 828 subparagraph (a)3., along with information on the potential  
 829 impact of the policy on students. By August 1, 2018, the  
 830 Chancellor of the State University System must submit to the  
 831 Governor, the President of the Senate, and the Speaker of the  
 832 House of Representatives a summary report of such policies, the  
 833 status of the board's review and approval of such policies, and  
 834 the board's recommendations for improving block tuition and fee  
 835 benefits for students.

836 (16) Each university board of trustees may establish a  
 837 tuition differential for undergraduate courses upon receipt of  
 838 approval from the Board of Governors. However, beginning July 1,  
 839 2014, the Board of Governors may only approve the establishment  
 840 of or an increase in tuition differential for a state research  
 841 university designated as a preeminent state research university  
 842 pursuant to s. 1001.7065(3). The tuition differential shall  
 843 promote improvements in the quality of undergraduate education  
 844 and shall provide financial aid to undergraduate students who  
 845 exhibit financial need.

846 (a) Seventy percent of the revenues from the tuition  
 847 differential shall be expended for purposes of undergraduate  
 848 education. Such expenditures may include, but are not limited  
 849 to, increasing course offerings, improving graduation rates,  
 850 increasing the percentage of undergraduate students who are

851 | taught by faculty, decreasing student-faculty ratios, providing  
 852 | salary increases for faculty who have a history of excellent  
 853 | teaching in undergraduate courses, improving the efficiency of  
 854 | the delivery of undergraduate education through academic  
 855 | advisement and counseling, and reducing the percentage of  
 856 | students who graduate with excess hours. This expenditure for  
 857 | undergraduate education may not be used to pay the salaries of  
 858 | graduate teaching assistants. Except as otherwise provided in  
 859 | this subsection, the remaining 30 percent of the revenues from  
 860 | the tuition differential, or the equivalent amount of revenue  
 861 | from private sources, shall be expended to provide financial aid  
 862 | to undergraduate students who exhibit financial need, including  
 863 | students who are scholarship recipients under s. 1009.984, to  
 864 | meet the cost of university attendance. This expenditure for  
 865 | need-based financial aid shall not supplant the amount of need-  
 866 | based aid provided to undergraduate students in the preceding  
 867 | fiscal year from financial aid fee revenues, the direct  
 868 | appropriation for financial assistance provided to state  
 869 | universities in the General Appropriations Act, or from private  
 870 | sources. The total amount of tuition differential waived under  
 871 | subparagraph (b) 7. ~~(b) 8.~~ may be included in calculating the  
 872 | expenditures for need-based financial aid to undergraduate  
 873 | students required by this subsection. If the entire tuition and  
 874 | fee costs of resident students who have applied for and received  
 875 | Pell Grant funds have been met and the university has excess

876 funds remaining from the 30 percent of the revenues from the  
877 tuition differential required to be used to assist students who  
878 exhibit financial need, the university may expend the excess  
879 portion in the same manner as required for the other 70 percent  
880 of the tuition differential revenues.

881 (b) Each tuition differential is subject to the following  
882 conditions:

883 1. The tuition differential may be assessed on one or more  
884 undergraduate courses or on all undergraduate courses at a state  
885 university.

886 2. The tuition differential may vary by course or courses,  
887 by campus or center location, and by institution. Each  
888 university board of trustees shall strive to maintain and  
889 increase enrollment in degree programs related to math, science,  
890 high technology, and other state or regional high-need fields  
891 when establishing tuition differentials by course.

892 3. For each state university that is designated as a  
893 preeminent state research university by the Board of Governors,  
894 pursuant to s. 1001.7065, the aggregate sum of tuition and the  
895 tuition differential may be increased by no more than 6 percent  
896 of the total charged for the aggregate sum of these fees in the  
897 preceding fiscal year. The tuition differential may be increased  
898 if the university meets or exceeds performance standard targets  
899 for that university established annually by the Board of  
900 Governors for the following performance standards, amounting to

901 no more than a 2-percent increase in the tuition differential  
 902 for each performance standard:

903 a. An increase in the 4-year ~~6-year~~ graduation rate for  
 904 full-time, first-time-in-college students, as reported annually  
 905 to the Integrated Postsecondary Education Data System.

906 b. An increase in the total annual research expenditures.

907 c. An increase in the total patents awarded by the United  
 908 States Patent and Trademark Office for the most recent years.

909 4. The aggregate sum of undergraduate tuition and fees per  
 910 credit hour, including the tuition differential, may not exceed  
 911 the national average of undergraduate tuition and fees at 4-year  
 912 degree-granting public postsecondary educational institutions.

913 ~~5. The tuition differential shall not be included in any~~  
 914 ~~award under the Florida Bright Futures Scholarship Program~~  
 915 ~~established pursuant to ss. 1009.53-1009.538.~~

916 ~~5.6.~~ Beneficiaries having prepaid tuition contracts  
 917 pursuant to s. 1009.98(2)(b) which were in effect on July 1,  
 918 2007, and which remain in effect, are exempt from the payment of  
 919 the tuition differential.

920 ~~6.7.~~ The tuition differential may not be charged to any  
 921 student who was in attendance at the university before July 1,  
 922 2007, and who maintains continuous enrollment.

923 ~~7.8.~~ The tuition differential may be waived by the  
 924 university for students who meet the eligibility requirements  
 925 for the Florida public student assistance grant established in

926 s. 1009.50.

927 ~~8.9.~~ Subject to approval by the Board of Governors, the  
 928 tuition differential authorized pursuant to this subsection may  
 929 take effect with the 2009 fall term.

930 (e) The Board of Governors shall submit a report to the  
 931 President of the Senate, the Speaker of the House of  
 932 Representatives, and the Governor describing the implementation  
 933 of the provisions of this subsection no later than February 1 of  
 934 each year. The report shall summarize proposals received by the  
 935 board during the preceding fiscal year and actions taken by the  
 936 board in response to such proposals. In addition, the report  
 937 shall provide the following information for each university that  
 938 has been approved by the board to assess a tuition differential:

939 1. The course or courses for which the tuition  
 940 differential was assessed and the amount assessed.

941 2. The total revenues generated by the tuition  
 942 differential.

943 3. With respect to waivers authorized under subparagraph  
 944 (b)7. ~~(b)8.~~, the number of students eligible for a waiver, the  
 945 number of students receiving a waiver, and the value of waivers  
 946 provided.

947 4. Detailed expenditures of the revenues generated by the  
 948 tuition differential.

949 5. Changes in retention rates, graduation rates, the  
 950 percentage of students graduating with more than 110 percent of

951 the hours required for graduation, pass rates on licensure  
 952 examinations, the number of undergraduate course offerings, the  
 953 percentage of undergraduate students who are taught by faculty,  
 954 student-faculty ratios, and the average salaries of faculty who  
 955 teach undergraduate courses.

956 (20) Each state university shall publicly notice and  
 957 notify all enrolled students of any proposal to change ~~increase~~  
 958 tuition or fees at least 28 days before its consideration at a  
 959 board of trustees meeting. The notice must:

960 (a) Include the date and time of the meeting at which the  
 961 proposal will be considered.

962 (b) Specifically outline the details of existing tuition  
 963 and fees, the rationale for the proposed change ~~increase~~, and  
 964 how the funds from the proposed change ~~increase~~ will be used.

965 (c) Be posted on the university's website and issued in a  
 966 press release.

967 Section 14. Subsection (9) of section 1009.53, Florida  
 968 Statutes, is amended to read:

969 1009.53 Florida Bright Futures Scholarship Program.—

970 (9) A student may use a Florida Academic Scholar ~~an~~ award  
 971 for summer term enrollment beginning in the 2018 summer term, as  
 972 funded in the General Appropriations Act. A student may use  
 973 other Florida Bright Futures Scholarship Program awards for  
 974 summer term enrollment, if funded in the General Appropriations  
 975 Act ~~if funds are available.~~



976 Section 15. Subsection (2) of section 1009.534, Florida  
 977 Statutes, is amended to read:

978 1009.534 Florida Academic Scholars award.—

979 (2) A Florida Academic Scholar who is enrolled in a  
 980 certificate, diploma, associate, or baccalaureate degree program  
 981 at a public or nonpublic postsecondary education institution is  
 982 eligible, beginning in the 2017-2018 academic year, for an award  
 983 equal to the amount required to pay 100 percent of tuition and  
 984 fees established under ss. 1009.22(3), (5), (6), and (7);  
 985 1009.23(3), (4), (7), (8), (10), and (11); and 1009.24(4), (7)-  
 986 (13), (14)(r), and (16), as applicable, and is eligible for an  
 987 additional \$300 each fall and spring academic semester or the  
 988 equivalent for textbooks and ~~specified in the General~~  
 989 ~~Appropriations Act~~ to assist with the payment of educational  
 990 expenses.

991 Section 16. Subsection (2) of section 1009.535, Florida  
 992 Statutes, is amended to read:

993 1009.535 Florida Medallion Scholars award.—

994 (2) A Florida Medallion Scholar who is enrolled in a  
 995 certificate, diploma, associate, or baccalaureate degree program  
 996 at a public or nonpublic postsecondary education institution is  
 997 eligible, beginning in the fall 2018 semester, for an award  
 998 equal to the amount required to pay 75 percent of tuition and  
 999 fees established under ss. 1009.22(3), (5), (6), and (7);  
 1000 1009.23(3), (4), (7), (8), (10), and (11); and 1009.24(4), (7)-

1001 (13), (14)(r), and (16), as applicable ~~specified in the General~~  
 1002 ~~Appropriations Act~~ to assist with the payment of educational  
 1003 expenses.

1004 Section 17. Subsections (1), (2), and (4) and paragraph  
 1005 (c) of subsection (5) of section 1009.701, Florida Statutes, are  
 1006 amended to read:

1007 1009.701 First Generation Matching Grant Program.—

1008 (1) The First Generation Matching Grant Program is created  
 1009 to enable each state university and Florida College System  
 1010 institution to provide donors with a matching grant incentive  
 1011 for contributions that will create grant-based student financial  
 1012 aid for undergraduate students who demonstrate financial need  
 1013 and whose parents, as defined in s. 1009.21(1), have not earned  
 1014 a baccalaureate degree. In the case of any individual who  
 1015 regularly resided with and received support from only one  
 1016 parent, an individual whose only such parent did not complete a  
 1017 baccalaureate degree would also be eligible.

1018 (2) Funds appropriated by the Legislature for the program  
 1019 shall be allocated by the Office of Student Financial Assistance  
 1020 to match private contributions on a dollar-for-dollar basis;  
 1021 however, beginning in the 2018-2019 fiscal year, such funds  
 1022 shall be allocated at a ratio of \$2 of state funds to \$1 of  
 1023 private contributions to provide additional funding to increase  
 1024 the number of eligible students receiving the scholarship. After  
 1025 all eligible students have received an award, the remaining

1026 funds may be used to increase award amounts based on financial  
 1027 need. Contributions made to a state university or a Florida  
 1028 College System institution and pledged for the purposes of this  
 1029 section are eligible for state matching funds appropriated for  
 1030 this program and are not eligible for any other state matching  
 1031 grant program. Pledged contributions are not eligible for  
 1032 matching prior to the actual collection of the total funds. The  
 1033 Office of Student Financial Assistance shall reserve a  
 1034 proportionate allocation of the total appropriated funds for  
 1035 each state university and Florida College System institution on  
 1036 the basis of full-time equivalent enrollment. Funds that remain  
 1037 unmatched as of December 1 shall be reallocated to state  
 1038 universities and colleges that have remaining unmatched private  
 1039 contributions for the program on the basis of full-time  
 1040 equivalent enrollment.

1041 (4) Each participating state university and Florida  
 1042 College System institution shall establish an application  
 1043 process, determine student eligibility for initial and renewal  
 1044 awards in conformance with subsection (5), identify the amount  
 1045 awarded to each recipient, and notify recipients of the amount  
 1046 of their awards.

1047 (5) In order to be eligible to receive a grant pursuant to  
 1048 this section, an applicant must:

1049 (c) Be accepted at a state university or Florida College  
 1050 System institution.

1051 Section 18. Subsections (2), (4), and (5) of section  
 1052 1009.893, Florida Statutes, are amended to read:  
 1053 1009.893 Benacquisto Scholarship Program.—  
 1054 (2) The Benacquisto Scholarship Program is created to  
 1055 reward a ~~any Florida~~ high school graduate who receives  
 1056 recognition as a National Merit Scholar or National Achievement  
 1057 Scholar and who initially enrolls in the 2014-2015 academic year  
 1058 or, later, in a baccalaureate degree program at an eligible  
 1059 Florida public or independent postsecondary educational  
 1060 institution.  
 1061 (4) In order to be eligible for an award under the  
 1062 scholarship program, a student must meet the requirements of  
 1063 paragraph (a) or paragraph (b).÷  
 1064 (a) A student who is a resident of the state, ~~Be a state~~  
 1065 ~~resident~~ as determined in s. 1009.40 and rules of the State  
 1066 Board of Education, must:÷  
 1067 1. ~~(b)~~ Earn a standard Florida high school diploma or its  
 1068 equivalent pursuant to s. 1002.3105, s. 1003.4281, s. 1003.4282,  
 1069 or s. 1003.435 unless:  
 1070 a.1. The student completes a home education program  
 1071 according to s. 1002.41; or  
 1072 b.2. The student earns a high school diploma from a non-  
 1073 Florida school while living with a parent who is on military or  
 1074 public service assignment out of this state;  
 1075 2. ~~(e)~~ Be accepted by and enroll in a Florida public or

1076 independent postsecondary educational institution that is  
 1077 regionally accredited; and

1078 ~~3.(d)~~ Be enrolled full-time in a baccalaureate degree  
 1079 program at an eligible regionally accredited Florida public or  
 1080 independent postsecondary educational institution during the  
 1081 fall academic term following high school graduation.

1082 (b) A student who initially enrolls in a baccalaureate  
 1083 degree program in the 2018-2019 academic year or later and who  
 1084 is not a resident of this state, as determined in s. 1009.40 and  
 1085 rules of the State Board of Education, must:

1086 1. Physically reside in this state on or near the campus  
 1087 of the postsecondary educational institution in which the  
 1088 student is enrolled;

1089 2. Earn a high school diploma from a school outside  
 1090 Florida which is comparable to a standard Florida high school  
 1091 diploma or its equivalent pursuant to s. 1002.3105, s.  
 1092 1003.4281, s. 1003.4282, or s. 1003.435 or must complete a home  
 1093 education program in another state; and

1094 3. Be accepted by and enrolled full-time in a  
 1095 baccalaureate degree program at an eligible regionally  
 1096 accredited Florida public or independent postsecondary  
 1097 educational institution during the fall academic term following  
 1098 high school graduation.

1099 (5)(a)1. An eligible student who meets the requirements of  
 1100 paragraph (4)(a), who is a National Merit Scholar or National

1101 Achievement Scholar, and who attends a Florida public  
 1102 postsecondary educational institution shall receive a  
 1103 scholarship award equal to the institutional cost of attendance  
 1104 minus the sum of the student's Florida Bright Futures  
 1105 Scholarship and National Merit Scholarship or National  
 1106 Achievement Scholarship.

1107 2. An eligible student who meets the requirements under  
 1108 paragraph (4)(b), who is a National Merit Scholar, and who  
 1109 attends a Florida public postsecondary educational institution  
 1110 shall receive a scholarship award equal to the institutional  
 1111 cost of attendance for a resident of this state minus the  
 1112 student's National Merit Scholarship. Such student is exempt  
 1113 from the payment of out-of-state fees.

1114 (b) An eligible student who is a National Merit Scholar or  
 1115 National Achievement Scholar and who attends a Florida  
 1116 independent postsecondary educational institution shall receive  
 1117 a scholarship award equal to the highest cost of attendance for  
 1118 a resident of this state enrolled at a Florida public  
 1119 university, as reported by the Board of Governors of the State  
 1120 University System, minus the sum of the student's Florida Bright  
 1121 Futures Scholarship and National Merit Scholarship or National  
 1122 Achievement Scholarship.

1123 Section 19. Section 1009.894, Florida Statutes, is created  
 1124 to read:

1125 1009.894 Florida Farmworker Student Scholarship Program.—

1126 The Legislature recognizes the vital contribution of farmworkers  
 1127 to the economy of this state. The Florida Farmworker Student  
 1128 Scholarship Program is created to provide scholarships for  
 1129 farmworkers, as defined in s. 420.503, and the children of such  
 1130 farmworkers.

1131 (1) The Department of Education shall administer the  
 1132 Florida Farmworker Student Scholarship Program according to  
 1133 rules and procedures established by the State Board of  
 1134 Education. Beginning in the 2017-2018 academic year, up to 50  
 1135 scholarships shall be awarded annually according to the criteria  
 1136 established in subsection (2) and contingent upon an  
 1137 appropriation in the General Appropriations Act.

1138 (2)(a) To be eligible for an initial scholarship, a  
 1139 student must, at a minimum:

1140 1. Have a resident status as required by s. 1009.40 and  
 1141 rules of the State Board of Education;

1142 2. Earn a minimum cumulative weighted grade point average  
 1143 of 3.5 for all high school courses creditable toward a diploma;

1144 3. Complete a minimum of 30 hours of community service;

1145 and

1146 4. Have at least a 90 percent attendance rate and not have  
 1147 had any disciplinary action brought against him or her, as  
 1148 documented on the student's high school transcript.

1149  
 1150 For purposes of this section, students who are undocumented for

1151 federal immigration purposes are not eligible for an award.

1152 (b) The department shall rank eligible initial applicants  
 1153 for the purposes of awarding scholarships based on need, as  
 1154 determined by the department.

1155 (c) To renew a scholarship awarded pursuant to this  
 1156 section, a student must maintain at least a cumulative grade  
 1157 point average of 2.5 or higher on a 4.0 scale for college  
 1158 coursework.

1159 (3) A scholarship recipient must enroll in a minimum of 12  
 1160 credit hours per term, or the equivalent, at a public  
 1161 postsecondary educational institution in this state to receive  
 1162 funding.

1163 (4) A scholarship recipient may receive an award for a  
 1164 maximum of 100 percent of the number of credit hours required to  
 1165 complete an associate or baccalaureate degree program or receive  
 1166 an award for a maximum of 100 percent of the credit hours or  
 1167 clock hours required to complete up to 90 credit hours of a  
 1168 program that terminates in a career certificate. The scholarship  
 1169 recipient is eligible for an award equal to the amount required  
 1170 to pay the tuition and fees established under ss. 1009.22(3),  
 1171 (5), (6), and (7); 1009.23(3), (4), (7), (8), (10), and (11);  
 1172 and 1009.24(4), (7)-(13), (14)(r), and (16), as applicable, at a  
 1173 public postsecondary educational institution in this state.

1174 Renewal scholarship awards must take precedence over new  
 1175 scholarship awards in a year in which funds are not sufficient



1176 to accommodate both initial and renewal awards. The scholarship  
 1177 must be prorated for any such year.

1178 (5) Subject to appropriation in the General Appropriations  
 1179 Act, the department shall annually issue awards from the  
 1180 scholarship program. Before the registration period each  
 1181 semester, the department shall transmit payment for each award  
 1182 to the president or director of the postsecondary educational  
 1183 institution, or his or her representative. However, the  
 1184 department may withhold payment if the receiving institution  
 1185 fails to submit the following reports or make the following  
 1186 refunds to the department:

1187 (a) Each institution shall certify to the department the  
 1188 eligibility status of each student to receive a disbursement  
 1189 within 30 days before the end of its regular registration  
 1190 period, inclusive of a drop and add period. An institution is  
 1191 not required to reevaluate the student eligibility after the end  
 1192 of the drop and add period.

1193 (b) An institution that receives funds from the  
 1194 scholarship program must certify to the department the amount of  
 1195 funds disbursed to each student and remit to the department any  
 1196 undisbursed advance within 60 days after the end of the regular  
 1197 registration period.

1198 (6) The department shall allocate funds to the appropriate  
 1199 institutions and collect and maintain data regarding the  
 1200 scholarship program within the student financial assistance

1201 database as specified in s. 1009.94.

1202 (7) Funding for this program shall be as provided in the  
 1203 General Appropriations Act.

1204 Section 20. Present paragraphs (e) and (f) of subsection  
 1205 (10) of section 1009.98, Florida Statutes, are redesignated as  
 1206 paragraphs (f) and (g), respectively, and a new paragraph (e) is  
 1207 added to that subsection, to read:

1208 1009.98 Stanley G. Tate Florida Prepaid College Program.—

1209 (10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.—

1210 (e) Notwithstanding the number of credit hours used by a  
 1211 state university to assess the amount for registration fees,  
 1212 tuition, tuition differential, or local fees, the amount paid by  
 1213 the board to any state university on behalf of a qualified  
 1214 beneficiary of an advance payment contract purchased before July  
 1215 1, 2024, may not exceed the number of credit hours taken by that  
 1216 qualified beneficiary at the state university.

1217 Section 21. Subsection (4) of section 1011.90, Florida  
 1218 Statutes, is amended to read:

1219 1011.90 State university funding.—

1220 (4) The Board of Governors shall establish and validate a  
 1221 cost-estimating system consistent with the requirements of  
 1222 subsection (1) and shall report as part of its legislative  
 1223 budget request the actual expenditures for the fiscal year  
 1224 ending the previous June 30. The legislative budget request must  
 1225 also include 5-year trend information on the ratios of student

1226 enrollment to faculty and administrators at each university. The  
 1227 ratio of students to administrators at any state university may  
 1228 not grow at a greater rate than the ratio of students to  
 1229 faculty. Expenditure analysis, operating budgets, and annual  
 1230 financial statements of each university must be prepared using  
 1231 the standard financial reporting procedures and formats  
 1232 prescribed by the Board of Governors. These formats shall be the  
 1233 same as used for the 2000-2001 fiscal year reports. Any  
 1234 revisions to these financial and reporting procedures and  
 1235 formats must be approved by the Executive Office of the Governor  
 1236 and the appropriations committees of the Legislature jointly  
 1237 under the provisions of s. 216.023(3). The Board of Governors  
 1238 shall continue to collect and maintain at a minimum management  
 1239 information existing on June 30, 2002. The expenditure analysis  
 1240 report shall include total expenditures from all sources for the  
 1241 general operation of the university and shall be in such detail  
 1242 as needed to support the legislative budget request.

1243 Section 22. The Division of Law Revision and Information  
 1244 is directed to substitute the term "Effective Access to Student  
 1245 Education Grant Program" for "Florida Resident Access Grant  
 1246 Program" and the term "Effective Access to Student Education  
 1247 grant" for "Florida resident access grant" wherever those terms  
 1248 appear in the Florida Statutes.

1249 Section 23. Effective July 1, 2020, sections 1004.33 and  
 1250 1004.34, Florida Statutes, are repealed.

1251 Section 24. Section 1004.335, Florida Statutes, is created  
 1252 to read:

1253 1004.335 Accreditation consolidation of University of  
 1254 South Florida branch campuses.-

1255 (1) No later than January 15, 2019, the Board of Trustees  
 1256 of the University of South Florida must adopt and submit to the  
 1257 Board of Governors an implementation plan to orderly phase out  
 1258 the separate accreditation of the University of South Florida  
 1259 St. Petersburg campus and the University of South Florida  
 1260 Sarasota/Manatee campus, which were conferred by the Southern  
 1261 Association of Colleges and Schools Commission on Colleges  
 1262 (SACSCOC) pursuant to ss. 1004.33 and 1004.34, respectively.

1263 (2) The implementation plan must:

1264 (a) Detail any necessary steps, and the timeline for such  
 1265 steps, to ensure that the separate accreditation for each campus  
 1266 is terminated no later than June 30, 2020. The implementation  
 1267 plan must also ensure that there is no lapse in institutional  
 1268 accreditation for any campus during the phasing-out process.

1269 (b) Be designed and carried out in a manner that, to the  
 1270 extent possible, minimizes any disruption to students attending  
 1271 any University of South Florida campus, with an emphasis on  
 1272 ensuring that each student's opportunity to graduate from the  
 1273 university within 4 years of his or her initial first-time-in-  
 1274 college enrollment is not impeded as a result of the  
 1275 consolidation of SACSCOC accreditation.

1276        (c) Provide that on or before July 1, 2020, the entirety  
 1277 of the University of South Florida, including all campuses and  
 1278 other component units of the university, shall operate under a  
 1279 single institutional accreditation from the SACSCOC.

1280        (d) Provide that on each regularly scheduled submission  
 1281 date subsequent to July 1, 2020, the University of South Florida  
 1282 shall report consolidated data for all of the university's  
 1283 campuses and students to the Integrated Postsecondary Education  
 1284 Data System and to the Board of Governors. The Board of  
 1285 Governors shall use the consolidated data for purposes of  
 1286 determining eligibility for funding pursuant to ss. 1001.7065  
 1287 and 1001.92.

1288        (3) Notwithstanding the provisions of ss. 1001.7065 and  
 1289 1001.92 or any Board of Governors regulation to the contrary  
 1290 relating to the calculation of graduation rates and retention  
 1291 rates, a student who meets all of the following criteria may not  
 1292 be counted by the Board of Governors when calculating or  
 1293 confirming the graduation rate or the retention rate of the  
 1294 University of South Florida under those sections:

1295        (a) The student was admitted to and initially enrolled  
 1296 before the spring 2019 semester as a first-time-in-college  
 1297 student at the University of South Florida St. Petersburg or the  
 1298 University of South Florida Sarasota/Manatee.

1299        (b) The student voluntarily disenrolled from all  
 1300 University of South Florida campuses without graduating before

1301 the date of termination of the separate SACSCOC accreditation of  
 1302 his or her admitting campus.

1303 (4) This section expires July 1, 2020.

1304 Section 25. Subsection (1) of section 1004.344, Florida  
 1305 Statutes, is amended to read:

1306 1004.344 The Florida Center for the Partnerships for Arts  
 1307 Integrated Teaching.—

1308 (1) The Florida Center for the Partnerships for Arts  
 1309 Integrated Teaching is created within the University of South  
 1310 Florida and shall be physically headquartered at the University  
 1311 of South Florida Sarasota/Manatee.

1312 Section 26. This act shall take effect upon becoming a  
 1313 law.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCS for HB 495 Education  
**SPONSOR(S):** Education Committee  
**TIED BILLS:** None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Education Committee		Brink	Hassell

### SUMMARY ANALYSIS

The proposed committee substitute (PCS) amends several provisions relating to the operation and funding of public schools. Specifically, the PCS:

- Provides the same carry forward authority for undisbursed Schools of Hope Program funds as currently provided for revolving loan funds.
- Revises how school districts must spend Supplemental Academic Instruction (SAI) allocation funds.
- Expands the Principal Autonomy Pilot Program Initiative to a statewide program and authorizes highly effective trained principals to manage multiple district schools.
- Revises requirements for the disbursement of Title I funds by school districts.
- Expands the available exceptions a district school board may adopt to include any other provisions in SREF that limit the ability of a school to operate in a facility on the same basis as a charter school.
- Requires the Florida Department of Education to issue a competitive solicitation to contract with an independent, third-party consulting firm to conduct a review of the current price level index methodology by July 1, 2018, and every 10 years thereafter.

The PCS amends several provisions relating to charter schools as follows:

- Provides charter schools with access to surplus property on the same basis as public schools.
- Requires school districts to provide background screening results for charter school employees within 14 days.
- Revises eligibility requirements for high performing charter schools and allows replication of up to two schools.
- Clarifies provisions relating to charter school consolidations.
- Revises requirements for sharing discretionary capital outlay millage revenues with charter schools.
- Prohibits a school district from withholding charter school administrative fees if specified aggregate lease-purchase agreement payments exceed three-fourths of the discretionary millage proceeds.

The PCS also requires each school district, by the start of the 2018-2019 school year, to negotiate a memorandum of understanding with the collective bargaining unit for instructional personnel that addresses the selection, placement, and expectations of instructional personnel and provides principals with autonomy over certain personnel and budgetary decisions.

See FISCAL IMPACT ON STATE GOVERNMENT.

The bill provides an effective date of July 1, 2018, except as otherwise provided.



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Schools of Hope Program Fund**

###### Present Situation

The Schools of Hope Program fund is created within the Florida Department of Education (DOE).<sup>1</sup> Current law<sup>2</sup> authorizes a school of hope to receive funds from the Schools of Hope Program fund for statutorily identified expenditures. A traditional public school that must implement intervention and support strategies under Florida's system for school improvement<sup>3</sup> is eligible to receive up to \$2,000 per full-time equivalent (FTE) student from the Schools of Hope Program fund based on the strength of the school's plan for implementation and its focus on evidence-based interventions that lead to student success by providing wrap-around services that leverage community assets.<sup>4</sup>

The law also establishes the Schools of Hope Revolving Loan Program within the DOE to help hope operators<sup>5</sup> meet school building construction needs and to pay for expenses related to the startup of a school of hope.<sup>6</sup> The Schools of Hope Program fund is the state's fund source for the revolving loan program.

Current law allows funds for the Schools of Hope Revolving Loan Program that are not disbursed by June 30 of the fiscal year in which the funds are allocated to carry forward for up to 5 years.<sup>7</sup> There is no similar carry forward provision for funds from the Schools of Hope Program for traditional public schools.

###### Effect of Proposed Changes

The proposed committee substitute (PCS) authorizes Schools of Hope Program funds not disbursed by June 30 of the fiscal year in which the funds are allocated to be carried forward in the same manner as Schools of Hope Revolving Loan Program funds.

##### **Supplemental Academic Instruction Categorical**

###### Present Situation

In 1999, the Legislature created the Supplemental Academic Instruction (SAI) Categorical Fund as part of the A+ Education Plan<sup>8</sup> for assisting school districts in providing supplemental instruction to students in kindergarten through grade 12.<sup>9</sup>

The SAI categorical funds are allocated annually to each school district in the amount provided in the General Appropriations Act (GAA). These funds are provided in addition to the funds appropriated on

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<sup>1</sup> Section 43, ch. 2017-116.

<sup>2</sup> Section 1002.333(10)(a), F.S.

<sup>3</sup> See s. 1008.33(1)(a) and (2), F.S.

<sup>4</sup> Section 1002.333(10)(b), F.S.

<sup>5</sup> See s. 1002.333, F.S.

<sup>6</sup> Section 44, ch. 2017-116.

<sup>7</sup> Section 1001.292(8), F.S.

<sup>8</sup> Section 23, ch. 99-398, L.O.F.

<sup>9</sup> Florida House of Representatives, Council for Lifelong Learning, Supplemental Academic Instruction Fact Sheet (Sept. 2001) available at

<http://archive.flsenate.gov/data/publications/2002/house/reports/EdFactSheets/fact%20sheets/supplementalacademicinstruction.pdf>.

the basis of FTE student membership in the Florida Education Finance Program (FEFP) and are included in the total funds for each district. For Fiscal Year 2017-2018, each school district that has one or more of the 300 lowest-performing elementary schools based on the statewide reading assessment must use these funds, together with the funds provided in the district's research-based reading instruction allocation, to provide an additional hour of intensive reading instruction. After this requirement has been met, school districts may use these funds for: modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement.<sup>10</sup>

### Effect of Proposed Changes

The PCS modifies the FEFP SAI allocation by:

- deleting the requirement that the 300 lowest-performing elementary schools, based on the statewide reading assessment, use their portion of the SAI allocation to implement an extra hour of intensive reading instruction; and
- requiring that each school district with a school earning a grade of "D" or "F" use that school's portion of the SAI allocation to implement the intervention and support strategies required under Florida's system for school improvement. For all other schools, the school district may use the SAI for eligible purposes currently described in law.

## **Principal Autonomy Pilot Project Initiative**

### Present Situation

In 2016, the Principal Autonomy Pilot Project Initiative (PAPPI) was established within the DOE to provide principals of participating schools in participating school districts<sup>11</sup> with increased autonomy and authority over allocation of resources and staffing.<sup>12</sup> Each participating school district must identify three schools that received at least two school grades of "D" or "F" during the previous three school years, describe the areas in which increased autonomy will be granted, and state measurable goals regarding student achievement and operation efficiency. The principal assigned to each school must have earned a highly effective performance evaluation rating in the previous year.<sup>13</sup> Each participating principal, along with a three-member leadership team from each participating school and district personnel working with each school, must also complete a nationally recognized school turnaround program focusing on improving leadership, instructional infrastructure, talent management, and differentiated support and accountability.<sup>14</sup>

In order to receive a salary supplement of \$10,000, the principal must be transferred to a school that earned a grade of "F" or three consecutive grades of "D" and must have implemented a turnaround option at a school as the school's principal in which the school improved by at least one letter grade.<sup>15</sup>

Among other things, the principal of a participating school is granted greater authority to hire qualified instructional personnel or refuse placement or transfer of such personnel and deploy financial

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<sup>10</sup> Section 1011.62(1)(f), F.S.

<sup>11</sup> Participation in PAPPI is currently limited to the Broward, Duval, Jefferson, Madison, Palm Beach, Pinellas, and Seminole school districts. *See* s. 1011.6202(1), F.S.

<sup>12</sup> *See* ch. 2016-223, L.O.F., *codified at* s. 1011.6202, F.S. Plans were submitted to the State Board of Education by the Broward, Palm Beach, and Pinellas school districts. Each plan was approved by the state board at its March 22, 2017 meeting. *See* Florida State Board of Education, *Minutes State Board of Education Meeting* (May 16, 2017), *available at* <http://www.fldoe.org/core/fileparse.php/18491/urlt/minutes.pdf>.

<sup>13</sup> *See* s. 1011.6202(2)(a), F.S.

<sup>14</sup> Section 1011.6202(4), F.S.

<sup>15</sup> *See* s. 1011.6202(7), F.S.

resources to school programs at the principal's discretion to help improve student achievement and meet goals identified in the district's PAPPI proposal.<sup>16</sup>

A participating school is exempt from the provisions of chapters 1000-1013, F.S., and implementing state board rules, except for statutes pertaining to:<sup>17</sup>

- the election and compensation of school board members and the election, appointment, or compensation of district school superintendents;
- the student assessment program and school grading;
- the uniform start date;
- student progression and graduation;
- services to students with disabilities;
- class size, except compliance is calculated at the school, rather than classroom, level;
- civil rights and discrimination;
- student health, safety and welfare;
- educator evaluation, pay schedules, and employment contracts;
- school facilities, with certain exceptions;
- equitable distribution of Title I funds;
- public meetings and records public inspection and criminal and civil penalties;
- public records; and
- code of ethics for public officers and employees.

Each participating school must submit an annual report to the State Board of Education (SBE), and the SBE must annually report on the implementation of the pilot project. At the end of the 3-year pilot, the commissioner must submit a full evaluation of the effectiveness of the program to the Senate President, the Speaker of the House of Representatives, and the Governor.<sup>18</sup>

The initial term of the program is 3 years.<sup>19</sup> Thereafter, schools must receive authorization from the SBE to renew their participation in the program.<sup>20</sup>

### Effect of Proposed Changes

The bill expands PAPPI from a 3-year pilot to a statewide program and allows any school district, beginning with the 2018-2019 school year and contingent upon available funds, to submit a principal autonomy proposal to the SBE by December 1. If the SBE approves the proposal, the district is eligible to participate in the program for 3 years. The bill deletes annual reporting requirements for principals and districts participating in the pilot and deletes the requirement that the commissioner submit an evaluation of the pilot program.

In addition, the bill expands the impact of participating principals who successfully complete the school turnaround training by allowing them to manage one or more schools and providing the school with the same exemptions and administrative autonomy provided to participating PAPPI schools. District school boards may authorize highly effective principals to manage multiple schools within district innovation academies and zones. A zone may include the school at which the principal is assigned, persistently low-performing schools, feeder pattern schools, or a group of schools identified by the school district. The principal may allocate resources and personnel between the schools under his or her administration.

The bill specifies that a school, whether a participating school or a school operated by a participating principal, continues its exemption from laws and rules beyond the initial 3-year period so long as the school receives a school grade no lower than a "B."

<sup>16</sup> See s. 1012.28(8)(a) and (b), F.S.

<sup>17</sup> See s. 1011.6202(3)(b), F.S.

<sup>18</sup> Section 1011.6202(6), F.S.

<sup>19</sup> Section 1011.6202(5), F.S.

<sup>20</sup> *Id.*

Subject to appropriation each year, the DOE must:

- fund the costs of the program to include the administrative and enrollment costs for the school turnaround training program; and
- provide up to \$10,000 for each participating principal as an annual salary supplement for 3 years.

The bill revises salary supplement eligibility requirements to allow a participating principal to qualify by teaching at a school that earned two consecutive grades of “D” rather than three. The bill also specifies that a participating principal may qualify for a salary supplement by managing multiple schools.

## **Title I Funding**

### Present Situation

Title I, Part A of the Elementary and Secondary Education Act, provides financial assistance to local educational agencies and schools with high numbers or high percentages of children from low-income families to help ensure that all children meet challenging state academic standards. Federal funds are currently allocated through four statutory formulas that are based primarily on census poverty estimates and the cost of education in each state.<sup>21</sup>

In 2017, the Legislature implemented several revisions to the distribution of Title I funds, requiring school districts to provide Title I funds directly to all eligible schools and to limit the amount of Title I funds that a district may withhold as follows:<sup>22</sup>

- One percent for parent involvement
- A necessary and reasonable amount for administration not to exceed eight percent
- A reasonable and necessary amount to provide:<sup>23</sup>
  - homeless programs;
  - delinquent and neglected programs;
  - prekindergarten programs and activities;
  - private school equitable services; and
  - transportation for foster care children to their school of origin or choice program.

After providing Title I funds to schools above the 75 percent poverty threshold, the district must distribute all remaining Title I funds to all eligible schools in accordance with federal law and regulation. The threshold for identifying eligible schools may not exceed the threshold established by a school district for the 2016-2017 school year or the statewide percentage of economically disadvantaged students, as determined annually.<sup>24</sup> Schools may participate in district-wide or district sponsored initiatives by paying a proportionate share of Title I funds to the school district.

Of the 7 percent of Title I funds that must be set aside for school improvement, 95 percent must be awarded to districts through either a formula or competitive approach or some combination thereof. The remaining 5 percent would be used primarily to support differentiated accountability regional activities.<sup>25</sup>

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<sup>21</sup> U.S. Department of Education, *Improving Basic Programs Operated by Local Educational Agencies (Title I, Part A)*, available at <https://www2.ed.gov/programs/titleiparta/index.html?exp=0>.

<sup>22</sup> See s. 45, ch. 2017-116, L.O.F. codified at s. 1011.69(5), F.S. (2017)

<sup>23</sup> Section 1011.69(5)(a), F.S.

<sup>24</sup> Section 1011.69(5), F.S.

<sup>25</sup> See 20 U.S.C. s. 6303(a).

## Effect of Proposed Changes

The bill clarifies that when districts distribute Title I funds to schools above the 75 percent poverty threshold, the 75 percent may include high schools above the 50 percent threshold as permitted by federal law.

The bill specifies that a district may also withhold a necessary and reasonable amount of Title I funds, not to exceed 1 percent, for Title I schools to provide educational services in accordance with the approved Title I plan. Funds provided by eligible schools for district level educational services are not subject to requirements related to the district's distribution of Title I funds.

The bill increases the necessary and reasonable amount a district may withhold for administration, including the indirect cost rate, from 8 to 10 percent. Funds carried forward by the school district are not subject to the requirements related to the district's distribution of Title I funds.

## **Florida Education Finance Program**

### Present Situation

The Florida Constitution requires the Legislature to make "adequate provision . . . for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education . . ." <sup>26</sup> The Florida Legislature established the Florida Education Finance Program (FEFP) in 1973 to equalize funding for educational programs and services for all students in the K-12 public school system regardless of geographic or local economic factors. <sup>27</sup> The FEFP, which is the "primary mechanism for funding the operating costs of Florida school districts," provides for equalized funding by recognizing:

- varying local property tax bases;
- varying education program costs;
- varying costs of living; and
- varying costs for equivalent educational programs due to sparsity and dispersion of the student population. <sup>28</sup>

The FEFP incorporates state-appropriated funds and funds raised through *ad valorem* taxes in each local school district. State funds appropriated to finance the 2017-18 FEFP totaled \$11,673,261,717, while the total amount of local funds set by the Legislature was from school districts at \$8,968,543,399. <sup>29</sup>

Under the FEFP, financial support for education is based on individual students participating in a particular educational program rather than on the number of teachers or classrooms. <sup>30</sup> Funds are "primarily generated by multiplying the number of full-time equivalent (FTE) students in each of the funded education programs by cost factors to obtain weighted FTE students. Weighted FTE students are then multiplied by a base student allocation and by a district cost differential (DCD) to determine the base funding from state and local FEFP funds for a school district." <sup>31</sup>

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<sup>26</sup> Art. IX, s. 1(a), Fla. Const.

<sup>27</sup> Florida Department of Education, *2017-18 Funding for Florida School Districts*, at 1 (2017), available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>.

<sup>28</sup> *Id* at 1.

<sup>29</sup> Public School Funding, The Florida Education Finance Program (FEFP), 2017-2018 Fiscal Year

<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2892&Session=2017A&DocumentType=General%20Publications&FileName=2017A%20FEFP%20.pdf>.

<sup>30</sup> *Id* at 1.

<sup>31</sup> *Id* at 1.

## District Cost Differentials and the Florida Price Index

The law requires the Commissioner of Education to annually calculate a DCD for each school district to address cost of living differences for employees among the districts. The DCD is calculated by averaging each school district's Florida Price Level Index (FPLI) for the most recent three years. The average is then multiplied by 0.008 and .200 is added to the product to obtain the final district cost differential.<sup>32</sup>

The FPLI represents the cost of hiring comparable personnel based on maintaining a given standard of living across the school districts.<sup>33</sup> It is based on wage and employment data for "hundreds of occupations collected by the Florida Department of Economic Opportunity's Bureau of Labor Market Statistics as part of the U.S. Bureau of Labor Statistics' Occupational Employment Statistics Survey."<sup>34</sup>

Before 2003, the FPLI was calculated using a weighted average of the relative prices of goods and services purchased by consumers similar to the Consumer Price Index developed by the U.S. Bureau of Labor Statistics.<sup>35</sup> However, because the FPLI did not consider other factors that could affect the cost of hiring comparable personnel, the FPLI was revised to improve accuracy.<sup>36</sup>

Since 2003, the FPLI calculation starts with an estimated initial index of relative wages for comparable workers across Florida's 67 counties.<sup>37</sup> Because the quality and extent of data may vary depending on the size of the labor market in a given county, once the initial index has been estimated, a predicted value is calculated based on the correlation between the initial index and characteristics related to wage levels, such as total population, the costs of goods and services, the raw wage index in neighboring counties, and county retirement age.<sup>38</sup> To reduce statistical variation, the predicted index and the initial index are then weighted and averaged together based on the relative reliability of each index. This is referred to as "statistical smoothing."<sup>39</sup> Then, "geographic smoothing" is applied to ensure that the index for non-metropolitan counties does not fall below the commute-time-adjusted wage index of nearby metropolitan counties so that workers are not induced to commute from low-wage districts to higher-wage districts.<sup>40</sup>

The University of Florida's Bureau of Economic and Business Research (BEBR) began reviewing the FPLI methodology and provided recommendations to improve accuracy in 1995.<sup>41</sup> Starting in 2000, it became responsible for calculating the FPLI, as well.<sup>42</sup> Since 2007, BEBR has annually published a report outlining adjustments in the FPLI for each school district and summarizing the calculation methodology.<sup>43</sup> Since 2014, the FPLI has been calculated as part of a collaboration between Florida Polytechnic University and BEBR. Presently, there is no third-party review of the methodology used by Florida Polytechnic University and BEBR to calculate the FPLI.

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<sup>32</sup> See *id* at 16, 37.

<sup>33</sup> Jim Dewey, Director of Economic Analysis, Florida Polytechnic University, *2016 Florida Price Level Index* (Jan. 23, 2017), available at <https://floridapoly.edu/wp-content/uploads/2016fpli.pdf>.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> See *id.*

<sup>37</sup> *Id.* The FPLI is calculated annually through a collaboration between Florida Polytechnic University and the University of Florida's Bureau of Economic and Business Research.

<sup>38</sup> Florida Department of Economic Opportunity, *Florida Price Level Index* (2004) at 4, available at [http://www.floridajobs.org/library/2004\\_FPLI.pdf](http://www.floridajobs.org/library/2004_FPLI.pdf).

<sup>39</sup> *Id* at 4.

<sup>40</sup> See *id* at 4. See also Jim Dewey, Director of Economic Analysis, Florida Polytechnic University, *2016 Florida Price Level Index* (Jan. 23, 2017), available at <https://floridapoly.edu/wp-content/uploads/2016fpli.pdf>.

<sup>41</sup> Florida Department of Economic Opportunity, *Florida Price Level Index* (2004) at 1, available at [http://www.floridajobs.org/library/2004\\_FPLI.pdf](http://www.floridajobs.org/library/2004_FPLI.pdf).

<sup>42</sup> *Id.*

<sup>43</sup> University of Florida, Bureau of Economic and Business Research, *Florida Price Level Index (FPLI)*, <https://www.bebr.ufl.edu/economics/fpli> (last visited Jan. 8, 2018).

## Effect of Proposed Changes

The bill requires the DOE to issue a competitive solicitation to contract with an independent, third-party consulting firm to conduct a review of the current price level index methodology by July 1, 2018, and every 10 years thereafter. The bill also requires the DOE, by January 1, 2019, and every 10 years thereafter, to submit a report providing recommendations to the chair of the Senate Committee on Appropriations, the chair of the House of Representatives Appropriations Committee, and the Executive Office of the Governor's Office of Policy and Budget.

## **Flexibility from State Requirements for Educational Facilities**

### Present Situation

The uniform statewide building code for the planning and construction of public educational and ancillary plants, i.e., the State Requirements for Educational Facilities (SREF), is adopted by the Florida Building Commission as part of the Florida Building Code.<sup>44</sup> District school boards must adhere to the SREF when planning and constructing educational facilities and ancillary plants. Generally, SREF standards are premised on providing enhanced safety of occupants and increasing the life span of the extensive, publicly funded infrastructure of Florida's public school districts.<sup>45</sup>

Facilities for non-conversion charter schools must meet the requirements of the uniform statewide building code, except for the SREF.<sup>46</sup>

District school boards may adopt a resolution to implement an exception to one or more of the following SREF requirements:<sup>47</sup>

- use of wood studs in interior nonload-bearing walls;
- paved walkways, roadways, driveways, and parking areas;
- covered walkways for relocatable buildings; and
- site lighting.

The resolution must pass by a supermajority vote at a public meeting that begins no earlier than 5 p.m. Before voting on the resolution, a district school board must conduct a cost-benefit analysis prepared according to a professionally accepted methodology that describes how each exception selected by the district school board:<sup>48</sup>

- achieves cost savings;
- improves the efficient use of school district resources; and
- impacts the life-cycle costs and life span for each educational facility to be constructed.

The cost-benefit analysis must also demonstrate that implementation of the exception will not compromise student safety or the quality of student instruction. The district school board must conduct at least one public workshop to discuss and receive public comment on the proposed resolution and cost-benefit analysis, which must begin no earlier than 5 p.m. and may occur at the same meeting at which the resolution will be voted upon.<sup>49</sup>

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<sup>44</sup> Section 1013.37(1), F.S.

<sup>45</sup> See, e.g., s. 1013.12 (casualty, safety, sanitation, and fire safety standards and inspection of property) and 1013.451, F.S. (life-cycle cost comparison).

<sup>46</sup> Section 1002.33(18)(a), F.S.

<sup>47</sup> See s. 1013.385(2), F.S.

<sup>48</sup> Section 1013.385(1), F.S.

<sup>49</sup> *Id.*

## Effect of Proposed Changes

The bill expands the available exceptions a district school board may adopt to include any other provisions in SREF that limit the ability of a school to operate in a facility on the same basis as a charter school. In order to adopt the exception, the regional planning council must determine that there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan.<sup>50</sup>

## **Charter Schools**

### *Deferral of Opening*

#### Present Situation

Once a charter school application is approved, the initial startup commences with the beginning of the public school calendar for the district in which the charter is granted. A charter school may defer the opening of the school's operations for up to 2 years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school.

#### Effect of Proposed Changes

The bill allows a charter school to defer opening for up to 3 years, rather than two.

### *Surplus Property*

#### Present Situation

If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it must be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the school district may not sell or dispose of such property without written permission of the school district.<sup>51</sup>

Tangible personal property that has been properly classified as surplus by a district school board must be disposed of in accordance with current surplus property requirements.<sup>52</sup> The district may offer surplus property to other governmental units in the county or district for sale or donation or may offer the property to private nonprofit agencies by sale or donation. If no acceptable bid is received within a reasonable time, then the property must be offered directly to such governmental units for sale or donation.<sup>53</sup>

#### Effect of Proposed Changes

The bill requires that tangible personal property that has been properly classified as surplus, marked for disposal, or otherwise unused by a district school board must be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving such property may not sell or dispose of the property without written permission of the school district.

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<sup>50</sup> See s. 252.385(2)(b), F.S.

<sup>51</sup> Section 1002.33(18)(e), F.S.

<sup>52</sup> Section 1013.28 (2)(a), F.S.

<sup>53</sup> Section 274.05, F.S.



## *Contracts*

### Present Situation

Each charter school must enter into a performance contract with its sponsor, known as a charter. The charter lists specific objectives that the charter school must meet to remain in operation. The terms of the charter must be negotiated by the applicant and sponsor within 30 days after approval of the application. The parties then have 40 days to finalize the charter.<sup>54</sup> The initial term of a charter is 4 or 5 years and must include specific requirements provided in law.<sup>55</sup>

A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school's governing board and the approval of both parties to the agreement. Modification may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board and physically located on the same campus, regardless of the renewal cycle.<sup>56</sup>

### Effect of Proposed Changes

The bill revises the initial term of a charter to 5 years, excluding 2 planning years.

The bill also revises the ability of charter schools to modify their charter due to consolidation and provides that a charter school not subject to a school improvement plan that closes as part of a consolidation must be reported by the school district as a consolidation.

## *Services*

### Present Situation

Currently, a school district can provide goods and services to a charter school on a contractual basis. The services must be provided to the charter school at a rate no greater than the actual cost to the district unless mutually agreed upon in a contract negotiated separately from the charter. When mediation has failed to resolve disputes over contracted services or contractual matters not included in the charter, an appeal may be made for a dispute resolution hearing before the Charter School Appeals Commission.<sup>57</sup>

### Effect of Proposed Changes

If a dispute regarding a contract to provide goods and services cannot be resolved through mediation, an appeal may be made to an administrative law judge appointed by the Division of Administrative Hearings, rather than the Charter School Appeals Commission. The administrative law judge has final order authority to rule on the dispute and shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the non-prevailing party.

## *Background Screening*

### Present Situation

Instructional and noninstructional personnel who are employed or contracted to fill positions in a charter school and members of the charter school governing board must undergo a Level 2 background

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<sup>54</sup> Section 1002.33(6)(h), F.S.

<sup>55</sup> Section 1002.33(7), F.S.

<sup>56</sup> Section 1002.33(7)(d), F.S.

<sup>57</sup> Section 1002.33(20)(b), F.S.

screening.<sup>58</sup> Level 2 background screening is a state and national fingerprint-based criminal history check conducted to determine whether an individual has a criminal history and, if so, whether such history contains one or more statutorily designated offenses that disqualify an individual from employment.<sup>59</sup> A charter school must disqualify any individual convicted of a disqualifying offense from employment in an instructional or school administrator position that requires direct student contact.<sup>60</sup>

Prior to hiring an individual for an instructional or school administrator position with direct student contact, a charter school must conduct an employment history check and screen the person using DOE-provided educator screening tools. Such efforts, including any inability to contact previous employers, must be documented.<sup>61</sup>

### Effect of Proposed Changes

If a charter school has their employees undergo background screening through the school district in which the charter school is located, the bill requires the district to provide the background screening results of its governing board members and instructional and noninstructional personnel to the charter school within 14 days after submission of the fingerprints. If the district fails to do so, the fees for the screening must be reimbursed.

### *Capital Outlay*

#### Present Situation

Charter school capital outlay funding consists of revenue resulting from the discretionary millage authorized in s. 1011.71(2), F.S., and state funds when such funds are appropriated in the GAA.<sup>62</sup>

If the school board levies the discretionary millage, the DOE must calculate the amount of revenue raised by the discretionary millage that the school district must distribute to each eligible charter school.<sup>63</sup> The calculation must reduce the total discretionary millage revenue by the school district's annual debt service obligation incurred as of March 1, 2017, and any amount of participation requirement pursuant to s. 1013.64(2)(a)8., F.S., that is being satisfied by discretionary millage revenues.

Among other things, revenues raised using the discretionary millage may be used by school district to fund payments for educational facilities and sites due under a lease-purchase agreement not exceeding, in the aggregate, an amount equal to three-fourths of the revenues.<sup>64</sup>

### Effect of Proposed Changes

The bill specifies that for the 2018-2019 fiscal year, charter school capital outlay funds shall consist of funds appropriated in the fiscal year 2018-2019 GAA. Beginning in fiscal year 2019-2020, charter school capital outlay must consist of state funds when such funds are appropriated in the GAA and revenue resulting from the discretionary millage if in any given fiscal year the amount of state funds for charter school capital outlay is less than the average charter school capital outlay funds per unweighted full-time equivalent student for the 2018-2019 fiscal year, multiplied by the estimated number of charter

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<sup>58</sup> Sections 1002.33(12)(g)1., 1012.32(2)(b), 1012.465, and 1012.56(10), F.S.

<sup>59</sup> Section 435.04, F.S. The disqualifying offenses specific to Level 2 background screening are supplemented by additional disqualifying offenses specific to educator certification and employment of instructional personnel and school-based administrators. Section 1012.315, F.S.

<sup>60</sup> Sections 435.04, 1002.33(12)(g)2., and 1012.315, F.S.

<sup>61</sup> Sections 1001.10(5) and 1002.33(12)(g)4., F.S.

<sup>62</sup> The 2017 Legislature appropriated \$50 million for charter school capital outlay. Specification Appropriation 18, s. 2, ch. 2017-70, L.O.F.

<sup>63</sup> See s. 1013.62(3), F.S.

<sup>64</sup> See s. 101171(2)(e), F.S.

school students for the applicable fiscal year, and adjusted by changes in the Consumer Price Index from the previous year.

The bill modifies the calculation for distributing discretionary millage revenue to eligible charter schools by clarifying that the debt service obligation that can be reduced from the distribution is the debt service obligation incurred by March 1, 2017, which has not subsequently been retired.

The bill requires each school district, annually by October 1, to certify to the DOE the amount of debt service and the participation requirement can be reduced from the total discretionary millage revenue. The Auditor General must verify compliance during scheduled operation audits of school districts. The bill further provides that if aggregate lease-purchase agreement payments, including lease-purchase agreements entered into before June 30, 2009, exceed three-fourths of the discretionary millage proceeds, the district may not withhold the administrative fees authorized in law<sup>65</sup> from any charter school operating in the school district.

### *High-Performing Charter Schools*

#### Present Situation

Charter schools and operators of systems of charter schools with a track record of academic excellence and financial stability may earn “high-performing” status.<sup>66</sup> A high-performing charter school is a charter school that during each of the three previous years:

- received at least two school grades of “A” and no school grade below “B;”
- has received an unqualified opinion<sup>67</sup> on each annual financial audit; and
- has not received an annual financial audit that reveals a financial emergency condition.<sup>68</sup>

Initial eligibility for “high-performing” status is verified by the Commissioner of Education, upon request by a charter school. Thereafter, the commissioner must annually verify continued eligibility.<sup>69</sup>

High-performing charter schools may take advantage of various benefits. Among other benefits, the operator of a high-performing charter school may submit an application in any Florida school district to establish and operate a new charter school that substantially replicates one of its high-performing charter schools. The application process for such applications is streamlined to expedite approval.<sup>70</sup> A high-performing charter school may not be replicated more than once in any given year and may not replicate again until the new charter school achieves “high-performing” status.<sup>71</sup> Systems may replicate their high-performing charter schools using the same process applicable to high-performing charter schools.<sup>72</sup> Additionally, a high-performing charter school may have the term of its charter extended to up to 15 years.<sup>73</sup>

A high-performing charter school may increase the school’s enrollment once per year to more than the capacity identified in the charter and expand grade levels within kindergarten through grade 12 to add grade levels not already served as long as the increase in enrollment in either case does not exceed the current facility capacity.<sup>74</sup>

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<sup>65</sup> See s. 1002.33(20), F.S.

<sup>66</sup> Section 1002.331(1), F.S.; see s. 218.503(1), F.S. (financial emergency conditions).

<sup>67</sup> An unqualified audit opinion means that the charter school’s financial statements are materially correct. Telephone interview with Florida Auditor General staff (Mar. 24, 2011).

<sup>68</sup> Section 1002.331(1), F.S.; see s. 218.503(1), F.S. (financial emergency conditions).

<sup>69</sup> Sections 1002.331(5) and 1002.332(2)(a), F.S.

<sup>70</sup> Section 1002.331(2), F.S.

<sup>71</sup> Section 1002.331(3)(b), F.S.

<sup>72</sup> Section 1002.332(2), F.S.

<sup>73</sup> Section 1002.331(4), F.S.

<sup>74</sup> Section 1002.331(2)(a) and (b), F.S.

## Effect of Proposed Changes

The bill revises the criteria determining a high-quality charter school by also allowing a school that receives two consecutive grades of "A" to be determined a high-performing charter school. It allows a high-performing charter school to replicate up to two new schools that substantially replicate one of its high-performing schools. For those schools qualifying under the two consecutive grades of "A" provision, the bill revises the financial eligibility requirements to require only 2 years of financial audits that received an unqualified opinion and no state of financial emergency.

The bill clarifies that the increase in student enrollment may occur as long as it does not exceed the capacity of the facility at the time the enrollment increase will take effect, rather than the original capacity of the facility, allowing a charter school that has expanded its original facility or has access to additional facilities to increase enrollment without being limited to the original facility capacity.

The bill also provides that facility capacity for purposes of grade level expansion must include any improvements to an existing facility or any new facility in which a majority of the students of the high-performing charter school will enroll.

## **Memorandum of Understanding**

The bill also requires each school district and the certified collective bargaining unit for instructional personnel to negotiate a memorandum of understanding before the start of the 2019-2020 school year that addresses the selection, placement, and expectations of instructional personnel and provides school principals with autonomy over personnel and budgetary decisions provided to principals participating in the Principal Autonomy Pilot Project Initiative.<sup>75</sup>

## **B. SECTION DIRECTORY:**

- Section 1.** Amends s. 1002.33, F.S., relating to charter schools.
- Section 2.** Amends s. 1002.331, F.S., relating to high-performing charter schools.
- Section 3.** Amends s. 1002.333, F.S., relating to persistently low-performing schools.
- Section 4.** Amends s. 1011.62, F.S., relating to funds for operation of schools.
- Section 5.** Amends s. 1011.6202, F.S., relating to the Principal Autonomy Pilot Program Initiative
- Section 6.** Amends s. 1011.69, F.S., relating to the Equity in School-Level Funding Act.
- Section 7.** Amends s. 1011.71, F.S., relating to district school tax.
- Section 8.** Creates s. 1011.79, F.S., relating to price level index methodology review.
- Section 9.** Amends s. 1012.2315, F.S., relating to assignment of teachers.
- Section 10.** Amends s. 1012.32, relating to qualifications of personnel.
- Section 11.** Amends s. 1013.28, F.S., relating to disposal of property.
- Section 12.** Amends s. 1013.385, F.S., relating to school district construction flexibility.
- Section 13.** Amends s. 1013.62, F.S., relating to charter schools capital outlay funding.

<sup>75</sup> See ss. 1012.28(8), 1011.6202, F.S.  
STORAGE NAME: pcs0495.EDC  
DATE: 2/26/2018

**Section 14.** Provides an effective date of July 1, 2018, except as otherwise expressly provided.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill expands participation in the Principal Autonomy Program Initiative to all school districts and, subject to an annual appropriation, requires participating school districts to attend a nationally recognized school turnaround program and to pay an annual salary supplement to participating principals. HB 5001 appropriates the sum of \$400,000 in nonrecurring funds and \$90,000 in recurring funds from the General Revenue Fund for the 2018-2019 fiscal year for this purpose.

The bill requires the DOE to contract with a third-party consulting firm to conduct a review of the FPLI methodology every ten years, starting no later than July 1, 2018. HB 5001 appropriates the sum of \$100,000 in nonrecurring funds from the General Revenue Fund to the Department of Education to competitively procure a contract for the completion of this review for the 2018-2019 fiscal year.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

Not applicable.

1                   A bill to be entitled  
 2           An act relating to education; amending s. 1002.33,  
 3           F.S.; revising the criteria for denying high-  
 4           performing charter school system applications;  
 5           revising the requirements for the term of a charter;  
 6           revising provisions for the modification of a charter;  
 7           revising the process for resolving contractual  
 8           disputes; amending s. 1002.331, F.S.; revising the  
 9           criteria for designation as a high-performing charter  
 10          school; revising the calculation used to determine  
 11          facility capacity for such charter schools; revising  
 12          the number of schools that can be established by a  
 13          high-performing charter school; amending s. 1002.333,  
 14          F.S.; providing for certain funds for the Schools of  
 15          Hope Program to be carried forward for a specified  
 16          number of years; amending s. 1011.62, F.S.; renaming  
 17          the "supplemental academic instruction categorical  
 18          fund" as the "supplemental academic instruction  
 19          allocation"; requiring certain school districts to use  
 20          the allocation for specified purposes; deleting an  
 21          obsolete date; deleting a provision authorizing the  
 22          Florida State University School to expend specified  
 23          funds for certain purposes; amending s. 1011.6202,  
 24          F.S.; renaming the "Principal Autonomy Pilot Program"  
 25          as the "Principal Autonomy Program"; providing that

26 any school district may apply to participate in the  
 27 program; providing that a school shall retain its  
 28 exemption from specified laws under specified  
 29 circumstances; requiring a designated leadership team  
 30 at a participating school to complete a certain  
 31 turnaround program; deleting a provision providing a  
 32 specified amount of funds to a participating school  
 33 district that completes the turnaround program;  
 34 authorizing certain principals to manage additional  
 35 schools; providing requirements for such schools;  
 36 providing for such schools to participate in the  
 37 program; providing requirements for such  
 38 participation; specifying that no school district  
 39 liability arises from the management of such schools;  
 40 deleting a school's authority to renew participation  
 41 in the program; deleting reporting requirements;  
 42 providing for funding; revising the principal  
 43 eligibility criteria for a salary supplement through  
 44 the program; amending s. 1011.69, F.S.; authorizing  
 45 certain high schools to receive Title I funds;  
 46 providing that a school district may withhold Title I  
 47 funds for specified purposes; authorizing certain  
 48 schools to use Title I funds for specified purposes;  
 49 amending s. 1011.71, F.S.; prohibiting a school  
 50 district from withholding charter school



51 administrative fees under certain circumstances;  
 52 creating s. 1011.79, F.S.; requiring the Department of  
 53 Education to issue a competitive solicitation for the  
 54 review of the current price level index methodology by  
 55 a specified entity; requiring a report of  
 56 recommendations be provided to the chair of the Senate  
 57 Committee on Appropriations, the chair of the House of  
 58 Representatives Appropriations Committee, and the  
 59 Executive Office of the Governor's Office of Policy  
 60 and Budget; providing that the competitive  
 61 solicitation and review occur every 10 years; amending  
 62 1012.2315, F.S.; requiring districts to negotiate a  
 63 memorandum of understanding with certified collective  
 64 bargaining units to address certain personnel issues;  
 65 amending s. 1012.32, F.S.; requiring a district school  
 66 board to reimburse certain costs if it fails to notify  
 67 a charter school of the eligibility status of certain  
 68 persons; amending s. 1013.28, F.S.; requiring school  
 69 districts to provide charter schools access to certain  
 70 property on the same basis as public schools;  
 71 prohibiting certain actions by a charter school  
 72 without the written permission of the school district;  
 73 amending s. 1013.31, F.S.; providing circumstances  
 74 under which a district may use specific capital outlay  
 75 funds without needing a survey recommendation;

76 amending s. 1013.385, F.S.; providing additional  
 77 exceptions to certain building code regulations for  
 78 school districts; amending s. 1013.62, F.S.; revising  
 79 requirements for charter school capital outlay  
 80 funding; requiring each district to certify certain  
 81 information to the department by October 1 each year;  
 82 conforming provisions to changes made by the act;  
 83 providing an effective date.

84

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

86

87 Section 1. Paragraph (b) of subsection (6), paragraphs  
 88 (a), (d), and (e) of subsection (7), paragraph (n) of subsection  
 89 (9), paragraph (e) of subsection (10), and paragraph (b) of  
 90 subsection (20) of section 1002.33, Florida Statutes, are  
 91 amended to read:

92 1002.33 Charter schools.—

93 (6) APPLICATION PROCESS AND REVIEW.—Charter school  
 94 applications are subject to the following requirements:

95 (b) A sponsor shall receive and review all applications  
 96 for a charter school using the evaluation instrument developed  
 97 by the Department of Education. A sponsor shall receive and  
 98 consider charter school applications received on or before  
 99 August 1 of each calendar year for charter schools to be opened  
 100 at the beginning of the school district's next school year, or

101 to be opened at a time agreed to by the applicant and the  
102 sponsor. A sponsor may not refuse to receive a charter school  
103 application submitted before August 1 and may receive an  
104 application submitted later than August 1 if it chooses.  
105 Beginning in 2018 and thereafter, a sponsor shall receive and  
106 consider charter school applications received on or before  
107 February 1 of each calendar year for charter schools to be  
108 opened 18 months later at the beginning of the school district's  
109 school year, or to be opened at a time agreed to by the  
110 applicant and the sponsor. A sponsor may not refuse to receive a  
111 charter school application submitted before February 1 and may  
112 receive an application submitted later than February 1 if it  
113 chooses. A sponsor may not charge an applicant for a charter any  
114 fee for the processing or consideration of an application, and a  
115 sponsor may not base its consideration or approval of a final  
116 application upon the promise of future payment of any kind.  
117 Before approving or denying any application, the sponsor shall  
118 allow the applicant, upon receipt of written notification, at  
119 least 7 calendar days to make technical or nonsubstantive  
120 corrections and clarifications, including, but not limited to,  
121 corrections of grammatical, typographical, and like errors or  
122 missing signatures, if such errors are identified by the sponsor  
123 as cause to deny the final application.

124 1. In order to facilitate an accurate budget projection  
125 process, a sponsor shall be held harmless for FTE students who

126 are not included in the FTE projection due to approval of  
 127 charter school applications after the FTE projection deadline.  
 128 In a further effort to facilitate an accurate budget projection,  
 129 within 15 calendar days after receipt of a charter school  
 130 application, a sponsor shall report to the Department of  
 131 Education the name of the applicant entity, the proposed charter  
 132 school location, and its projected FTE.

133 2. In order to ensure fiscal responsibility, an  
 134 application for a charter school shall include a full accounting  
 135 of expected assets, a projection of expected sources and amounts  
 136 of income, including income derived from projected student  
 137 enrollments and from community support, and an expense  
 138 projection that includes full accounting of the costs of  
 139 operation, including start-up costs.

140 3.a. A sponsor shall by a majority vote approve or deny an  
 141 application no later than 90 calendar days after the application  
 142 is received, unless the sponsor and the applicant mutually agree  
 143 in writing to temporarily postpone the vote to a specific date,  
 144 at which time the sponsor shall by a majority vote approve or  
 145 deny the application. If the sponsor fails to act on the  
 146 application, an applicant may appeal to the State Board of  
 147 Education as provided in paragraph (c). If an application is  
 148 denied, the sponsor shall, within 10 calendar days after such  
 149 denial, articulate in writing the specific reasons, based upon  
 150 good cause, supporting its denial of the application and shall

151 provide the letter of denial and supporting documentation to the  
 152 applicant and to the Department of Education.

153 b. An application submitted by a high-performing charter  
 154 school identified pursuant to s. 1002.331 or a high-performing  
 155 charter school system identified pursuant to s. 1002.332 may be  
 156 denied by the sponsor only if the sponsor demonstrates by clear  
 157 and convincing evidence that:

158 (I) The application of a high-performing charter school  
 159 does not materially comply with the requirements in paragraph  
 160 (a) or, for a high-performing charter school system, the  
 161 application does not materially comply with s. 1002.332(2)(b);

162 (II) The charter school proposed in the application does  
 163 not materially comply with the requirements in paragraphs  
 164 (9)(a)-(f);

165 (III) The proposed charter school's educational program  
 166 does not substantially replicate that of the applicant or one of  
 167 the applicant's high-performing charter schools;

168 (IV) The applicant has made a material misrepresentation  
 169 or false statement or concealed an essential or material fact  
 170 during the application process; or

171 (V) The proposed charter school's educational program and  
 172 financial management practices do not materially comply with the  
 173 requirements of this section.

174  
 175 Material noncompliance is a failure to follow requirements or a

176 violation of prohibitions applicable to charter school  
 177 applications, which failure is quantitatively or qualitatively  
 178 significant either individually or when aggregated with other  
 179 noncompliance. An applicant is considered to be replicating a  
 180 high-performing charter school if the proposed school is  
 181 substantially similar to at least one of the applicant's high-  
 182 performing charter schools and the organization or individuals  
 183 involved in the establishment and operation of the proposed  
 184 school are significantly involved in the operation of replicated  
 185 schools.

186 c. If the sponsor denies an application submitted by a  
 187 high-performing charter school or a high-performing charter  
 188 school system, the sponsor must, within 10 calendar days after  
 189 such denial, state in writing the specific reasons, based upon  
 190 the criteria in sub-subparagraph b., supporting its denial of  
 191 the application and must provide the letter of denial and  
 192 supporting documentation to the applicant and to the Department  
 193 of Education. The applicant may appeal the sponsor's denial of  
 194 the application in accordance with paragraph (c).

195 4. For budget projection purposes, the sponsor shall  
 196 report to the Department of Education the approval or denial of  
 197 an application within 10 calendar days after such approval or  
 198 denial. In the event of approval, the report to the Department  
 199 of Education shall include the final projected FTE for the  
 200 approved charter school.

201           5. Upon approval of an application, the initial startup  
 202 shall commence with the beginning of the public school calendar  
 203 for the district in which the charter is granted. A charter  
 204 school may defer the opening of the school's operations for up  
 205 to 3 ~~2~~ years to provide time for adequate facility planning. The  
 206 charter school must provide written notice of such intent to the  
 207 sponsor and the parents of enrolled students at least 30  
 208 calendar days before the first day of school.

209           (7) CHARTER.—The terms and conditions for the operation of  
 210 a charter school shall be set forth by the sponsor and the  
 211 applicant in a written contractual agreement, called a charter.  
 212 The sponsor and the governing board of the charter school shall  
 213 use the standard charter contract pursuant to subsection (21),  
 214 which shall incorporate the approved application and any addenda  
 215 approved with the application. Any term or condition of a  
 216 proposed charter contract that differs from the standard charter  
 217 contract adopted by rule of the State Board of Education shall  
 218 be presumed a limitation on charter school flexibility. The  
 219 sponsor may not impose unreasonable rules or regulations that  
 220 violate the intent of giving charter schools greater flexibility  
 221 to meet educational goals. The charter shall be signed by the  
 222 governing board of the charter school and the sponsor, following  
 223 a public hearing to ensure community input.

224           (a) The charter shall address and criteria for approval of  
 225 the charter shall be based on:

226           1. The school's mission, the students to be served, and  
227 the ages and grades to be included.

228           2. The focus of the curriculum, the instructional methods  
229 to be used, any distinctive instructional techniques to be  
230 employed, and identification and acquisition of appropriate  
231 technologies needed to improve educational and administrative  
232 performance which include a means for promoting safe, ethical,  
233 and appropriate uses of technology which comply with legal and  
234 professional standards.

235           a. The charter shall ensure that reading is a primary  
236 focus of the curriculum and that resources are provided to  
237 identify and provide specialized instruction for students who  
238 are reading below grade level. The curriculum and instructional  
239 strategies for reading must be consistent with the Next  
240 Generation Sunshine State Standards and grounded in  
241 scientifically based reading research.

242           b. In order to provide students with access to diverse  
243 instructional delivery models, to facilitate the integration of  
244 technology within traditional classroom instruction, and to  
245 provide students with the skills they need to compete in the  
246 21st century economy, the Legislature encourages instructional  
247 methods for blended learning courses consisting of both  
248 traditional classroom and online instructional techniques.  
249 Charter schools may implement blended learning courses which  
250 combine traditional classroom instruction and virtual



251 instruction. Students in a blended learning course must be full-  
 252 time students of the charter school pursuant to s.  
 253 1011.61(1)(a)1. Instructional personnel certified pursuant to s.  
 254 1012.55 who provide virtual instruction for blended learning  
 255 courses may be employees of the charter school or may be under  
 256 contract to provide instructional services to charter school  
 257 students. At a minimum, such instructional personnel must hold  
 258 an active state or school district adjunct certification under  
 259 s. 1012.57 for the subject area of the blended learning course.  
 260 The funding and performance accountability requirements for  
 261 blended learning courses are the same as those for traditional  
 262 courses.

263 3. The current incoming baseline standard of student  
 264 academic achievement, the outcomes to be achieved, and the  
 265 method of measurement that will be used. The criteria listed in  
 266 this subparagraph shall include a detailed description of:

267 a. How the baseline student academic achievement levels  
 268 and prior rates of academic progress will be established.

269 b. How these baseline rates will be compared to rates of  
 270 academic progress achieved by these same students while  
 271 attending the charter school.

272 c. To the extent possible, how these rates of progress  
 273 will be evaluated and compared with rates of progress of other  
 274 closely comparable student populations.  
 275

276 The district school board is required to provide academic  
 277 student performance data to charter schools for each of their  
 278 students coming from the district school system, as well as  
 279 rates of academic progress of comparable student populations in  
 280 the district school system.

281 4. The methods used to identify the educational strengths  
 282 and needs of students and how well educational goals and  
 283 performance standards are met by students attending the charter  
 284 school. The methods shall provide a means for the charter school  
 285 to ensure accountability to its constituents by analyzing  
 286 student performance data and by evaluating the effectiveness and  
 287 efficiency of its major educational programs. Students in  
 288 charter schools shall, at a minimum, participate in the  
 289 statewide assessment program created under s. 1008.22.

290 5. In secondary charter schools, a method for determining  
 291 that a student has satisfied the requirements for graduation in  
 292 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

293 6. A method for resolving conflicts between the governing  
 294 board of the charter school and the sponsor.

295 7. The admissions procedures and dismissal procedures,  
 296 including the school's code of student conduct. Admission or  
 297 dismissal must not be based on a student's academic performance.

298 8. The ways by which the school will achieve a  
 299 racial/ethnic balance reflective of the community it serves or  
 300 within the racial/ethnic range of other public schools in the

301 same school district.

302 9. The financial and administrative management of the  
 303 school, including a reasonable demonstration of the professional  
 304 experience or competence of those individuals or organizations  
 305 applying to operate the charter school or those hired or  
 306 retained to perform such professional services and the  
 307 description of clearly delineated responsibilities and the  
 308 policies and practices needed to effectively manage the charter  
 309 school. A description of internal audit procedures and  
 310 establishment of controls to ensure that financial resources are  
 311 properly managed must be included. Both public sector and  
 312 private sector professional experience shall be equally valid in  
 313 such a consideration.

314 10. The asset and liability projections required in the  
 315 application which are incorporated into the charter and shall be  
 316 compared with information provided in the annual report of the  
 317 charter school.

318 11. A description of procedures that identify various  
 319 risks and provide for a comprehensive approach to reduce the  
 320 impact of losses; plans to ensure the safety and security of  
 321 students and staff; plans to identify, minimize, and protect  
 322 others from violent or disruptive student behavior; and the  
 323 manner in which the school will be insured, including whether or  
 324 not the school will be required to have liability insurance,  
 325 and, if so, the terms and conditions thereof and the amounts of

326 coverage.

327 12. The term of the charter which shall provide for  
 328 cancellation of the charter if insufficient progress has been  
 329 made in attaining the student achievement objectives of the  
 330 charter and if it is not likely that such objectives can be  
 331 achieved before expiration of the charter. The initial term of a  
 332 charter shall be for ~~4~~ 5 years, excluding 2 planning years.  
 333 In order to facilitate access to long-term financial resources  
 334 for charter school construction, charter schools that are  
 335 operated by a municipality or other public entity as provided by  
 336 law are eligible for up to a 15-year charter, subject to  
 337 approval by the district school board. A charter lab school is  
 338 eligible for a charter for a term of up to 15 years. In  
 339 addition, to facilitate access to long-term financial resources  
 340 for charter school construction, charter schools that are  
 341 operated by a private, not-for-profit, s. 501(c)(3) status  
 342 corporation are eligible for up to a 15-year charter, subject to  
 343 approval by the district school board. Such long-term charters  
 344 remain subject to annual review and may be terminated during the  
 345 term of the charter, but only according to the provisions set  
 346 forth in subsection (8).

347 13. The facilities to be used and their location. The  
 348 sponsor may not require a charter school to have a certificate  
 349 of occupancy or a temporary certificate of occupancy for such a  
 350 facility earlier than 15 calendar days before the first day of

351 school.

352 14. The qualifications to be required of the teachers and  
 353 the potential strategies used to recruit, hire, train, and  
 354 retain qualified staff to achieve best value.

355 15. The governance structure of the school, including the  
 356 status of the charter school as a public or private employer as  
 357 required in paragraph (12)(i).

358 16. A timetable for implementing the charter which  
 359 addresses the implementation of each element thereof and the  
 360 date by which the charter shall be awarded in order to meet this  
 361 timetable.

362 17. In the case of an existing public school that is being  
 363 converted to charter status, alternative arrangements for  
 364 current students who choose not to attend the charter school and  
 365 for current teachers who choose not to teach in the charter  
 366 school after conversion in accordance with the existing  
 367 collective bargaining agreement or district school board rule in  
 368 the absence of a collective bargaining agreement. However,  
 369 alternative arrangements shall not be required for current  
 370 teachers who choose not to teach in a charter lab school, except  
 371 as authorized by the employment policies of the state university  
 372 which grants the charter to the lab school.

373 18. Full disclosure of the identity of all relatives  
 374 employed by the charter school who are related to the charter  
 375 school owner, president, chairperson of the governing board of

376 directors, superintendent, governing board member, principal,  
 377 assistant principal, or any other person employed by the charter  
 378 school who has equivalent decisionmaking authority. For the  
 379 purpose of this subparagraph, the term "relative" means father,  
 380 mother, son, daughter, brother, sister, uncle, aunt, first  
 381 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
 382 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
 383 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
 384 stepsister, half brother, or half sister.

385 19. Implementation of the activities authorized under s.  
 386 1002.331 by the charter school when it satisfies the eligibility  
 387 requirements for a high-performing charter school. A high-  
 388 performing charter school shall notify its sponsor in writing by  
 389 March 1 if it intends to increase enrollment or expand grade  
 390 levels the following school year. The written notice shall  
 391 specify the amount of the enrollment increase and the grade  
 392 levels that will be added, as applicable.

393 (d) A charter may be modified during its initial term or  
 394 any renewal term upon the recommendation of the sponsor or the  
 395 charter school's governing board and the approval of both  
 396 parties to the agreement. Modification during any term may  
 397 include, but is not limited to, consolidation of multiple  
 398 charters into a single charter if the charters are operated  
 399 under the same governing board ~~and physically located on the~~  
 400 ~~same campus~~, regardless of the renewal cycle. A charter school

401 that is not subject to a school improvement plan and that closes  
 402 as part of a consolidation shall be reported by the school  
 403 district as a consolidation.

404 (e) A charter may be terminated by a charter school's  
 405 governing board through voluntary closure. The decision to cease  
 406 operations must be determined at a public meeting. The governing  
 407 board shall notify the parents and sponsor of the public meeting  
 408 in writing before the public meeting. The governing board must  
 409 notify the sponsor, parents of enrolled students, and the  
 410 department in writing within 24 hours after the public meeting  
 411 of its determination. The notice shall state the charter  
 412 school's intent to continue operations or the reason for the  
 413 closure and acknowledge that the governing board agrees to  
 414 follow the procedures for dissolution and reversion of public  
 415 funds pursuant to paragraphs (8) (d)-(f) and (9) (o) ~~paragraphs~~  
 416 ~~(8) (e)-(g) and (9) (o).~~

417 (9) CHARTER SCHOOL REQUIREMENTS.—

418 (n)1. The director and a representative of the governing  
 419 board of a charter school that has earned a grade of "D" or "F"  
 420 pursuant to s. 1008.34 shall appear before the sponsor to  
 421 present information concerning each contract component having  
 422 noted deficiencies. The director and a representative of the  
 423 governing board shall submit to the sponsor for approval a  
 424 school improvement plan to raise student performance. Upon  
 425 approval by the sponsor, the charter school shall begin

426 implementation of the school improvement plan. The department  
 427 shall offer technical assistance and training to the charter  
 428 school and its governing board and establish guidelines for  
 429 developing, submitting, and approving such plans.

430 2.a. If a charter school earns three consecutive grades  
 431 below a "C," the charter school governing board shall choose one  
 432 of the following corrective actions:

433 (I) Contract for educational services to be provided  
 434 directly to students, instructional personnel, and school  
 435 administrators, as prescribed in state board rule;

436 (II) Contract with an outside entity that has a  
 437 demonstrated record of effectiveness to operate the school;

438 (III) Reorganize the school under a new director or  
 439 principal who is authorized to hire new staff; or

440 (IV) Voluntarily close the charter school.

441 b. The charter school must implement the corrective action  
 442 in the school year following receipt of a third consecutive  
 443 grade below a "C."

444 c. The sponsor may annually waive a corrective action if  
 445 it determines that the charter school is likely to improve a  
 446 letter grade if additional time is provided to implement the  
 447 intervention and support strategies prescribed by the school  
 448 improvement plan. Notwithstanding this sub-subparagraph, a  
 449 charter school that earns a second consecutive grade of "F" is  
 450 subject to subparagraph 3.



451 d. A charter school is no longer required to implement a  
 452 corrective action if it improves to a "C" or higher. However,  
 453 the charter school must continue to implement strategies  
 454 identified in the school improvement plan. The sponsor must  
 455 annually review implementation of the school improvement plan to  
 456 monitor the school's continued improvement pursuant to  
 457 subparagraph 4.

458 e. A charter school implementing a corrective action that  
 459 does not improve to a "C" or higher after 2 full school years of  
 460 implementing the corrective action must select a different  
 461 corrective action. Implementation of the new corrective action  
 462 must begin in the school year following the implementation  
 463 period of the existing corrective action, unless the sponsor  
 464 determines that the charter school is likely to improve to a "C"  
 465 or higher if additional time is provided to implement the  
 466 existing corrective action. Notwithstanding this sub-  
 467 subparagraph, a charter school that earns a second consecutive  
 468 grade of "F" while implementing a corrective action is subject  
 469 to subparagraph 3.

470 3. A charter school's charter contract is automatically  
 471 terminated if the school earns two consecutive grades of "F"  
 472 after all school grade appeals are final unless:

473 a. The charter school is established to turn around the  
 474 performance of a district public school pursuant to s.  
 475 1008.33(4)(b)2. Such charter schools shall be governed by s.

476 1008.33;

477         b. The charter school serves a student population the  
 478 majority of which resides in a school zone served by a district  
 479 public school subject to s. 1008.33(4) and the charter school  
 480 earns at least a grade of "D" in its third year of operation.  
 481 The exception provided under this sub-subparagraph does not  
 482 apply to a charter school in its fourth year of operation and  
 483 thereafter; or

484         c. The state board grants the charter school a waiver of  
 485 termination. The charter school must request the waiver within  
 486 15 days after the department's official release of school  
 487 grades. The state board may waive termination if the charter  
 488 school demonstrates that the Learning Gains of its students on  
 489 statewide assessments are comparable to or better than the  
 490 Learning Gains of similarly situated students enrolled in nearby  
 491 district public schools. The waiver is valid for 1 year and may  
 492 only be granted once. Charter schools that have been in  
 493 operation for more than 5 years are not eligible for a waiver  
 494 under this sub-subparagraph.

495  
 496 The sponsor shall notify the charter school's governing board,  
 497 the charter school principal, and the department in writing when  
 498 a charter contract is terminated under this subparagraph. ~~The~~  
 499 ~~letter of termination must meet the requirements of paragraph~~  
 500 ~~(8)(c).~~ A charter terminated under this subparagraph must follow

501 the procedures for dissolution and reversion of public funds  
 502 pursuant to paragraphs (8)(d)-(f) and (9)(o) ~~paragraphs (8)(e)~~  
 503 ~~(g) and (9)(e)~~.

504 4. The director and a representative of the governing  
 505 board of a graded charter school that has implemented a school  
 506 improvement plan under this paragraph shall appear before the  
 507 sponsor at least once a year to present information regarding  
 508 the progress of intervention and support strategies implemented  
 509 by the school pursuant to the school improvement plan and  
 510 corrective actions, if applicable. The sponsor shall communicate  
 511 at the meeting, and in writing to the director, the services  
 512 provided to the school to help the school address its  
 513 deficiencies.

514 5. Notwithstanding any provision of this paragraph except  
 515 sub-subparagraphs 3.a.-c., the sponsor may terminate the charter  
 516 at any time pursuant to subsection (8).

517 (10) ELIGIBLE STUDENTS.—

518 (e) A charter school may limit the enrollment process only  
 519 to target the following student populations:

- 520 1. Students within specific age groups or grade levels.
- 521 2. Students considered at risk of dropping out of school  
 522 or academic failure. Such students shall include exceptional  
 523 education students.
- 524 3. Students enrolling in a charter school-in-the-workplace  
 525 or charter school-in-a-municipality established pursuant to

526 subsection (15).

527         4. Students residing within a reasonable distance of the  
 528 charter school, as described in paragraph (20)(c). Such students  
 529 shall be subject to a random lottery and to the racial/ethnic  
 530 balance provisions described in subparagraph (7)(a)8. or any  
 531 federal provisions that require a school to achieve a  
 532 racial/ethnic balance reflective of the community it serves or  
 533 within the racial/ethnic range of other public schools in the  
 534 same school district.

535         5. Students who meet reasonable academic, artistic, or  
 536 other eligibility standards established by the charter school  
 537 and included in the charter school application and charter or,  
 538 in the case of existing charter schools, standards that are  
 539 consistent with the school's mission and purpose. Such standards  
 540 shall be in accordance with current state law and practice in  
 541 public schools and may not discriminate against otherwise  
 542 qualified individuals.

543         6. Students articulating from one charter school to  
 544 another pursuant to an articulation agreement between the  
 545 charter schools that has been approved by the sponsor.

546         7. Students living in a development in which a business  
 547 entity provides the school facility and related property having  
 548 an appraised value of at least \$5 ~~\$10~~ million to be used as a  
 549 charter school to mitigate the educational impact created by the  
 550 development of new residential dwelling units ~~for the~~

551 ~~development.~~ Students living in the development shall be  
 552 entitled to no more than 50 percent of the student stations in  
 553 the charter school. The students who are eligible for enrollment  
 554 are subject to a random lottery, the racial/ethnic balance  
 555 provisions, or any federal provisions, as described in  
 556 subparagraph 4. The remainder of the student stations shall be  
 557 filled in accordance with subparagraph 4.

558 (20) SERVICES.—

559 (b) If goods and services are made available to the  
 560 charter school through the contract with the school district,  
 561 they shall be provided to the charter school at a rate no  
 562 greater than the district's actual cost unless mutually agreed  
 563 upon by the charter school and the sponsor in a contract  
 564 negotiated separately from the charter. When mediation has  
 565 failed to resolve disputes over contracted services or  
 566 contractual matters not included in the charter, an appeal may  
 567 be made to an administrative law judge appointed by the Division  
 568 of Administrative Hearings. The administrative law judge has  
 569 final order authority to rule on the dispute. The administrative  
 570 law judge shall award the prevailing party reasonable attorney  
 571 fees and costs incurred during the mediation process,  
 572 administrative proceeding, and any appeals, to be paid by the  
 573 party whom the administrative law judge rules against ~~for a~~  
 574 ~~dispute resolution hearing before the Charter School Appeal~~  
 575 ~~Commission.~~ To maximize the use of state funds, school districts

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

576 shall allow charter schools to participate in the sponsor's bulk  
 577 purchasing program if applicable.

578 Section 2. Subsection (1), paragraph (a) of subsection  
 579 (2), and paragraph (b) of subsection (3) of section 1002.331,  
 580 Florida Statutes, are amended to read:

581 1002.331 High-performing charter schools.-

582 (1) A charter school is a high-performing charter school  
 583 if it:

584 (a) Received at least two school grades of "A" and no  
 585 school grade below "B," pursuant to s. 1008.34, during each of  
 586 the previous 3 school years or received at least two consecutive  
 587 school grades of "A" in the most recent 2 school years.

588 (b) Received an unqualified opinion on each annual  
 589 financial audit required under s. 218.39 in the most recent 3  
 590 fiscal years for which such audits are available.

591 (c) Did not receive a financial audit that revealed one or  
 592 more of the financial emergency conditions set forth in s.  
 593 218.503(1) in the most recent 3 fiscal years for which such  
 594 audits are available. However, this requirement is deemed met  
 595 for a charter school-in-the-workplace if there is a finding in  
 596 an audit that the school has the monetary resources available to  
 597 cover any reported deficiency or that the deficiency does not  
 598 result in a deteriorating financial condition pursuant to s.  
 599 1002.345(1)(a)3.

600

601 For purposes of determining initial eligibility, the  
 602 requirements of paragraphs (b) and (c) only apply for the most  
 603 recent 2 fiscal years if the charter school earns two  
 604 consecutive grades of "A." A virtual charter school established  
 605 under s. 1002.33 is not eligible for designation as a high-  
 606 performing charter school.

607 (2) A high-performing charter school is authorized to:

608 (a) Increase its student enrollment once per school year  
 609 to more than the capacity identified in the charter, but student  
 610 enrollment may not exceed the ~~current facility~~ capacity of the  
 611 facility at the time the enrollment increase will take effect.  
 612 Facility capacity for purposes of grade level expansion shall  
 613 include any improvements to an existing facility or any new  
 614 facility in which a majority of the students of the high-  
 615 performing charter school will enroll.

616  
 617 A high-performing charter school shall notify its sponsor in  
 618 writing by March 1 if it intends to increase enrollment or  
 619 expand grade levels the following school year. The written  
 620 notice shall specify the amount of the enrollment increase and  
 621 the grade levels that will be added, as applicable. If a charter  
 622 school notifies the sponsor of its intent to expand, the sponsor  
 623 shall modify the charter within 90 days to include the new  
 624 enrollment maximum and may not make any other changes. The  
 625 sponsor may deny a request to increase the enrollment of a high-

626 performing charter school if the commissioner has declassified  
 627 the charter school as high-performing. If a high-performing  
 628 charter school requests to consolidate multiple charters, the  
 629 sponsor shall have 40 days after receipt of that request to  
 630 provide an initial draft charter to the charter school. The  
 631 sponsor and charter school shall have 50 days thereafter to  
 632 negotiate and notice the charter contract for final approval by  
 633 the sponsor.

634 (3)

635 (b) A high-performing charter school may not establish  
 636 more than two ~~one~~ charter schools ~~school~~ within the state under  
 637 paragraph (a) in any year. A subsequent application to establish  
 638 a charter school under paragraph (a) may not be submitted unless  
 639 each charter school established in this manner achieves high-  
 640 performing charter school status. However, a high-performing  
 641 charter school may establish more than one charter school within  
 642 the state under paragraph (a) in any year if it operates in the  
 643 area of a persistently low-performing school and serves students  
 644 from that school.

645 Section 3. Paragraph (d) is added to subsection (10) of  
 646 section 1002.333, Florida Statutes, to read:

647 1002.333 Persistently low-performing schools.—

648 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program  
 649 is created within the Department of Education.

650 (d) Notwithstanding s. 216.301 and pursuant to s. 216.351,



651 funds allocated for the purpose of this subsection which are not  
 652 disbursed by June 30 of the fiscal year in which the funds are  
 653 allocated may be carried forward for up to 5 years after the  
 654 effective date of the original appropriation.

655 Section 4. Paragraph (f), of subsection (1) and paragraph  
 656 (b) of subsection (6) of section 1011.62, Florida Statutes, are  
 657 amended to read:

658 1011.62 Funds for operation of schools.—If the annual  
 659 allocation from the Florida Education Finance Program to each  
 660 district for operation of schools is not determined in the  
 661 annual appropriations act or the substantive bill implementing  
 662 the annual appropriations act, it shall be determined as  
 663 follows:

664 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
 665 OPERATION.—The following procedure shall be followed in  
 666 determining the annual allocation to each district for  
 667 operation:

668 (f) Supplemental academic instruction allocation;  
 669 ~~category~~ fund.—

670 1. There is created the supplemental academic instruction  
 671 allocation ~~a category fund~~ to provide supplemental academic  
 672 instruction to students in kindergarten through grade 12. ~~This~~  
 673 ~~paragraph may be cited as the "Supplemental Academic Instruction~~  
 674 ~~Category Fund."~~

675 2. The supplemental academic instruction allocation shall

676 be provided annually in the Florida Education Finance Program as  
 677 specified in the General Appropriations Act. These funds are  
 678 ~~ategorical fund is~~ in addition to the funds appropriated on the  
 679 basis of FTE student membership in the Florida Education Finance  
 680 Program and shall be included in the total potential funds of  
 681 each district. Beginning with the 2018-2019 fiscal year, These  
 682 ~~funds shall be used to provide supplemental academic instruction~~  
 683 ~~to students enrolled in the K-12 program.~~ each school district  
 684 that has a school earning a grade of "D" or "F" pursuant to s.  
 685 1008.34 must use that school's portion of the supplemental  
 686 academic instruction allocation to implement the intervention  
 687 and support strategies for school improvement pursuant to s.  
 688 1008.33 and for salary incentives pursuant to s. 1012.2315(3) or  
 689 salary supplements pursuant to s. 1012.22(1)(c)5.c. that are  
 690 provided through a memorandum of understanding between the  
 691 collective bargaining agent and the school board that addresses  
 692 the selection, placement, and expectations of instructional  
 693 personnel and school administrators. For all other schools, the  
 694 school district's use of the supplemental academic instruction  
 695 allocation ~~one or more of the 300 lowest-performing elementary~~  
 696 ~~schools based on the state reading assessment for the prior year~~  
 697 ~~shall use these funds, together with the funds provided in the~~  
 698 ~~district's research-based reading instruction allocation and~~  
 699 ~~other available funds, to provide an additional hour of~~  
 700 ~~instruction beyond the normal school day for each day of the~~

701 ~~entire school year for intensive reading instruction for the~~  
 702 ~~students in each of these schools. This additional hour of~~  
 703 ~~instruction must be provided by teachers or reading specialists~~  
 704 ~~who have demonstrated effectiveness in teaching reading or by a~~  
 705 ~~K-5 mentoring reading program that is supervised by a teacher~~  
 706 ~~who is effective at teaching reading. Students enrolled in these~~  
 707 ~~schools who have level 5 assessment scores may participate in~~  
 708 ~~the additional hour of instruction on an optional basis.~~  
 709 ~~Exceptional student education centers shall not be included in~~  
 710 ~~the 300 schools. The designation of the 300 lowest performing~~  
 711 ~~elementary schools must be based on the state reading assessment~~  
 712 ~~for the prior year. After this requirement has been met,~~  
 713 ~~supplemental instruction strategies may include, but is are not~~  
 714 ~~limited to, the use of a modified curriculum, reading~~  
 715 ~~instruction, after-school instruction, tutoring, mentoring, a~~  
 716 ~~reduction in class size, extended school year, intensive skills~~  
 717 ~~development in summer school, dropout prevention programs as~~  
 718 ~~defined in ss. 1003.52 and 1003.53(1)(a), (b), and (c), and~~  
 719 ~~other methods of improving student achievement. Supplemental~~  
 720 ~~academic instruction may be provided to a student in any manner~~  
 721 ~~and at any time during or beyond the regular 180-day term~~  
 722 ~~identified by the school as being the most effective and~~  
 723 ~~efficient way to best help that student progress from grade to~~  
 724 ~~grade and to graduate.~~

725 3. ~~Categorical funds for supplemental academic instruction~~

726 ~~shall be provided annually in the Florida Education Finance~~  
 727 ~~Program as specified in the General Appropriations Act. These~~  
 728 ~~funds shall be provided as a supplement to the funds~~  
 729 ~~appropriated for the basic funding level and shall be included~~  
 730 ~~in the total funds of each district. The supplemental academic~~  
 731 ~~instruction allocation shall consist of a base amount that has a~~  
 732 ~~workload adjustment based on changes in unweighted FTE. ~~In~~~~  
 733 ~~addition, districts that have elementary schools included in the~~  
 734 ~~300 lowest-performing schools designation shall be allocated~~  
 735 ~~additional funds to assist those districts in providing~~  
 736 ~~intensive reading instruction to students in those schools. The~~  
 737 ~~amount provided shall be based on each district's level of per-~~  
 738 ~~student funding in the reading instruction allocation and the~~  
 739 ~~supplemental academic instruction categorical fund and on the~~  
 740 ~~total FTE for each of the schools. The supplemental academic~~  
 741 ~~instruction allocation categorical funding shall be recalculated~~  
 742 ~~during the fiscal year following an updated designation of the~~  
 743 ~~300 lowest-performing elementary schools and shall be based on~~  
 744 ~~actual student membership from the FTE surveys. Upon~~  
 745 ~~recalculation of funding for the supplemental academic~~  
 746 ~~instruction allocation categorical fund, if the total allocation~~  
 747 ~~is greater than the amount provided in the General~~  
 748 ~~Appropriations Act, the allocation shall be prorated to the~~  
 749 ~~level provided to support the appropriation, based on each~~  
 750 ~~district's share of the total.~~

751 4. ~~Effective with the 1999-2000 fiscal year,~~ Funding on  
 752 the basis of FTE membership beyond the 180-day regular term  
 753 shall be provided in the FEFP only for students enrolled in  
 754 juvenile justice education programs or in education programs for  
 755 juveniles placed in secure facilities or programs under s.  
 756 985.19. Funding for instruction beyond the regular 180-day  
 757 school year for all other K-12 students shall be provided  
 758 through the supplemental academic instruction allocation and  
 759 other state, federal, and local fund sources with ample  
 760 flexibility for schools to provide supplemental instruction to  
 761 assist students in progressing from grade to grade and  
 762 graduating.

763 ~~5. The Florida State University School, as a lab school,~~  
 764 ~~is authorized to expend from its FEFP or Lottery Enhancement~~  
 765 ~~Trust Fund allocation the cost to the student of remediation in~~  
 766 ~~reading, writing, or mathematics for any graduate who requires~~  
 767 ~~remediation at a postsecondary educational institution.~~

768 ~~6. Beginning in the 1999-2000 school year, dropout~~  
 769 ~~prevention programs as defined in ss. 1003.52, 1003.53(1)(a),~~  
 770 ~~(b), and (c), and 1003.54 shall be included in group 1 programs~~  
 771 ~~under subparagraph (d)3.~~

772 (6) CATEGORICAL FUNDS.—

773 (b) If a district school board finds and declares in a  
 774 resolution adopted at a regular meeting of the school board that  
 775 the funds received for any of the following categorical

776 appropriations are urgently needed to maintain school board  
 777 specified academic classroom instruction or improve school  
 778 safety, the school board may consider and approve an amendment  
 779 to the school district operating budget transferring the  
 780 identified amount of the categorical funds to the appropriate  
 781 account for expenditure:

782 1. Funds for student transportation.

783 ~~2. Funds for safe schools.~~

784 ~~3. Funds for supplemental academic instruction if the~~  
 785 ~~required additional hour of instruction beyond the normal school~~  
 786 ~~day for each day of the entire school year has been provided for~~  
 787 ~~the students in each low-performing elementary school in the~~  
 788 ~~district pursuant to paragraph (1)(f).~~

789 2.4. Funds for research-based reading instruction if the  
 790 required additional hour of instruction beyond the normal school  
 791 day for each day of the entire school year has been provided for  
 792 the students in each low-performing elementary school in the  
 793 district pursuant to paragraph (9)(a).

794 3.5. Funds for instructional materials if all  
 795 instructional material purchases necessary to provide updated  
 796 materials that are aligned with applicable state standards and  
 797 course descriptions and that meet statutory requirements of  
 798 content and learning have been completed for that fiscal year,  
 799 but no sooner than March 1. Funds available after March 1 may be  
 800 used to purchase hardware for student instruction.

801 Section 5. Section 1011.6202, Florida Statutes, is amended  
 802 to read:

803 1011.6202 Principal Autonomy ~~Pilot~~ Program Initiative.—The  
 804 Principal Autonomy ~~Pilot~~ Program Initiative is created within  
 805 the Department of Education. The purpose of the ~~pilot~~ program is  
 806 to provide a ~~the~~ highly effective principal of a participating  
 807 school with increased autonomy and authority to operate his or  
 808 her school, as well as other schools, in a way that produces  
 809 significant improvements in student achievement and school  
 810 management while complying with constitutional requirements. The  
 811 State Board of Education may, upon approval of a principal  
 812 autonomy proposal, enter into a performance contract with the ~~up~~  
 813 ~~to seven~~ district school board ~~boards~~ for participation in the  
 814 ~~pilot~~ program.

815 (1) PARTICIPATING SCHOOL DISTRICTS.—Beginning with the  
 816 2018-2019 school year, contingent upon available funds, and on a  
 817 first-come, first-served basis, a ~~The~~ district school board  
 818 ~~boards in Broward, Duval, Jefferson, Madison, Palm Beach,~~  
 819 ~~Pinellas, and Seminole Counties~~ may submit, no later than  
 820 December 1, to the state board for approval a principal autonomy  
 821 proposal that exchanges statutory and rule exemptions for an  
 822 agreement to meet performance goals established in the proposal.  
 823 If approved by the state board, the ~~each of these~~ school  
 824 district is ~~districts shall be~~ eligible to participate in the  
 825 ~~pilot~~ program for 3 years. ~~At the end of the 3 years, the~~

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

826 ~~performance of all participating schools in the school district~~  
 827 ~~shall be evaluated.~~

828 (2) PRINCIPAL AUTONOMY PROPOSAL.-

829 (a) To participate in the ~~pilot~~ program, a school district  
 830 must:

831 1. Identify three schools that received at least two  
 832 school grades of "D" or "F" pursuant to s. 1008.34 during the  
 833 previous 3 school years.

834 2. Identify three principals who have earned a highly  
 835 effective rating on the prior year's performance evaluation  
 836 pursuant to s. 1012.34, one of whom shall be assigned to each of  
 837 the participating schools.

838 3. Describe the current financial and administrative  
 839 management of each participating school; identify the areas in  
 840 which each school principal will have increased fiscal and  
 841 administrative autonomy, including the authority and  
 842 responsibilities provided in s. 1012.28(8); and identify the  
 843 areas in which each participating school will continue to follow  
 844 district school board fiscal and administrative policies.

845 4. Explain the methods used to identify the educational  
 846 strengths and needs of the participating school's students and  
 847 identify how student achievement can be improved.

848 5. Establish performance goals for student achievement, as  
 849 defined in s. 1008.34(1), and explain how the increased autonomy  
 850 of principals will help participating schools improve student



851 achievement and school management.

852 6. Provide each participating school's mission and a  
853 description of its student population.

854 (b) The state board shall establish criteria, which must  
855 include the criteria listed in paragraph (a), for the approval  
856 of a principal autonomy proposal.

857 (c) A district school board must submit its principal  
858 autonomy proposal to the state board for approval by December 1  
859 in order to begin participation in the subsequent school year.  
860 By February 28 of the school year in which the proposal is  
861 submitted, the state board shall notify the district school  
862 board in writing whether the proposal is approved.

863 (3) EXEMPTION FROM LAWS.—

864 (a) With the exception of those laws listed in paragraph  
865 (b), a participating school or a school operated by a principal  
866 pursuant to subsection (5) is exempt from the provisions of  
867 chapters 1000-1013 and rules of the state board that implement  
868 those exempt provisions.

869 (b) A participating school or a school operated by a  
870 principal pursuant to subsection (5) shall comply with the  
871 provisions of chapters 1000-1013, and rules of the state board  
872 that implement those provisions, pertaining to the following:

873 1. Those laws relating to the election and compensation of  
874 district school board members, the election or appointment and  
875 compensation of district school superintendents, public meetings

876 and public records requirements, financial disclosure, and  
 877 conflicts of interest.

878 2. Those laws relating to the student assessment program  
 879 and school grading system, including chapter 1008.

880 3. Those laws relating to the provision of services to  
 881 students with disabilities.

882 4. Those laws relating to civil rights, including s.  
 883 1000.05, relating to discrimination.

884 5. Those laws relating to student health, safety, and  
 885 welfare.

886 6. Section 1001.42(4)(f), relating to the uniform opening  
 887 date for public schools.

888 7. Section 1003.03, governing maximum class size, except  
 889 that the calculation for compliance pursuant to s. 1003.03 is  
 890 the average at the school level for a participating school.

891 8. Sections 1012.22(1)(c) and 1012.27(2), relating to  
 892 compensation and salary schedules.

893 9. Section 1012.33(5), relating to workforce reductions  
 894 for annual contracts for instructional personnel. This  
 895 subparagraph does not apply to at-will employees.

896 10. Section 1012.335, relating to annual contracts for  
 897 instructional personnel hired on or after July 1, 2011. This  
 898 subparagraph does not apply to at-will employees.

899 11. Section 1012.34, relating to personnel evaluation  
 900 procedures and criteria.

901 12. Those laws pertaining to educational facilities,  
 902 including chapter 1013, except that s. 1013.20, relating to  
 903 covered walkways for relocatables, and s. 1013.21, relating to  
 904 the use of relocatable facilities exceeding 20 years of age, are  
 905 eligible for exemption.

906 13. Those laws pertaining to participating school  
 907 districts, including this section and ss. 1011.69(2) and  
 908 1012.28(8).

909 (c) A school shall remain exempt, as provided in this  
 910 subsection, beyond the term of the program so long as the school  
 911 receives no grade lower than a "B."

912 (4) PROFESSIONAL DEVELOPMENT.—Each participating school  
 913 district shall require that the principal of each participating  
 914 school and a designated leadership team selected by the  
 915 principal of the participating school, a three-member leadership  
 916 team from each participating school, and district personnel  
 917 working with each participating school complete a nationally  
 918 recognized school turnaround program which focuses on improving  
 919 leadership, instructional infrastructure, talent management, and  
 920 differentiated support and accountability. The required  
 921 personnel must enroll in the nationally recognized school  
 922 turnaround program upon acceptance into the ~~pilot~~ program. ~~Each~~  
 923 ~~participating school district shall receive \$100,000 from the~~  
 924 ~~department for participation in the nationally recognized school~~  
 925 ~~turnaround program.~~

926        (5) DISTRICT INNOVATION ACADEMIES AND ZONES.—To encourage  
 927 further innovation and expand the reach of highly effective  
 928 principals trained through this program district school boards  
 929 may authorize these principals to manage multiple schools within  
 930 a zone. A zone may include the school at which the principal is  
 931 assigned, persistently low-performing schools, feeder pattern  
 932 schools, or a group of schools identified by the school  
 933 district. The principal may allocate resources and personnel  
 934 between the schools under his or her administration.

935        (6)~~(5)~~ TERM OF PARTICIPATION.—The state board shall  
 936 authorize a school district to participate in the ~~pilot~~ program  
 937 for a period of 3 years commencing with approval of the  
 938 principal autonomy proposal. ~~Authorization to participate in the~~  
 939 ~~pilot program may be renewed upon action of the state board.~~ The  
 940 state board may revoke authorization to participate in the ~~pilot~~  
 941 program if the school district fails to meet the requirements of  
 942 this section during the 3-year period.

943        ~~(6) REPORTING.—Each participating school district shall~~  
 944 ~~submit an annual report to the state board. The state board~~  
 945 ~~shall annually report on the implementation of the Principal~~  
 946 ~~Autonomy Pilot Program Initiative. Upon completion of the pilot~~  
 947 ~~program's first 3-year term, the Commissioner of Education shall~~  
 948 ~~submit to the President of the Senate and the Speaker of the~~  
 949 ~~House of Representatives by December 1 a full evaluation of the~~  
 950 ~~effectiveness of the pilot program.~~

951           (7) FUNDING.—Subject to an annual appropriation, The  
 952 Legislature shall provide an appropriation to the department  
 953 shall fund for the costs of the ~~pilet~~ program to include the  
 954 ~~including~~ administrative ~~costs~~ and enrollment costs for the  
 955 nationally recognized school turnaround program required in  
 956 subsection (4), and an ~~additional~~ amount not to exceed of  
 957 \$10,000 for each participating principal in each participating  
 958 district as an annual salary supplement for 3 years, ~~a fund for~~  
 959 ~~the principal's school to be used at the principal's discretion,~~  
 960 ~~or both,~~ as determined by the district. To be eligible for a  
 961 salary supplement under this subsection, a participating  
 962 principal must:

963           (a) Be rated "highly effective" as determined by the  
 964 principal's performance evaluation under s. 1012.34;

965           (b) Be transferred to a school that earned a grade of "F"  
 966 or two three consecutive grades of "D" pursuant to s. 1008.34,  
 967 or manage, pursuant to subsection (5), a persistently low-  
 968 performing school, and provided additional authority and  
 969 responsibilities pursuant to s. 1012.28(8); and

970           (c) Have implemented a turnaround option under s. 1008.33  
 971 ~~s. 1008.33(4)~~ at a school as the school's principal. The  
 972 turnaround option must have resulted in the school improving by  
 973 at least one letter grade while he or she was serving as the  
 974 school's principal.

975           (8) RULEMAKING.—The State Board of Education shall adopt

976 rules to administer this section.

977 Section 6. Subsection (5) of section 1011.69, Florida  
 978 Statutes, is amended to read:

979 1011.69 Equity in School-Level Funding Act.—

980 (5) After providing Title I, Part A, Basic funds to  
 981 schools above the 75 percent poverty threshold, which may  
 982 include high schools above the 50 percent threshold as permitted  
 983 by federal law, school districts shall provide any remaining  
 984 Title I, Part A, Basic funds directly to all eligible schools as  
 985 provided in this subsection. For purposes of this subsection, an  
 986 eligible school is a school that is eligible to receive Title I  
 987 funds, including a charter school. The threshold for identifying  
 988 eligible schools may not exceed the threshold established by a  
 989 school district for the 2016-2017 school year or the statewide  
 990 percentage of economically disadvantaged students, as determined  
 991 annually.

992 (a) Prior to the allocation of Title I funds to eligible  
 993 schools, a school district may withhold funds only as follows:

994 1. One percent for parent involvement, in addition to the  
 995 one percent the district must reserve under federal law for  
 996 allocations to eligible schools for parent involvement;

997 2. A necessary and reasonable amount for administration,  
 998 which includes the district's indirect cost rate, not to exceed  
 999 a total of 10 & percent; ~~and~~

1000 3. A reasonable and necessary amount to provide:

- 1001 a. Homeless programs;
- 1002 b. Delinquent and neglected programs;
- 1003 c. Prekindergarten programs and activities;
- 1004 d. Private school equitable services; ~~and~~
- 1005 e. Transportation for foster care children to their school
- 1006 of origin or choice programs; and-

1007 4. A necessary and reasonable amount, not to exceed 1

1008 percent, for eligible schools to provide educational services in

1009 accordance with the approved Title I plan.

1010 (b) All remaining Title I funds shall be distributed to

1011 all eligible schools in accordance with federal law and

1012 regulation. An eligible school may use funds under this

1013 subsection to participate in discretionary educational services

1014 provided by the school district. Any funds provided by an

1015 eligible school to participate in discretionary educational

1016 services provided by the school district are not subject to the

1017 requirements of this subsection.

1018 (c) Any funds carried forward by the school district are

1019 not subject to the requirements of this subsection.

1020 Section 7. Paragraphs (a) and (e) of subsection (2) of

1021 section 1011.71, Florida Statutes, are amended to read:

1022 1011.71 District school tax.—

1023 (2) In addition to the maximum millage levy as provided in

1024 subsection (1), each school board may levy not more than 1.5

1025 mills against the taxable value for school purposes for charter

1026 schools pursuant to s. 1013.62(1)and(3) and for district schools  
 1027 to fund:

1028 (a) New construction and remodeling projects, as set forth  
 1029 in s. 1013.64(6)(b), ~~s. 1013.64(3)(d) and (6)(b) and included in~~  
 1030 ~~the district's educational plant survey pursuant to s. 1013.31,~~  
 1031 without regard to prioritization, sites and site improvement or  
 1032 expansion to new sites, existing sites, auxiliary facilities,  
 1033 athletic facilities, or ancillary facilities.

1034 (e) Payments for educational facilities and sites due  
 1035 under a lease-purchase agreement entered into by a district  
 1036 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not  
 1037 exceeding, in the aggregate, an amount equal to three-fourths of  
 1038 the proceeds from the millage levied by a district school board  
 1039 pursuant to this subsection. The three-fourths limit is waived  
 1040 for lease-purchase agreements entered into before June 30, 2009,  
 1041 by a district school board pursuant to this paragraph. If  
 1042 payments under lease-purchase agreements in the aggregate,  
 1043 including lease-purchase agreements entered into before June 30,  
 1044 2009, exceed three-fourths of the proceeds from the millage  
 1045 levied pursuant to this subsection, the district school board  
 1046 may not withhold the administrative fees authorized by s.  
 1047 1002.33(20) from any charter school operating in the school  
 1048 district.

1049 Section 8. Effective upon this act becoming a law, Section  
 1050 1011.79, Florida Statutes, is created to read:



1051        1011.79 Florida price level index methodology review.-  
 1052        Subject to an appropriation, the Department of Education shall  
 1053        conduct a review of the methodology used to calculate and  
 1054        determine the Florida Price Level Index for purposes of  
 1055        calculating the district cost differential pursuant to s.  
 1056        1011.62. The Department of Education shall issue a competitive  
 1057        solicitation to contract with an independent third-party  
 1058        consulting firm to conduct the reviews with the initial review  
 1059        completed in the 2018-2019 fiscal year and subsequent reviews  
 1060        completed every ten years thereafter. The Department of  
 1061        Education shall provide the results of all reviews to the  
 1062        Executive Office of the Governor and the Legislature.

1063        Section 9. Subsection (4) of section 1012.2315, Florida  
 1064        Statutes, is amended to read:

1065        1012.2315 Assignment of teachers.-

1066        (4) COLLECTIVE BARGAINING.-

1067        (a) Notwithstanding provisions of chapter 447 relating to  
 1068        district school board collective bargaining, collective  
 1069        bargaining provisions may not preclude a school district from  
 1070        providing incentives to high-quality teachers and assigning such  
 1071        teachers to low-performing schools.

1072        (b) Before the start of the 2019-2020 school year, each  
 1073        school district and the certified collective bargaining unit for  
 1074        instructional personnel shall negotiate a memorandum of  
 1075        understanding that addresses the selection, placement, and

1076 expectations of instructional personnel and provides school  
 1077 principals with the autonomy described in s. 1012.28(8).

1078 Section 10. Subsection (2) of section 1012.32, Florida  
 1079 Statutes, is amended to read:

1080 1012.32 Qualifications of personnel.—

1081 (2) (a) Instructional and noninstructional personnel who  
 1082 are hired or contracted to fill positions that require direct  
 1083 contact with students in any district school system or  
 1084 university lab school must, upon employment or engagement to  
 1085 provide services, undergo background screening as required under  
 1086 s. 1012.465 or s. 1012.56, whichever is applicable.

1087 (b) Instructional and noninstructional personnel who are  
 1088 hired or contracted to fill positions in any charter school and  
 1089 members of the governing board of any charter school, in  
 1090 compliance with s. 1002.33(12)(g), must, upon employment,  
 1091 engagement of services, or appointment, undergo background  
 1092 screening as required under s. 1012.465 or s. 1012.56, whichever  
 1093 is applicable, by filing with the district school board for the  
 1094 school district in which the charter school is located a  
 1095 complete set of fingerprints taken by an authorized law  
 1096 enforcement agency or an employee of the school or school  
 1097 district who is trained to take fingerprints.

1098 (c) Instructional and noninstructional personnel who are  
 1099 hired or contracted to fill positions that require direct  
 1100 contact with students in an alternative school that operates

1101 under contract with a district school system must, upon  
 1102 employment or engagement to provide services, undergo background  
 1103 screening as required under s. 1012.465 or s. 1012.56, whichever  
 1104 is applicable, by filing with the district school board for the  
 1105 school district to which the alternative school is under  
 1106 contract a complete set of fingerprints taken by an authorized  
 1107 law enforcement agency or an employee of the school or school  
 1108 district who is trained to take fingerprints.

1109 (d) Student teachers and persons participating in a field  
 1110 experience pursuant to s. 1004.04(5) or s. 1004.85 in any  
 1111 district school system, lab school, or charter school must, upon  
 1112 engagement to provide services, undergo background screening as  
 1113 required under s. 1012.56.

1114  
 1115 Fingerprints shall be submitted to the Department of Law  
 1116 Enforcement for statewide criminal and juvenile records checks  
 1117 and to the Federal Bureau of Investigation for federal criminal  
 1118 records checks. A person subject to this subsection who is found  
 1119 ineligible for employment under s. 1012.315, or otherwise found  
 1120 through background screening to have been convicted of any crime  
 1121 involving moral turpitude as defined by rule of the State Board  
 1122 of Education, shall not be employed, engaged to provide  
 1123 services, or serve in any position that requires direct contact  
 1124 with students. Probationary persons subject to this subsection  
 1125 terminated because of their criminal record have the right to

1126 appeal such decisions. The cost of the background screening may  
 1127 be borne by the district school board, the charter school, the  
 1128 employee, the contractor, or a person subject to this  
 1129 subsection. If the district school board does not notify the  
 1130 charter school of the eligibility of governing board members and  
 1131 instructional and noninstructional personnel within 14 days  
 1132 after the submission of the fingerprints, it shall reimburse the  
 1133 cost of background screening.

1134 Section 11. Paragraph (a) of subsection (2) of section  
 1135 1013.28, Florida Statutes, is amended to read:

1136 1013.28 Disposal of property.—

1137 (2) TANGIBLE PERSONAL PROPERTY.—

1138 (a) Tangible personal property that has been properly  
 1139 classified as surplus by a district school board or Florida  
 1140 College System institution board of trustees shall be disposed  
 1141 of in accordance with the procedure established by chapter 274.  
 1142 However, the provisions of chapter 274 shall not be applicable  
 1143 to a motor vehicle used in driver education to which title is  
 1144 obtained for a token amount from an automobile dealer or  
 1145 manufacturer. In such cases, the disposal of the vehicle shall  
 1146 be as prescribed in the contractual agreement between the  
 1147 automotive agency or manufacturer and the board. Tangible  
 1148 personal property that has been properly classified as surplus,  
 1149 marked for disposal, or otherwise unused by a district school  
 1150 board shall be provided for a charter school's use on the same

1151 basis as it is made available to other public schools in the  
 1152 district. A charter school receiving property from the school  
 1153 district may not sell or dispose of such property without the  
 1154 written permission of the school district.

1155 Section 12. Paragraph (e) is added to subsection (2) of  
 1156 section 1013.385, Florida Statutes, to read:

1157 1013.385 School district construction flexibility.—

1158 (2) A resolution adopted under this section may propose  
 1159 implementation of exceptions to requirements of the uniform  
 1160 statewide building code for the planning and construction of  
 1161 public educational and ancillary plants adopted pursuant to ss.  
 1162 553.73 and 1013.37 relating to:

1163 (e) Any other provisions that limit the ability of a  
 1164 school to operate in a facility on the same basis as a charter  
 1165 school pursuant to s. 1002.33(18) so long as the regional  
 1166 planning council determines that there is sufficient shelter  
 1167 capacity within the school district as documented in the  
 1168 Statewide Emergency Shelter Plan.

1169 Section 13. Subsections (1), (3), and (5) of section  
 1170 1013.62, Florida Statutes, are amended to read:

1171 1013.62 Charter schools capital outlay funding.—

1172 (1) For the 2018-2019 fiscal year, charter ~~Charter~~ school  
 1173 capital outlay funding shall consist of ~~revenue resulting from~~  
 1174 ~~the discretionary millage authorized in s. 1011.71(2) and state~~  
 1175 ~~funds when such funds are appropriated in the~~ fiscal year 2018-

1176 2019 General Appropriations Act. Beginning in fiscal year 2019-  
 1177 2020, charter school capital outlay shall consist of state funds  
 1178 when such funds are appropriated in the General Appropriations  
 1179 Act and revenue resulting from the discretionary millage  
 1180 authorized in s. 1011.71(2) if the amount of state funds  
 1181 appropriated for charter school capital outlay in any fiscal  
 1182 year is less than the average charter school capital outlay  
 1183 funds per unweighted full-time equivalent student for the 2018-  
 1184 2019 fiscal year, multiplied by the estimated number of charter  
 1185 school students for the applicable fiscal year, and adjusted by  
 1186 changes in the Consumer Price Index from the previous fiscal  
 1187 year. Nothing in this subsection prohibits a school district  
 1188 from distributing to charter schools funds resulting from the  
 1189 discretionary millage authorized in s. 1011.71(2).

- 1190 (a) To be eligible to receive capital outlay funds, a  
 1191 charter school must:
- 1192 1.a. Have been in operation for 2 or more years;
  - 1193 b. Be governed by a governing board established in the  
 1194 state for 2 or more years which operates both charter schools  
 1195 and conversion charter schools within the state;
  - 1196 c. Be an expanded feeder chain of a charter school within  
 1197 the same school district that is currently receiving charter  
 1198 school capital outlay funds;
  - 1199 d. Have been accredited by a regional accrediting  
 1200 association as defined by State Board of Education rule; or

1201 e. Serve students in facilities that are provided by a  
 1202 business partner for a charter school-in-the-workplace pursuant  
 1203 to s. 1002.33(15)(b).

1204 2. Have an annual audit that does not reveal any of the  
 1205 financial emergency conditions provided in s. 218.503(1) for the  
 1206 most recent fiscal year for which such audit results are  
 1207 available.

1208 3. Have satisfactory student achievement based on state  
 1209 accountability standards applicable to the charter school.

1210 4. Have received final approval from its sponsor pursuant  
 1211 to s. 1002.33 for operation during that fiscal year.

1212 5. Serve students in facilities that are not provided by  
 1213 the charter school's sponsor.

1214 (b) A charter school is not eligible to receive capital  
 1215 outlay funds if it was created by the conversion of a public  
 1216 school and operates in facilities provided by the charter  
 1217 school's sponsor for a nominal fee, or at no charge, or if it is  
 1218 directly or indirectly operated by the school district.

1219 (3) If the school board levies the discretionary millage  
 1220 authorized in s. 1011.71(2), and the state funds appropriated  
 1221 for charter school capital outlay in any fiscal year are less  
 1222 than the average charter school capital outlay funds per  
 1223 unweighted full-time equivalent student for the 2018-2019 fiscal  
 1224 year, multiplied by the estimated number of charter school  
 1225 students for the applicable fiscal year, and adjusted by changes

1226 in the Consumer Price Index from the previous fiscal year, the  
 1227 department shall use the following calculation methodology to  
 1228 determine the amount of revenue that a school district must  
 1229 distribute to each eligible charter school:

1230 (a) Reduce the total discretionary millage revenue by the  
 1231 school district's annual debt service obligation incurred as of  
 1232 March 1, 2017, which has not been subsequently retired, and any  
 1233 amount of participation requirement pursuant to s.  
 1234 1013.64(2)(a)8. that is being satisfied by revenues raised by  
 1235 the discretionary millage.

1236 (b) Divide the school district's adjusted discretionary  
 1237 millage revenue by the district's total capital outlay full-time  
 1238 equivalent membership and the total number of unweighted full-  
 1239 time equivalent students of each eligible charter school to  
 1240 determine a capital outlay allocation per full-time equivalent  
 1241 student.

1242 (c) Multiply the capital outlay allocation per full-time  
 1243 equivalent student by the total number of full-time equivalent  
 1244 students of each eligible charter school to determine the  
 1245 capital outlay allocation for each charter school.

1246 (d) If applicable, reduce the capital outlay allocation  
 1247 identified in paragraph (c) by the total amount of state funds  
 1248 allocated to each eligible charter school in subsection (2) to  
 1249 determine the maximum calculated capital outlay allocation.

1250 (e) School districts shall distribute capital outlay funds



1251 to charter schools no later than February 1 of each year if  
 1252 required by this subsection based on the amount of funds  
 1253 received by the district school board, beginning on February 1,  
 1254 2018, for the 2017-2018 fiscal year. School districts shall  
 1255 distribute any remaining capital outlay funds, as required by  
 1256 this subsection, upon the receipt of such funds until the total  
 1257 amount calculated pursuant to this subsection is distributed.

1258  
 1259 By October 1 of each year, each school district shall certify to  
 1260 the department the amount of debt service and participation  
 1261 requirement that complies with the requirement of paragraph (a)  
 1262 and can be reduced from the total discretionary millage revenue.  
 1263 The Auditor General shall verify compliance with the  
 1264 requirements of paragraph (a) and s. 1011.71(2)(e) during  
 1265 scheduled operational audits of school districts.

1266 (5) If a charter school is nonrenewed or terminated, any  
 1267 unencumbered funds and all equipment and property purchased with  
 1268 district public funds shall revert to the ownership of the  
 1269 district school board, as provided for in s. 1002.33(8)(d) and  
 1270 (e) s. 1002.33(8)(e) and (f). In the case of a charter lab  
 1271 school, any unencumbered funds and all equipment and property  
 1272 purchased with university public funds shall revert to the  
 1273 ownership of the state university that issued the charter. The  
 1274 reversion of such equipment, property, and furnishings shall  
 1275 focus on recoverable assets, but not on intangible or

1276 irrecoverable costs such as rental or leasing fees, normal  
 1277 maintenance, and limited renovations. The reversion of all  
 1278 property secured with public funds is subject to the complete  
 1279 satisfaction of all lawful liens or encumbrances. If there are  
 1280 additional local issues such as the shared use of facilities or  
 1281 partial ownership of facilities or property, these issues shall  
 1282 be agreed to in the charter contract prior to the expenditure of  
 1283 funds.

1284       Section 14. Except as otherwise expressly provided in this  
 1285 act and except for this section, which shall take effect upon  
 1286 this act becoming a law, this act shall take effect July 1,  
 1287 2018.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1213 Computer Science Instruction  
**SPONSOR(S):** PreK-12 Appropriations Subcommittee; Porter  
**TIED BILLS:** None **IDEN./SIM. BILLS:** CS/SB 1056

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee	10 Y, 0 N	Brink	Healy
2) PreK-12 Appropriations Subcommittee	12 Y, 0 N, As CS	Seifert	Potvin
3) Education Committee		Brink	Hassell

### SUMMARY ANALYSIS

Florida law requires school districts to provide students opportunities to participate in computer science education, including courses in computer programming and computer coding. However, only a small percentage of middle, high, and combination schools have students enrolled in computer science courses, including career and technical education computer science courses.

To increase opportunities for students to participate in computer science instruction, the bill:

- defines computer science and includes computer coding and programming in the definition;
- requires the Florida Department of Education (DOE) to identify computer science courses in the Course Code Directory and on its website by July 1, 2018;
- requires Florida Virtual School (FLVS) to offer computer science courses so students enrolled in a school without a computer science course can receive computer science instruction;
- requires school districts to offer students access to computer science courses through FLVS or by other means;
- establishes a grant program to help teachers earn a computer science educator certificate or industry certification and for paying associated examination fees;
- establishes a bonus program to award qualifying teachers, on a yearly basis for up to 3 years, who teach computer science courses identified by the DOE; and
- requires the State Board of Education to adopt rules to implement these provisions.

Funding for the teacher training grant program and teacher bonus program are subject to an appropriation.

The bill takes effect upon becoming a law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### Computer Science Instruction

Public schools are required to provide students in grades K-12 opportunities for learning computer science including, but not limited to, computer coding and computer programming.<sup>1</sup>

Such opportunities may include:<sup>2</sup>

- instruction regarding computer coding in elementary and middle school;
- instruction to develop computer usage and digital literacy skills in middle school; and
- courses in computer science, computer coding, and computer programming in high school, including opportunities to earn industry certifications related to the courses.

The law allows high schools to provide students opportunities to satisfy certain math and science graduation requirements by taking computer science courses of sufficient rigor and earning a related industry certification.<sup>3</sup> To qualify, the course must be in the area of computer science or 3D rapid prototype printing and the Commissioner of Education must identify the course and the related industry certification in the Course Code Directory.<sup>4</sup>

A qualifying computer science course may satisfy up to one mathematics or science course credit, so long as the course is not Algebra I or higher-level mathematics or Biology I or higher-level science. A qualifying 3D rapid prototype printing course may satisfy up to two mathematics course credits, except for Algebra I.<sup>5</sup>

The Southern Regional Education Board recently identified five actions states can take to help address gaps in computer science instruction. The steps are:<sup>6</sup>

- Develop state computer science standards for K-12.
- Lay the groundwork for learning computer science (focus on essential literacy skills and math concepts and skills students need to master grade-appropriate computer science standards).
- Create clear pathways to computing careers by charging a state advisory council with developing pathways that meet identified workforce needs in computing fields.
- Prepare great computer science teachers through special training and certification pathways.
- Educate communities about computer science and computing careers by embedding career advisement and encouraging partnerships with employers.

In 2016, the State Board of Education revised the Next Generation Sunshine State Standards to include K-12 computer science standards.<sup>7</sup> Currently, courses in computer coding are listed in the Career Technical Education Program and Course Listing section in the Course Code Directory.<sup>8</sup> The Florida Department of Education has identified several general education courses and career and

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<sup>1</sup> Section 1007.2616(1), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Section 1007.2616(3), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> See Southern Regional Education Board, *Executive Summary: Bridging the Computer Science Education Gap: Five Actions States Can Take* (Nov. 2016), available at [http://www.sreb.org/sites/main/files/file-attachments/csexec\\_summary.pdf](http://www.sreb.org/sites/main/files/file-attachments/csexec_summary.pdf).

<sup>7</sup> See rule 6A-1.09401(1)(n), F.A.C.

<sup>8</sup> Staff of the Florida Department of Education, *Staff Analysis of Senate Bill 468* (2016).

technical education courses and programs that will incorporate the newly adopted computer science standards, including but not limited to:<sup>9</sup>

- Computer Science Principles;
- Integrated Information Technology;
- Database Application Development and Programming;
- STEM labs K-5; and
- Meteorology Honors for Grade 9-12.

Currently, only 9.6 percent of high schools in the state have students enrolled in a computer science course, with 9.1 percent having students enrolled in a career and technical education computer science course. Under 1 percent of combination schools have students enrolled in a computer science course, and only 0.2 percent of combination schools have students enrolled in a career and technical education computer science course. Thirty-three school districts do not have a high school or combination school offering any type of computer science course. Only one school district, Bay, has a middle school that offers a computer science course.<sup>10</sup>

There are 463 teachers who hold a DOE-issued educator certificate in computer science.<sup>11</sup>

### Digital Classrooms Allocation

To support the efforts of public school districts and schools to integrate technology in classroom teaching and learning, provide student access to high-quality electronic and digital instructional materials and resources, and empower classroom teachers to help their students succeed, each school district receives digital classroom allocation funds as provided in the General Appropriation Act.<sup>12</sup>

Digital classroom allocation funds must be used for costs associated with:<sup>13</sup>

- acquiring and maintaining the items on the eligible services list authorized under the federal E-rate program;<sup>14</sup>
- acquiring computer and device hardware and associated operating system software that comply with minimum technology requirements identified by the DOE's Office of Technology and Information Services, including specifications for hardware, software, devices, networking, security, and bandwidth capacity and guidelines for the ratio of students per device;<sup>15</sup> and
- providing professional development, including in-state conference attendance or online coursework, to enhance the use of technology for digital instructional strategies.

The 2017 Legislature appropriated \$80,000,000 for the digital classrooms allocation. Each district was allocated a minimum of \$500,000.<sup>16</sup> Twenty percent of the funds may be used for professional development.

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<sup>9</sup> Florida Department of Education, *Course and CTE Programs that Include the New Computer Science Standards for the 2017-2018 School Year*, Memorandum DPS: 2017-26 (Mar. 3, 2017).

<sup>10</sup> Email, Florida Department of Education, Office of Governmental Relations (Dec. 21, 2017).

<sup>11</sup> Email, Florida Department of Education, Office of Governmental Relations (Jan. 17, 2018).

<sup>12</sup> See s. 1011.62(12)(a), F.S. (as enacted by s. 4, ch. 2017-116, L.O.F.)

<sup>13</sup> See s. 1011.62(12)(b)1.-3., F.S.

<sup>14</sup> Universal Service Administrative Co., *Eligible Services List*, <http://www.usac.org/sl/applicants/beforeyoubegin/eligible-services-list.aspx> (last visited Jan. 16, 2018).

<sup>15</sup> See s. 1001.20(4)(a)1.b., F.S. See also Florida Department of Education, 2017-2019 *Strategic Technology Plan* (Aug. 2, 2014) at 5, available at <http://www.fldoe.org/core/fileparse.php/5658/urlt/0097843-fdoedigitalclassroomsplan.pdf>.

<sup>16</sup> See s. 6, ch. 2017-234, L.O.F. The remaining balance was allocated based on each school district's share of the total kindergarten through grade 12 unweighted FTE student enrollment. See Florida Department of Education, *2017-18 Funding for Florida School Districts* (2017) at 19, available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>.

Bonuses for Teachers of Advanced Courses and Courses Leading to Industry Certification

The Legislature allocates public education funding to Florida’s school districts through the Florida Education Finance Program (FEFP). The FEFP is a funding formula that helps to equalize education funding among Florida’s geographically diverse school districts and is the primary mechanism for funding the operating costs of Florida school districts, which among other things, includes the payment of teacher salaries.<sup>17</sup> In addition to funding school district operating costs, the FEFP also includes funds for teachers of advanced courses, such as International Baccalaureate (IB) courses, Advanced International Certificate of Education (AICE) courses, and Advanced Placement (AP) courses, whose students earn specified scores on the course examinations.<sup>18</sup>

- *International Baccalaureate* bonus provides an IB teacher a \$50 bonus for each student who scores 4 or higher on the IB examination. An IB teacher in a “D” or “F” school who has at least one student scoring 4 or higher on the IB examination receives an additional \$500 bonus.<sup>19</sup>
- *Advanced International Certificate of Education* bonus provides an AICE teacher a \$50 bonus for each student in a full-credit AICE course, or \$25 bonus for a student in a half-credit AICE course, who scores “E” or higher on the AICE examination. An AICE teacher in a “D” or “F” school receives an additional \$500 bonus if one of the teacher’s students scores “E” or higher on the full-credit AICE examination, or a \$250 bonus for each half-credit AICE course taught which has at least one student scoring “E” or higher on the half-credit AICE examination, not to exceed an additional \$500 bonus.<sup>20</sup>
- *Advanced Placement* bonus provides an AP teacher a \$50 bonus for each of his or her students who scores 3 or higher on the College Board AP examination. An AP teacher in a “D” or “F” school who has at least one student scoring 3 or higher on the College Board AP examination receives an additional \$500 bonus.<sup>21</sup>

Yearly Teacher per-Student Bonuses by Advanced Course			
	IB	AP	AICE
Half Credit			\$25
Full Credit	\$50	\$50	\$50
Full Credit D Or F School	\$500 (per teacher)	\$500 (per teacher)	\$500 (per teacher)
Half Credit D Or F School			\$250 (per teacher)

FEFP funds are also used to provide bonuses for teachers who teach courses that lead to the attainment of a Career and Professional Education (CAPE) industry certification. Depending on the

<sup>17</sup> See s. 1011.60, F.S. The performance salary schedule is funded from the same sources used to pay instructional personnel and school administrators under the grandfathered salary schedule.

<sup>18</sup> Section 1011.62(1)(l)-(n), F.S.; *International Baccalaureate*, <http://www.ibo.org> (last visited Jan. 17, 2018); University of Cambridge, International Examinations, *Cambridge Advanced International Certificate of Education Diploma*, <http://www.cie.org.uk/qualifications/academic/uppersec/aice> (last visited Jan. 17, 2018); College Board, *Advanced Placement Program*, <http://www.collegeboard.com/student/testing/ap/about.html> (last visited Jan. 17, 2018).

<sup>19</sup> Section 1011.62(1)(l), F.S. (2017)

<sup>20</sup> Section 1011.62(1)(m), F.S. (2017)

<sup>21</sup> Section 1011.62(1)(n), F.S. (2017)

certification earned, a school district receives bonus funding of 0.1, 0.2, 0.3, 0.5, or 1.0 FTE.<sup>22</sup> Teacher bonus funding is awarded for each student taught by a teacher who provided instruction in a course that led to the student's attainment of a CAPE industry certification on the CAPE Industry Certification Funding List, as follows:

- A bonus in the amount of \$25 is awarded for a course with a weight of 0.1.<sup>23</sup>
- A bonus in the amount of \$50 is awarded for a course with a weight of 0.2.<sup>24</sup>
- A bonus in the amount of \$75 is awarded for a course with a weight of 0.3.<sup>25</sup>
- A bonus in the amount of \$100 is awarded for a course with a weight of 0.5 or 1.0.<sup>26</sup>

Yearly Teacher per-Student CAPE Bonuses		
Weight	Type	Amount
0.1 FTE	CAPE Industry Cert Does Not Articulate	\$25
0.2 FTE	CAPE Industry Cert Articulates to College Credit	\$50
0.3 FTE	CAPE Innovation Course <sup>27</sup>	\$75
0.5 FTE	CAPE Acceleration Industry Cert Articulates to 15-29 College Credit Hours <sup>28</sup>	\$100
1.0 FTE	CAPE Acceleration Industry Cert Articulates to 30+ College Credit Hours	\$100

### Effect of Proposed Changes

The bill defines the term "computer science" to mean the study of computers and algorithmic processes, including their principles, hardware and software designs, applications, and their impact on society. The bill specifies that "computer science" includes computer coding and computer programming.

The bill specifies that opportunities for computer science instruction must include courses in computer science in both middle school and high school. Under the bill, computer science courses must be integrated into each school district's middle and high schools, including combination schools in which any of grades 6 through 12 are taught.

The bill requires the Florida Department of Education (DOE) to identify computer science courses in the Course Code Directory that count toward the percentage thresholds. The DOE must identify the courses on its website no later than July 1, 2018.

<sup>22</sup> Section 1011.62(1)(o), F.S. (2017)

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> A CAPE Innovation course is one of up to five courses annually approved by the Commissioner of Education that combines academic career content and incorporates at least two third-party assessments that, if completed successfully by the student, articulate to college credit. See s. 1003.4203(5)(a), F.S. For a list of approved courses, see Florida Department of Education, *CAPE Innovation Courses*, <http://www.fldoe.org/academics/career-adult-edu/cape-secondary/innovation.stml> (last visited Aug. 24, 2017).

<sup>28</sup> A CAPE Acceleration industry certification is one annually approved by the Commissioner of Education that articulates to 15 or more college credits. See s. 1011.62(5)(b), F.S.



The bill requires the Florida Virtual School (FLVS) to offer computer science courses identified by the DOE. If a school district does not offer an identified course, the district must provide students access to the course through the FLVS or through other means.

To encourage educators to earn credentials for teaching computer science, the bill establishes a bonus program, subject to appropriation. Under the program, a classroom teacher who is rated highly effective or effective pursuant to his or her evaluation in the previous school year, or who is newly hired but has not received an evaluation, must receive a bonus as follows:

- If the teacher holds an educator certificate in computer science or if he or she has passed the computer science subject area test and holds an adjunct certificate issued by the school district, the teacher will receive a bonus of \$1,000 after each year he or she completes teaching a computer science course identified by the DOE at a public middle, high, or combination school in the state, for up to 3 years.
- If the teacher holds an industry certification associated with a course identified by the DOE, the teacher will receive a bonus of \$500 after each year the individual completes teaching the identified course at a public middle, high, or combination school in the state, for up to 3 years.

A school district must report a qualifying classroom teacher to the DOE by a date and in a format established by the DOE. The bill specifies that an eligible classroom teacher will receive his or her bonus upon completion of the school year in which he or she taught the course but may not receive more than one bonus per year under the program.

Bonus funds under the program would be in addition to existing bonuses provided through the FEFP for teachers whose students who pass exams that lead to college credit (AP, IB, and AICE) or the attainment of an industry certification.

To help teachers earn a qualifying credential under the bonus program, the bill provides that, subject to appropriation, a school district or a consortium of school districts may apply to the DOE for funding to deliver or facilitate training for classroom teachers to earn an educator certificate in computer science or an industry certification associated with an identified course. The bill specifies that the funding may only be used to provide training for classroom teachers and to pay fees for examinations that lead to a qualifying credential.

## B. SECTION DIRECTORY:

Section 1. Amends s. 1007.2616, F.S.; providing a definition; providing requirements for specified instruction relating to computer science; requiring certain computer science courses to be included in the Course Code Directory and published on the Department of Education's website by a specified date; requiring the Florida Virtual School to offer certain computer science courses; requiring school districts to provide access to computer science courses offered by the Florida Virtual school or by other means under certain circumstances; developing mechanism for classroom teachers to earn an educator certificate in computer science; requiring high school students to be provided opportunities to take certain courses to certain meet graduation requirements; establishing bonuses for certain classroom teachers; and requiring, rather than authorizing, the State Board of Education to adopt rules.

Section 2. Provides that the bill takes effect upon becoming a law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments, *infra*.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

Funding for the teacher training grant program and teacher bonus program are subject to an appropriation.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules to implement the provisions of the bill and other requirements related to computer science instruction under s. 1007.2616, F.S.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 13, 2018, the PreK-12 Appropriations Subcommittee adopted two amendments and reported the bill favorably as a committee substitute.

- The first amendment removes the requirement that school districts must offer computer science courses identified by the Department of Education so that at least 10 percent of a school district's

middle schools, high schools, and combination schools with grades 6<sup>th</sup>-12<sup>th</sup> were offering at least one computer science course by the 2020-2021 school year.

- The second amendment removes the needs-based technology grant for school districts whose Digital Classroom Allocation funds are insufficient to meet costs associated with the requirements of this bill.

The analysis is drafted to the bill as amended by the PreK-12 Appropriations Subcommittee.

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A bill to be entitled  
 An act relating to computer science instruction;  
 amending s. 1007.2616, F.S.; providing a definition;  
 providing requirements for specified instruction  
 relating to computer science; requiring certain  
 computer science courses to be included in the Course  
 Code Directory and published on the Department of  
 Education's website by a specified date; requiring the  
 Florida Virtual School to offer certain computer  
 science courses; requiring school districts to provide  
 access to computer science courses offered by the  
 Florida Virtual school or by other means under certain  
 circumstances; providing funds for school districts to  
 provide professional development for classroom  
 teachers; providing Department of Education  
 responsibilities for the distribution of such funds;  
 requiring high school students to be provided  
 opportunities to take certain courses to certain meet  
 graduation requirements; providing funds for bonuses  
 for certain classroom teachers; requiring, rather than  
 authorizing, the State Board of Education to adopt  
 rules; providing an effective date.

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

26 Section 1. Section 1007.2616, Florida Statutes, is amended  
 27 to read:

28 1007.2616 Computer science and technology instruction.—

29 (1) For the purposes of this section, the term "computer  
 30 science" means the study of computers and algorithmic processes,  
 31 including their principles, hardware and software designs,  
 32 applications, and their impact on society, and includes computer  
 33 coding and computer programming.

34 (2) (a) ~~(1)~~ Public schools shall provide students in grades  
 35 K-12 opportunities for learning computer science, including, but  
 36 not limited to, computer coding and computer programming. Such  
 37 opportunities may include coding instruction in elementary  
 38 school and middle school ~~and,~~ instruction to develop students'  
 39 computer usage and digital literacy skills in middle school, and  
 40 must include courses in computer science, ~~computer coding, and~~  
 41 ~~computer programming~~ in middle school and high school, including  
 42 earning-related industry certifications. Such courses must be  
 43 integrated into each school district's middle and high schools,  
 44 including combination schools in which any of grades 6 through  
 45 12 are taught.

46 (b) Computer science courses must be identified in the  
 47 Course Code Directory and published on the Department of  
 48 Education's website no later than July 1, 2018. Additional  
 49 computer science courses may be subsequently identified and  
 50 posted on the department's website.

51       (3) The Florida Virtual School shall offer computer  
 52 science courses identified in the Course Code Directory pursuant  
 53 to paragraph (2) (b). If a school district does not offer an  
 54 identified course, the district must provide students access to  
 55 the course through the Florida Virtual School or through other  
 56 means.

57       (4) (a) Subject to legislative appropriation, a school  
 58 district or a consortium of school districts may apply to the  
 59 department, in a format prescribed by the department, for  
 60 funding to deliver or facilitate training for classroom teachers  
 61 to earn an educator certificate in computer science pursuant to  
 62 s. 1012.56 or an industry certification associated with a course  
 63 identified in the Course Code Directory pursuant to paragraph  
 64 (2) (b). Such funding shall only be used to provide training for  
 65 classroom teachers and to pay fees for examinations that lead to  
 66 a credential pursuant to this paragraph.

67       (b) Once the department has identified courses in the  
 68 Course Code Directory pursuant to paragraph (2) (b), the  
 69 department shall establish a deadline for submitting  
 70 applications. The department shall award funding to school  
 71 districts in a manner that allows for an equitable distribution  
 72 of funding statewide based on student population.

73       ~~(5)~~ ~~(2)~~ Elementary schools and middle schools may establish  
 74 digital classrooms in which students are provided opportunities  
 75 to improve digital literacy and competency; to learn digital

76 skills, such as coding, multiple media presentation, and the  
 77 manipulation of multiple digital graphic images; and to earn  
 78 digital tool certificates and certifications pursuant to s.  
 79 1003.4203 and grade-appropriate, technology-related industry  
 80 certifications.

81 ~~(6)(3)~~ High school students must be provided ~~schools may~~  
 82 ~~provide students~~ opportunities to take computer science courses  
 83 to satisfy high school graduation requirements, including, but  
 84 not limited to, the following:

85 (a) High school computer science courses of sufficient  
 86 rigor, as identified by the commissioner, such that one credit  
 87 in computer science and the earning of related industry  
 88 certifications constitute the equivalent of up to one credit of  
 89 the mathematics requirement, with the exception of Algebra I or  
 90 higher-level mathematics, or up to one credit of the science  
 91 requirement, with the exception of Biology I or higher-level  
 92 science, for high school graduation. Computer science courses  
 93 and technology-related industry certifications that are  
 94 identified as eligible for meeting mathematics or science  
 95 requirements for high school graduation shall be included in the  
 96 Course Code Directory.

97 (b) High school computer technology courses in 3D rapid  
 98 prototype printing of sufficient rigor, as identified by the  
 99 commissioner, such that one or more credits in such courses and  
 100 related industry certifications earned may satisfy up to two

101 credits of mathematics required for high school graduation with  
 102 the exception of Algebra I. Computer technology courses in 3D  
 103 rapid prototype printing and related industry certifications  
 104 that are identified as eligible for meeting mathematics  
 105 requirements for high school graduation shall be included in the  
 106 Course Code Directory.

107 (7) Subject to legislative appropriation, a classroom  
 108 teacher who was evaluated as effective or highly effective  
 109 pursuant to s. 1012.34 in the previous school year or who is  
 110 newly hired by the district school board and has not been  
 111 evaluated pursuant to s. 1012.34 must receive a bonus as  
 112 follows:

113 (a) If the classroom teacher holds an educator certificate  
 114 in computer science pursuant to s. 1012.56 or if he or she has  
 115 passed the computer science subject area examination and holds  
 116 an adjunct certificate issued by a school district pursuant to  
 117 s. 1012.57, he or she shall receive a bonus of \$1,000 after each  
 118 year the individual completes teaching a computer science course  
 119 identified in the Course Code Directory pursuant to paragraph  
 120 (2)(b) at a public middle, high, or combination school in the  
 121 state, for up to 3 years.

122 (b) If the classroom teacher holds an industry  
 123 certification associated with a course identified in the Course  
 124 Code Directory pursuant to paragraph (2)(b), he or she shall  
 125 receive a bonus of \$500 after each year the individual completes



126 teaching the identified course at a public middle, high, or  
 127 combination school in the state, for up to 3 years.

128  
 129 A school district shall report a qualifying classroom teacher to  
 130 the department by a date and in a format established by the  
 131 department. An eligible classroom teacher shall receive his or  
 132 her bonus upon completion of the school year in which he or she  
 133 taught the course. A teacher may not receive more than one bonus  
 134 per year under this subsection.

135 (8)(4) The State Board of Education shall ~~may~~ adopt rules  
 136 to administer this section.

137 Section 2. This act shall take effect upon becoming a law.



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# **Education Committee**

**Tuesday, February 27, 2018**

**1:30 PM**

**Reed Hall**

**AMENDMENT PACKET**



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
 ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
 ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
 FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
 WITHDRAWN \_\_\_\_\_ (Y/N)  
 OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Education Committee  
 2 Representative Rodrigues offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. This act shall be cited as the "Florida  
 7 Excellence in Higher Education Act of 2018."

8 Section 2. Paragraphs (b) and (c) of subsection (5) of  
 9 section 1001.706, Florida Statutes, are amended and paragraph  
 10 (h) of that section is added to read:

11 1001.706 Powers and duties of the Board of Governors.—

12 (5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

13 (b) The Board of Governors shall develop a strategic plan  
 14 specifying goals and objectives for the State University System  
 15 and each constituent university, including each university's



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16 contribution to overall system goals and objectives. The  
17 strategic plan must:

18 1. Include performance metrics and standards common for  
19 all institutions and metrics and standards unique to  
20 institutions depending on institutional core missions,  
21 including, but not limited to, student admission requirements,  
22 retention, graduation, percentage of graduates who have attained  
23 employment, percentage of graduates enrolled in continued  
24 education, licensure passage, average wages of employed  
25 graduates, average cost per graduate, excess hours, student loan  
26 burden and default rates, faculty awards, total annual research  
27 expenditures, patents, licenses and royalties, intellectual  
28 property, startup companies, annual giving, endowments, and  
29 well-known, highly respected national rankings for institutional  
30 and program achievements.

31 2. Consider reports and recommendations of the Higher  
32 Education Coordinating Council pursuant to s. 1004.015 and the  
33 Articulation Coordinating Committee pursuant to s. 1007.01.

34 3. Include student enrollment and performance data  
35 delineated by method of instruction, including, but not limited  
36 to, traditional, online, and distance learning instruction.

37 4. Include criteria for designating baccalaureate degree  
38 and master's degree programs at specified universities as high-  
39 demand programs of emphasis. Fifty percent of the criteria for  
40 designation as high-demand programs of emphasis must be based on

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41 achievement of performance outcome thresholds determined by the  
42 Board of Governors, and 50 percent of the criteria must be based  
43 on achievement of performance outcome thresholds specifically  
44 linked to:

45 a. Job placement in employment of 36 hours or more per  
46 week and average full-time wages of graduates of the degree  
47 programs 1 year and 5 years after graduation, based in part on  
48 data provided in the economic security report of employment and  
49 earning outcomes produced annually pursuant to s. 445.07.

50 b. Data-driven gap analyses, conducted by the Board of  
51 Governors, of the state's job market demands and the outlook for  
52 jobs that require a baccalaureate or higher degree. Each state  
53 university must use the gap analyses to identify internship  
54 opportunities for students to benefit from mentorship by  
55 industry experts, earn industry certifications, and become  
56 employed in high-demand fields.

57 (c) The Board of Governors shall develop an accountability  
58 plan for the State University System and each constituent  
59 university. The accountability plan must address institutional  
60 and system achievement of goals and objectives specified in the  
61 strategic plan adopted pursuant to paragraph (b) and must be  
62 submitted as part of its legislative budget request. Each  
63 university shall submit, as a component of the university's  
64 annual accountability plan, information on the effectiveness of  
65 its plan for improving 4-year graduation rates and the level of

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66 financial assistance provided to students pursuant to paragraph  
67 (h).

68 (h) By June 1, 2018, each university board of trustees  
69 shall submit a comprehensive proposal to improve undergraduate  
70 4-year graduation rates to the Board of Governors for  
71 implementation beginning in the fall 2018 academic semester.

72 The proposal must:

73 1. Identify academic, financial, policy, and curricular  
74 incentives and disincentives for timely graduation.

75 2. Outline the implementation of a proactive financial aid  
76 program to enable full-time students with financial need to take  
77 at least 15 credit hours in the fall and spring semesters.

78 3. Include assurances that there will be no increased cost  
79 to students.

80 Section 3. Paragraph (d) of subsection (2), paragraph (c)  
81 of subsection (5), and subsections (6), (7), and (8) of section  
82 1001.7065, Florida Statutes, are amended to read:

83 1001.7065 Preeminent state research universities program.—

84 (2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—The  
85 following academic and research excellence standards are  
86 established for the preeminent state research universities  
87 program:

88 (d) A 4-year graduation rate of 60 percent or higher for  
89 full-time, first-time-in-college students, as reported annually  
90 to the IPEDS. However, for the 2018 determination of a state

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91 university's preeminence designation and the related  
92 distribution of the 2018-2019 fiscal year appropriation  
93 associated with preeminence and emerging preeminence, a  
94 university is considered to have satisfied this graduation rate  
95 measure by attaining a 6-year graduation rate of 70 percent or  
96 higher by October 1, 2017, for full-time, first-time-in-college  
97 students, as reported annually to the IPEDS and confirmed by the  
98 Board of Governors.

99 (5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM  
100 SUPPORT.—

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

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

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

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116           ~~(6) PREEMINENT STATE RESEARCH UNIVERSITY SPECIAL COURSE~~  
117 ~~REQUIREMENT AUTHORITY. In order to provide a jointly shared~~  
118 ~~educational experience, a university that is designated a~~  
119 ~~preeminent state research university may require its incoming~~  
120 ~~first time in college students to take a six credit set of~~  
121 ~~unique courses specifically determined by the university and~~  
122 ~~published on the university's website. The university may~~  
123 ~~stipulate that credit for such courses may not be earned through~~  
124 ~~any acceleration mechanism pursuant to s. 1007.27 or s. 1007.271~~  
125 ~~or any other transfer credit. All accelerated credits earned up~~  
126 ~~to the limits specified in ss. 1007.27 and 1007.271 shall be~~  
127 ~~applied toward graduation at the student's request.~~

128           ~~(6)(7)~~ PREEMINENT STATE RESEARCH UNIVERSITY FLEXIBILITY  
129 AUTHORITY.—The Board of Governors is encouraged to identify and  
130 grant all reasonable, feasible authority and flexibility to  
131 ensure that each designated preeminent state research university  
132 and each designated emerging preeminent state research  
133 university is free from unnecessary restrictions.

134           ~~(7)(8)~~ PROGRAMS OF EXCELLENCE THROUGHOUT THE STATE  
135 UNIVERSITY SYSTEM.—The Board of Governors shall ~~is encouraged to~~  
136 establish standards and measures whereby individual  
137 undergraduate, graduate, and professional degree programs in  
138 state universities which ~~that~~ objectively reflect national  
139 excellence can be identified and make recommendations to the





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140 Legislature by September 1, 2018, as to how any such programs  
141 could be enhanced and promoted.

142 Section 4. Section 1001.92, Florida Statutes, is amended  
143 to read:

144 1001.92 State University System Performance-Based  
145 Incentive.-

146 (1) A State University System Performance-Based Incentive  
147 shall be awarded to state universities using performance-based  
148 metrics adopted by the Board of Governors of the State  
149 University System. Beginning with the Board of Governors'  
150 determination of each university's performance improvement and  
151 achievement ratings for 2018, and the related distribution of  
152 the 2018-2019 fiscal year appropriation, the performance-based  
153 metrics must include 4-year graduation rates; retention rates;  
154 postgraduation education rates; degree production;  
155 affordability; postgraduation employment and salaries, including  
156 wage thresholds that reflect the added value of a baccalaureate  
157 degree; access rate, based on the percentage of undergraduate  
158 students enrolled during the fall term who received a Pell Grant  
159 during the fall term; and other metrics approved by the board in  
160 a formally noticed meeting. The board shall adopt benchmarks to  
161 evaluate each state university's performance on the metrics to  
162 measure the state university's achievement of institutional  
163 excellence or need for improvement and minimum requirements for  
164 eligibility to receive performance funding. Access rate

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165 benchmarks must be differentiated and scored to reflect the  
166 varying access rate levels among the state universities;  
167 however, the scoring system may not include bonus points.

168 (2) Each fiscal year, the amount of funds available for  
169 allocation to the state universities based on the performance-  
170 based funding model shall consist of the state's investment in  
171 performance funding plus institutional investments consisting of  
172 funds deducted from the base funding of each state university in  
173 the State University System in an amount provided by the  
174 Legislature in the General Appropriations Act. The Board of  
175 Governors shall establish minimum performance funding  
176 eligibility thresholds for the state's investment and the  
177 institutional investments. A state university that meets the  
178 minimum institutional investment eligibility threshold, but  
179 fails to meet the minimum state investment eligibility  
180 threshold, shall have its institutional investment restored but  
181 is ineligible for a share of the state's investment in  
182 performance funding. The institutional investment shall be  
183 restored for each institution eligible for the state's  
184 investment under the performance-based funding model.

185 (4) Distributions of performance funding, as provided in  
186 this section, shall be made by the Legislature to each of the  
187 state universities ~~listed in the Education and General~~  
188 ~~Activities category in the General Appropriations Act.~~



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189 (5) By October 1 of each year, the Board of Governors  
190 shall submit to the Governor, the President of the Senate, and  
191 the Speaker of the House of Representatives a report on the  
192 previous fiscal year's performance funding allocation which must  
193 reflect the rankings and award distributions.

194 (6) The Board of Governors shall adopt regulations to  
195 administer this section.

196 Section 5. Section 1004.097, Florida Statutes, is created  
197 to read:

198 1004.097 .- Free expression on campus.-

199 (1) SHORT TITLE.-This section may be cited as the "Campus  
200 Free Expression Act."

201 (2) DEFINITIONS.-

202 (a) "Commercial speech" means speech where the individual  
203 is engaged in commerce, where the intended audience is  
204 commercial or actual or potential consumers, and where the  
205 content of the message is commercial.

206 (b) "Free speech zone" means an area on a public  
207 institution of higher education's campus designated for the  
208 purpose of engaging in expressive activities.

209 (c) "Material and substantial disruption" means any  
210 conduct that intentionally and significantly hinders another  
211 person's or group's expressive rights. The term does not include  
212 conduct that is protected under the First Amendment to the  
213 United States Constitution and Art. I of the State Constitution,

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214 including, but not limited to, lawful protests and counter-  
215 protests in the outdoor areas of campus or minor, brief, or  
216 fleeting nonviolent disruptions that are isolated or brief in  
217 duration.

218 (d) "Outdoor areas of campus" means generally accessible  
219 areas of a public institution of higher education's campus where  
220 members of the campus community are commonly allowed, including  
221 grassy areas, walkways, or other similar common areas. The term  
222 does not include outdoor areas of campus where access is  
223 restricted.

224 (e) "Public institution of higher education" means any  
225 public technical center, state college, state university, law  
226 school, medical school, dental school, or other Florida College  
227 System institution as defined in s. 1000.21.

228 (3) RIGHT TO FREE SPEECH ACTIVITIES.-

229 (a) Expressive activities protected under the First  
230 Amendment to the United States Constitution and Art. I of the  
231 State Constitution include, but are not limited to, any lawful  
232 oral or written communication of ideas, including all forms of  
233 peaceful assembly, protests, and speeches; distributing  
234 literature; carrying signs; circulating petitions; and the  
235 recording and publication, including the Internet publication,  
236 of video or audio recorded in outdoor areas of campus of public  
237 institutions of higher education. Expressive activities  
238 protected by this section do not include commercial speech.

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239           (b) A person who wishes to engage in an expressive  
240 activity in the outdoor areas of campus may do so freely,  
241 spontaneously, and contemporaneously as long as the person's  
242 conduct is lawful and does not materially and substantially  
243 disrupt the functioning of the public institution of higher  
244 education or infringe upon the rights of other individuals or  
245 organizations to engage in expressive activities.

246           (c) The outdoor areas of campus are considered traditional  
247 public forums for individuals, organizations, and guest  
248 speakers. A public institution of higher education may create  
249 and enforce restrictions that are reasonable and content-neutral  
250 on time, place, and manner of expression and that are narrowly  
251 tailored to a significant institutional interest. Restrictions  
252 must be clear, published, and provide for ample alternative  
253 means of expression.

254           (d) A public institution of higher education may not  
255 designate any area of campus as a free speech zone or otherwise  
256 create policies restricting expressive activities to a  
257 particular outdoor area of campus, except as provided in  
258 paragraph (c).

259           (e) Students, faculty, or staff of a public institution of  
260 higher education may not materially disrupt previously scheduled  
261 or reserved activities on campus occurring at the same time.

262           (4) CAUSE OF ACTION.—Any person whose expressive rights  
263 are violated by an action prohibited under this section may



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264 bring an action against a public institution of higher education  
265 in a court of competent jurisdiction to obtain declaratory and  
266 injunctive relief, reasonable court costs, and attorney fees.

267 Section 6. Subsections (2), (3), and (4) and paragraph (b)  
268 of subsection (5) of section 1004.28, Florida Statutes, are  
269 amended to read:

270 1004.28 Direct-support organizations; use of property;  
271 board of directors; activities; audit; facilities.—

272 (2) USE OF PROPERTY.—

273 (b) The board of trustees, in accordance with regulations  
274 ~~rules~~ and guidelines of the Board of Governors, shall prescribe  
275 by regulation ~~rule~~ conditions with which a university direct-  
276 support organization must comply in order to use property,  
277 facilities, or personal services at any state university,  
278 including that personal services must comply with the  
279 requirements of s. 1012.976. Such regulations ~~rules~~ shall  
280 provide for budget and audit review and oversight by the board  
281 of trustees, including thresholds for approval of purchases,  
282 acquisitions, projects, and issuance of debt. No later than July  
283 1, 2019, the transfer of a state appropriation by the board of  
284 trustees to any direct-support organization may only include  
285 funds pledged for capital projects. Beginning July 1, 2019, and  
286 annually thereafter, each university board of trustees shall  
287 report to the Legislature the amount of state appropriations  
288 transferred to any direct-support organization during the

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289 previous fiscal year, the purpose for which the funds were  
290 transferred, and the remaining balance of any funds transferred.

291 (c) The board of trustees may not transfer any funds to  
292 and shall not permit the use of property, facilities, or  
293 personal services at any state university by any university  
294 direct-support organization that does not provide equal  
295 employment opportunities to all persons regardless of race,  
296 color, religion, gender, age, or national origin.

297 (d) The board of trustees may not permit the use of state  
298 funds for travel expenses by any university direct-support  
299 organization.

300 (3) BOARD OF DIRECTORS.—The chair of the university board  
301 of trustees shall may appoint at least one a representative to  
302 the board of directors and the executive committee of any  
303 direct-support organization established under this section. The  
304 president of the university for which the direct-support  
305 organization is established, or his or her designee, shall also  
306 serve on the board of directors and the executive committee of  
307 any direct-support organization established to benefit that  
308 university. The university board of trustees shall approve all  
309 appointments to any direct-support organization not authorized  
310 by this subsection.

311 (4) ACTIVITIES; RESTRICTION.—A university direct-support  
312 organization is prohibited from giving, either directly or  
313 indirectly, any gift to a political committee as defined in s.

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314 106.011 for any purpose ~~other than those certified by a majority~~  
315 ~~roll call vote of the governing board of the direct support~~  
316 ~~organization at a regularly scheduled meeting as being directly~~  
317 ~~related to the educational mission of the university.~~

318 (5) ANNUAL AUDIT; PUBLIC RECORDS EXEMPTION; PUBLIC  
319 MEETINGS EXEMPTION.-

320 (b) ~~All records of the organization~~ Other than the  
321 auditor's report, management letter, any records related to the  
322 expenditure of state funds, any records related to the  
323 expenditure of private funds for travel, all records of the  
324 organization and any supplemental data requested by the Board of  
325 Governors, the university board of trustees, the Auditor  
326 General, and the Office of Program Policy Analysis and  
327 Government Accountability shall be confidential and exempt from  
328 s. 119.07(1).

329 Section 7. Section 1004.6497, Florida Statutes, is created  
330 to read:

331 1004.6497 World Class Faculty and Scholar Program.-

332 (1) PURPOSE AND LEGISLATIVE INTENT.-The World Class  
333 Faculty and Scholar Program is established to fund and support  
334 the efforts of state universities to recruit and retain  
335 exemplary faculty and research scholars. It is the intent of the  
336 Legislature to elevate the national competitiveness of Florida's  
337 state universities through faculty and scholar recruitment and  
338 retention.

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339           (2) INVESTMENTS.—Retention, recruitment, and recognition  
340 efforts, activities, and investments may include, but are not  
341 limited to, investments in research-centric cluster hires,  
342 faculty research and research commercialization efforts,  
343 instructional and research infrastructure, undergraduate student  
344 participation in research, professional development, awards for  
345 outstanding performance, and postdoctoral fellowships.

346           (3) FUNDING AND USE.—Funding for the program shall be as  
347 provided by the Legislature. Each state university shall use the  
348 funds only for the purpose and investments authorized under this  
349 section. These funds may not be used to construct buildings.

350           (4) ACCOUNTABILITY.—By March 15 of each year, the Board of  
351 Governors shall provide to the Governor, the President of the  
352 Senate, and the Speaker of the House of Representatives a report  
353 summarizing information from the universities in the State  
354 University System, including, but not limited to:

355           (a) Specific expenditure information as it relates to the  
356 investments identified in subsection (2).

357           (b) The impact of those investments in elevating the  
358 national competitiveness of the universities, specifically  
359 relating to:

360           1. The success in recruiting research faculty and the  
361 resulting research funding;

362           2. The 4-year graduation rate for undergraduate students;



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363 3. The number of undergraduate courses offered with fewer  
364 than 50 students; and

365 4. The increase in national academic standing of targeted  
366 programs, specifically advancement in ranking of the targeted  
367 programs among top 50 universities in well-known and highly  
368 respected national public university rankings, including, but  
369 not limited to, the U.S. News and World Report rankings, which  
370 reflect national preeminence, using the most recent rankings.

371 Section 8. Section 1004.6498, Florida Statutes, is created  
372 to read:

373 1004.6498 State University Professional and Graduate  
374 Degree Excellence Program.—

375 (1) PURPOSE.—The State University Professional and  
376 Graduate Degree Excellence Program is established to fund and  
377 support the efforts of state universities to enhance the quality  
378 and excellence of professional and graduate schools and degree  
379 programs in medicine, law, and business and expand the economic  
380 impact of state universities.

381 (2) INVESTMENTS.—Quality improvement efforts may include,  
382 but are not limited to, targeted investments in faculty,  
383 students, research, infrastructure, and other strategic  
384 endeavors to elevate the national and global prominence of state  
385 university medicine, law, and graduate-level business programs.

386 (3) FUNDING AND USE.—Funding for the program shall be as  
387 provided by the Legislature. Each state university shall use the



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388 funds only for the purpose and investments authorized under this  
389 section. These funds may not be used to construct buildings.

390 (4) ACCOUNTABILITY.—By March 15 of each year, the Board of  
391 Governors shall provide to the Governor, the President of the  
392 Senate, and the Speaker of the House of Representatives a report  
393 summarizing information from the universities in the State  
394 University System, including, but not limited to:

395 (a) Specific expenditure information as it relates to the  
396 investments identified in subsection (2).

397 (b) The impact of those investments in elevating the  
398 national and global prominence of the state university medicine,  
399 law, and graduate-level business programs, specifically relating  
400 to:

401 1. The first-time pass rate on the United States Medical  
402 Licensing Examination;

403 2. The first-time pass rate on The Florida Bar  
404 Examination;

405 3. The percentage of graduates enrolled or employed at a  
406 wage threshold that reflects the added value of a graduate-level  
407 business degree;

408 4. The advancement in the rankings of the state university  
409 medicine, law, and graduate-level programs in well-known and  
410 highly respected national graduate-level university rankings,  
411 including, but not limited to, the U.S. News and World Report



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412 rankings, which reflect national preeminence, using the most  
413 recent rankings; and

414 5. The added economic benefit of the universities to the  
415 state.

416 Section 9. Paragraph (c) of subsection (5) of section  
417 1008.30, Florida Statutes, is amended to read:

418 1008.30 Common placement testing for public postsecondary  
419 education.—

420 (5)

421 (c) A university board of trustees may contract with a  
422 Florida College System institution board of trustees for the  
423 Florida College System institution to provide developmental  
424 education on the state university campus. Any state university  
425 in which the percentage of incoming students requiring  
426 developmental education equals or exceeds the average percentage  
427 of such students for the Florida College System may offer  
428 developmental education without contracting with a Florida  
429 College System institution; however, any state university  
430 offering college-preparatory instruction as of January 1, 1996,  
431 may continue to provide developmental education instruction as  
432 defined in s. 1008.02(1) such services.

433 Section 10. Subsection (7) of section 1009.22, Florida  
434 Statutes, is amended to read:

435 1009.22 Workforce education postsecondary student fees.—



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436 (7) Each district school board and Florida College System  
437 institution board of trustees is authorized to establish a  
438 separate fee for technology, not to exceed 5 percent of tuition  
439 per credit hour or credit-hour equivalent for resident students  
440 and not to exceed 5 percent of tuition and the out-of-state fee  
441 per credit hour or credit-hour equivalent for nonresident  
442 students. Revenues generated from the technology fee shall be  
443 used to enhance instructional technology resources for students  
444 and faculty ~~and shall not be included in any award under the~~  
445 ~~Florida Bright Futures Scholarship Program.~~ Fifty percent of  
446 technology fee revenues may be pledged by a Florida College  
447 System institution board of trustees as a dedicated revenue  
448 source for the repayment of debt, including lease-purchase  
449 agreements, not to exceed the useful life of the asset being  
450 financed. Revenues generated from the technology fee may not be  
451 bonded.

452 Section 11. Subsection (10) of section 1009.23, Florida  
453 Statutes, is amended to read:

454 1009.23 Florida College System institution student fees.-

455 (10) Each Florida College System institution board of  
456 trustees is authorized to establish a separate fee for  
457 technology, which may not exceed 5 percent of tuition per credit  
458 hour or credit-hour equivalent for resident students and may not  
459 exceed 5 percent of tuition and the out-of-state fee per credit  
460 hour or credit-hour equivalent for nonresident students.

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461 Revenues generated from the technology fee shall be used to  
462 enhance instructional technology resources for students and  
463 faculty. The technology fee may apply to both college credit and  
464 developmental education ~~and shall not be included in any award~~  
465 ~~under the Florida Bright Futures Scholarship Program.~~ Fifty  
466 percent of technology fee revenues may be pledged by a Florida  
467 College System institution board of trustees as a dedicated  
468 revenue source for the repayment of debt, including lease-  
469 purchase agreements, not to exceed the useful life of the asset  
470 being financed. Revenues generated from the technology fee may  
471 not be bonded.

472 Section 12. Subsection (13), paragraph (r) of subsection  
473 (14), paragraphs (a), (b), and (e) of subsection (16), and  
474 subsection (20) of section 1009.24, Florida Statutes, are  
475 amended to read:

476 1009.24 State university student fees.—

477 (13) Each university board of trustees may establish a  
478 technology fee of up to 5 percent of the tuition per credit  
479 hour. The revenue from this fee shall be used to enhance  
480 instructional technology resources for students and faculty. ~~The~~  
481 ~~technology fee may not be included in any award under the~~  
482 ~~Florida Bright Futures Scholarship Program established pursuant~~  
483 ~~to ss. 1009.53-1009.538.~~



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

487 (r) Traffic and parking fines, charges for parking decals,  
488 and transportation access fees. Only universitywide  
489 transportation access fees may be included in any state  
490 financial assistance award authorized under part III of this  
491 chapter, as specifically authorized by law or the General  
492 Appropriations Act.

493  
494 With the exception of housing rental rates and except as  
495 otherwise provided, fees assessed pursuant to paragraphs (h)-(s)  
496 shall be based on reasonable costs of services. The Board of  
497 Governors shall adopt regulations and timetables necessary to  
498 implement the fees and fines authorized under this subsection.  
499 The fees assessed under this subsection may be used for debt  
500 only as authorized under s. 1010.62.

501 (16) Each university board of trustees may establish a  
502 tuition differential for undergraduate courses upon receipt of  
503 approval from the Board of Governors. However, beginning July 1,  
504 2014, the Board of Governors may only approve the establishment  
505 of or an increase in tuition differential for a state research  
506 university designated as a preeminent state research university  
507 pursuant to s. 1001.7065(3). The tuition differential shall  
508 promote improvements in the quality of undergraduate education

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509 and shall provide financial aid to undergraduate students who  
510 exhibit financial need.

511 (a) Seventy percent of the revenues from the tuition  
512 differential shall be expended for purposes of undergraduate  
513 education. Such expenditures may include, but are not limited  
514 to, increasing course offerings, improving graduation rates,  
515 increasing the percentage of undergraduate students who are  
516 taught by faculty, decreasing student-faculty ratios, providing  
517 salary increases for faculty who have a history of excellent  
518 teaching in undergraduate courses, improving the efficiency of  
519 the delivery of undergraduate education through academic  
520 advisement and counseling, and reducing the percentage of  
521 students who graduate with excess hours. This expenditure for  
522 undergraduate education may not be used to pay the salaries of  
523 graduate teaching assistants. Except as otherwise provided in  
524 this subsection, the remaining 30 percent of the revenues from  
525 the tuition differential, or the equivalent amount of revenue  
526 from private sources, shall be expended to provide financial aid  
527 to undergraduate students who exhibit financial need, including  
528 students who are scholarship recipients under s. 1009.984, to  
529 meet the cost of university attendance. This expenditure for  
530 need-based financial aid shall not supplant the amount of need-  
531 based aid provided to undergraduate students in the preceding  
532 fiscal year from financial aid fee revenues, the direct  
533 appropriation for financial assistance provided to state

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534 universities in the General Appropriations Act, or from private  
535 sources. The total amount of tuition differential waived under  
536 subparagraph (b)7. ~~(b)8.~~ may be included in calculating the  
537 expenditures for need-based financial aid to undergraduate  
538 students required by this subsection. If the entire tuition and  
539 fee costs of resident students who have applied for and received  
540 Pell Grant funds have been met and the university has excess  
541 funds remaining from the 30 percent of the revenues from the  
542 tuition differential required to be used to assist students who  
543 exhibit financial need, the university may expend the excess  
544 portion in the same manner as required for the other 70 percent  
545 of the tuition differential revenues.

546 (b) Each tuition differential is subject to the following  
547 conditions:

548 1. The tuition differential may be assessed on one or more  
549 undergraduate courses or on all undergraduate courses at a state  
550 university.

551 2. The tuition differential may vary by course or courses,  
552 by campus or center location, and by institution. Each  
553 university board of trustees shall strive to maintain and  
554 increase enrollment in degree programs related to math, science,  
555 high technology, and other state or regional high-need fields  
556 when establishing tuition differentials by course.

557 3. For each state university that is designated as a  
558 preeminent state research university by the Board of Governors,



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559 pursuant to s. 1001.7065, the aggregate sum of tuition and the  
560 tuition differential may be increased by no more than 6 percent  
561 of the total charged for the aggregate sum of these fees in the  
562 preceding fiscal year. The tuition differential may be increased  
563 if the university meets or exceeds performance standard targets  
564 for that university established annually by the Board of  
565 Governors for the following performance standards, amounting to  
566 no more than a 2-percent increase in the tuition differential  
567 for each performance standard:

568 a. An increase in the 4-year ~~6-year~~ graduation rate for  
569 full-time, first-time-in-college students, as reported annually  
570 to the Integrated Postsecondary Education Data System.

571 b. An increase in the total annual research expenditures.

572 c. An increase in the total patents awarded by the United  
573 States Patent and Trademark Office for the most recent years.

574 4. The aggregate sum of undergraduate tuition and fees per  
575 credit hour, including the tuition differential, may not exceed  
576 the national average of undergraduate tuition and fees at 4-year  
577 degree-granting public postsecondary educational institutions.

578 ~~5. The tuition differential shall not be included in any~~  
579 ~~award under the Florida Bright Futures Scholarship Program~~  
580 ~~established pursuant to ss. 1009.53-1009.538.~~

581 5.6- Beneficiaries having prepaid tuition contracts  
582 pursuant to s. 1009.98(2)(b) which were in effect on July 1,



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583 2007, and which remain in effect, are exempt from the payment of  
584 the tuition differential.

585 ~~6.7-~~ The tuition differential may not be charged to any  
586 student who was in attendance at the university before July 1,  
587 2007, and who maintains continuous enrollment.

588 ~~7.8-~~ The tuition differential may be waived by the  
589 university for students who meet the eligibility requirements  
590 for the Florida public student assistance grant established in  
591 s. 1009.50.

592 ~~8.9-~~ Subject to approval by the Board of Governors, the  
593 tuition differential authorized pursuant to this subsection may  
594 take effect with the 2009 fall term.

595 (e) The Board of Governors shall submit a report to the  
596 President of the Senate, the Speaker of the House of  
597 Representatives, and the Governor describing the implementation  
598 of the provisions of this subsection no later than February 1 of  
599 each year. The report shall summarize proposals received by the  
600 board during the preceding fiscal year and actions taken by the  
601 board in response to such proposals. In addition, the report  
602 shall provide the following information for each university that  
603 has been approved by the board to assess a tuition differential:

604 1. The course or courses for which the tuition  
605 differential was assessed and the amount assessed.

606 2. The total revenues generated by the tuition  
607 differential.

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608           3. With respect to waivers authorized under subparagraph  
609 (b)7. ~~(b)8.~~, the number of students eligible for a waiver, the  
610 number of students receiving a waiver, and the value of waivers  
611 provided.

612           4. Detailed expenditures of the revenues generated by the  
613 tuition differential.

614           5. Changes in retention rates, graduation rates, the  
615 percentage of students graduating with more than 110 percent of  
616 the hours required for graduation, pass rates on licensure  
617 examinations, the number of undergraduate course offerings, the  
618 percentage of undergraduate students who are taught by faculty,  
619 student-faculty ratios, and the average salaries of faculty who  
620 teach undergraduate courses.

621           (20) Each state university shall publicly notice and  
622 notify all enrolled students of any proposal to change ~~increase~~  
623 tuition or fees at least 28 days before its consideration at a  
624 board of trustees meeting. The notice must:

625           (a) Include the date and time of the meeting at which the  
626 proposal will be considered.

627           (b) Specifically outline the details of existing tuition  
628 and fees, the rationale for the proposed change ~~increase~~, and  
629 how the funds from the proposed change ~~increase~~ will be used.

630           (c) Be posted on the university's website and issued in a  
631 press release.



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632 Section 13. Subsection (9) of section 1009.53, Florida  
633 Statutes, is amended to read:

634 1009.53 Florida Bright Futures Scholarship Program.—

635 (9) A student may use a Florida Academic Scholars an award  
636 for summer term enrollment beginning in the 2018 summer term, as  
637 funded by the Legislature. A student may use a Florida Medallion  
638 Scholars award for summer term enrollment beginning in the 2019  
639 summer term, as funded by the Legislature. A student may use  
640 other Florida Bright Futures Scholarship Program awards for  
641 summer term enrollment, if funded by the Legislature if funds  
642 are available.

643 Section 14. Subsection (2) of section 1009.534, Florida  
644 Statutes, is amended to read:

645 1009.534 Florida Academic Scholars award.—

646 (2) A Florida Academic Scholar who is enrolled in a  
647 certificate, diploma, associate, or baccalaureate degree program  
648 at a public or nonpublic postsecondary education institution is  
649 eligible, beginning in the 2017-2018 academic year, for an award  
650 equal to the amount necessary to pay 100 percent of tuition and  
651 fees established under ss. 1009.22(3), (5), (6), and (7);  
652 1009.23(3), (4), (7), (8), (10), and (11); and 1009.24(4), (7)-  
653 (13), (14)(r), and (16), as applicable, and is eligible for an  
654 additional \$300 each fall and spring academic semester or the  
655 equivalent for textbooks, specified in the General



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656 ~~Appropriations Act~~ to assist with the payment of educational  
657 expenses.

658 Section 15. Subsection (2) of section 1009.535, Florida  
659 Statutes, is amended to read:

660 1009.535 Florida Medallion Scholars award.—

661 (2) A Florida Medallion Scholar who is enrolled in a  
662 certificate, diploma, associate, or baccalaureate degree program  
663 at a public or nonpublic postsecondary education institution is  
664 eligible, beginning in the fall 2018 semester, for an award  
665 equal to the amount necessary to pay 75 percent of tuition and  
666 fees established under ss. 1009.22(3), (5), (6), and (7);

667 1009.23(3), (4), (7), (8), (10), and (11); and 1009.24(4), (7)-  
668 (13), (14)(r), and (16), as applicable specified in the General

669 ~~Appropriations Act~~ to assist with the payment of educational  
670 expenses.

671 Section 16. Subsections (1), (2), and (4) and paragraph  
672 (c) of subsection (5) of section 1009.701, Florida Statutes, are  
673 amended to read:

674 1009.701 First Generation Matching Grant Program.—

675 (1) The First Generation Matching Grant Program is created  
676 to enable each state university and Florida College System  
677 institution to provide donors with a matching grant incentive  
678 for contributions that will create grant-based student financial  
679 aid for undergraduate students who demonstrate financial need  
680 and whose parents, as defined in s. 1009.21(1), have not earned

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681 a baccalaureate degree. In the case of any individual who  
682 regularly resided with and received support from only one  
683 parent, an individual whose only such parent did not complete a  
684 baccalaureate degree would also be eligible.

685 (2) Funds appropriated by the Legislature for the program  
686 shall be allocated by the Office of Student Financial Assistance  
687 to match private contributions on a dollar-for-dollar basis;  
688 however, beginning in the 2018-2019 fiscal year, such funds  
689 shall be allocated at a ratio of \$2 of state funds to \$1 of  
690 private contributions. Contributions made to a state university  
691 or a Florida College System institution and pledged for the  
692 purposes of this section are eligible for state matching funds  
693 appropriated for this program and are not eligible for any other  
694 state matching grant program. Pledged contributions are not  
695 eligible for matching prior to the actual collection of the  
696 total funds. The Office of Student Financial Assistance shall  
697 reserve a proportionate allocation of the total appropriated  
698 funds for each state university and Florida College System  
699 institution on the basis of full-time equivalent enrollment.  
700 Funds that remain unmatched as of December 1 shall be  
701 reallocated to state universities and colleges that have  
702 remaining unmatched private contributions for the program on the  
703 basis of full-time equivalent enrollment.

704 (4) Each participating state university and Florida  
705 College System institution shall establish an application

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706 process, determine student eligibility for initial and renewal  
707 awards in conformance with subsection (5), identify the amount  
708 awarded to each recipient, and notify recipients of the amount  
709 of their awards.

710 (5) In order to be eligible to receive a grant pursuant to  
711 this section, an applicant must:

712 (c) Be accepted at a state university or Florida College  
713 System institution.

714 Section 17. Subsections (2), (4), and (5) of section  
715 1009.893, Florida Statutes, are amended to read:

716 1009.893 Benacquisto Scholarship Program.—

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

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

727 (a) A student who is a resident of the state, ~~Be a state~~  
728 ~~resident~~ as determined in s. 1009.40 and rules of the State  
729 Board of Education, must:+





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730           ~~1.(b)~~ Earn a standard Florida high school diploma or its  
731 equivalent pursuant to s. 1002.3105, s. 1003.4281, s. 1003.4282,  
732 or s. 1003.435 unless:

733           ~~a.1.~~ The student completes a home education program  
734 according to s. 1002.41; or

735           ~~b.2.~~ The student earns a high school diploma from a non-  
736 Florida school while living with a parent who is on military or  
737 public service assignment out of this state;

738           ~~2.(e)~~ Be accepted by and enroll in a Florida public or  
739 independent postsecondary educational institution that is  
740 regionally accredited; and

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

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

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

752           2. Earn a high school diploma from a school outside  
753 Florida which is comparable to a standard Florida high school  
754 diploma or its equivalent pursuant to s. 1002.3105, s.

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755 1003.4281, s. 1003.4282, or s. 1003.435 or must complete a home  
756 education program in another state; and

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

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

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

777 (b) An eligible student who is a National Merit Scholar or  
778 National Achievement Scholar and who attends a Florida  
779 independent postsecondary educational institution shall receive

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780 a scholarship award equal to the highest cost of attendance for  
781 a resident of this state enrolled at a Florida public  
782 university, as reported by the Board of Governors of the State  
783 University System, minus the sum of the student's Florida Bright  
784 Futures Scholarship and National Merit Scholarship or National  
785 Achievement Scholarship.

786 Section 18. Section 1009.894, Florida Statutes, is created  
787 to read:

788 1009.894 Florida Farmworker Student Scholarship Program.—  
789 The Legislature recognizes the vital contribution of farmworkers  
790 to the economy of this state. The Florida Farmworker Student  
791 Scholarship Program is created to provide scholarships for  
792 farmworkers, as defined in s. 420.503, and the children of such  
793 farmworkers.

794 (1) The Department of Education shall administer the  
795 Florida Farmworker Student Scholarship Program according to  
796 rules and procedures established by the State Board of  
797 Education. Up to 50 scholarships shall be awarded annually  
798 according to the criteria established in subsection (2) and  
799 contingent upon an appropriation by the Legislature.

800 (2) (a) To be eligible for an initial scholarship, a  
801 student must, at a minimum:

802 1. Have a resident status as required by s. 1009.40 and  
803 rules of the State Board of Education;



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804 2. Earn a minimum cumulative weighted grade point average  
805 of 3.5 for all high school courses creditable toward a diploma;

806 3. Complete a minimum of 30 hours of community service;  
807 and

808 4. Have at least a 90 percent attendance rate and not have  
809 had any disciplinary action brought against him or her, as  
810 documented on the student's high school transcript.

811  
812 For purposes of this section, students who are undocumented for  
813 federal immigration purposes are not eligible for an award.

814 (b) The department shall rank eligible initial applicants  
815 for the purposes of awarding scholarships based on need, as  
816 determined by the department.

817 (c) To renew a scholarship awarded pursuant to this  
818 section, a student must maintain at least a cumulative grade  
819 point average of 2.5 or higher on a 4.0 scale for college  
820 coursework.

821 (3) A scholarship recipient must enroll in a minimum of 12  
822 credit hours per term, or the equivalent, at a public  
823 postsecondary educational institution in this state to receive  
824 funding.

825 (4) A scholarship recipient may receive an award for a  
826 maximum of 100 percent of the number of credit hours required to  
827 complete an associate or baccalaureate degree program or receive  
828 an award for a maximum of 100 percent of the credit hours or

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829 clock hours required to complete up to 90 credit hours of a  
830 program that terminates in a career certificate. The scholarship  
831 recipient is eligible for an award equal to the amount required  
832 to pay the tuition and fees established under ss. 1009.22(3),  
833 (5), (6), and (7); 1009.23(3), (4), (7), (8), (10), and (11);  
834 and 1009.24(4), (7)-(13), (14)(r), and (16), as applicable, at a  
835 public postsecondary educational institution in this state.  
836 Renewal scholarship awards must take precedence over new  
837 scholarship awards in a year in which funds are not sufficient  
838 to accommodate both initial and renewal awards. The scholarship  
839 must be prorated for any such year.

840 (5) Subject to appropriation by the Legislature, the  
841 department shall annually issue awards from the scholarship  
842 program. Before the registration period each semester, the  
843 department shall transmit payment for each award to the  
844 president or director of the postsecondary educational  
845 institution, or his or her representative. However, the  
846 department may withhold payment if the receiving institution  
847 fails to submit the following reports or make the following  
848 refunds to the department:

849 (a) Each institution shall certify to the department the  
850 eligibility status of each student to receive a disbursement  
851 within 30 days before the end of its regular registration  
852 period, inclusive of a drop and add period. An institution is



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853 not required to reevaluate the student eligibility after the end  
854 of the drop and add period.

855 (b) An institution that receives funds from the  
856 scholarship program must certify to the department the amount of  
857 funds disbursed to each student and remit to the department any  
858 undisbursed advance within 60 days after the end of the regular  
859 registration period.

860 (6) The department shall allocate funds to the appropriate  
861 institutions and collect and maintain data regarding the  
862 scholarship program within the student financial assistance  
863 database as specified in s. 1009.94.

864 Section 19. Present paragraphs (e) and (f) of subsection  
865 (10) of section 1009.98, Florida Statutes, are redesignated as  
866 paragraphs (f) and (g), respectively, and a new paragraph (e) is  
867 added to that subsection, to read:

868 1009.98 Stanley G. Tate Florida Prepaid College Program.—

869 (10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.—

870 (e) Notwithstanding the number of credit hours used by a  
871 state university to assess the amount for registration fees,  
872 tuition, tuition differential, or local fees, the amount paid by  
873 the board to any state university on behalf of a qualified  
874 beneficiary of an advance payment contract purchased before July  
875 1, 2024, may not exceed the number of credit hours taken by that  
876 qualified beneficiary at the state university.



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877           Section 20. The Division of Law Revision and Information  
878 is directed to substitute the term "Effective Access to Student  
879 Education Grant Program" for "Florida Resident Access Grant  
880 Program" and the term "Effective Access to Student Education  
881 grant" for "Florida resident access grant" wherever those terms  
882 appear in the Florida Statutes.

883           Section 21. By October 1, 2019, the Board of Governors, in  
884 consultation with the state universities, shall submit to the  
885 Legislature recommendations for future consideration on the most  
886 efficient process to achieve a complete performance-based  
887 continuous improvement model focused on outcomes that provides  
888 for the equitable distribution of performance funds. In addition  
889 to recommendations submitted by the Board of Governors, the  
890 Legislature shall review recommendations from an independent  
891 entity that consults with the Board of Governors for the purpose  
892 of receiving input on behalf of the state university system.  
893 Implementation of any recommendations shall not occur unless  
894 affirmatively enacted by the Legislature.

895           Section 22. For the 2018-2019 fiscal year, \$121,776,631 in  
896 recurring funds from the Educational Enhancement Trust Fund and  
897 \$1,736,404 in recurring funds from the General Revenue Fund are  
898 appropriated to the Department of Education to implement this  
899 act. Of these funds, \$1,737,223 from the Educational Enhancement  
900 Trust Fund shall be used for 2019 summer term awards for Florida  
901 Bright Futures Academic Scholars, \$28,416,515 from the

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902 Educational Enhancement Trust Fund shall be used for 2019 summer  
903 term awards for Florida Bright Futures Medallion Scholars,  
904 \$91,622,893 from the Educational Enhancement Trust Fund shall be  
905 used for Florida Bright Futures Scholarship Program awards,  
906 \$1,236,404 from the General Revenue Fund shall be used for the  
907 Benacquisto Scholarship Program, and \$500,000 from the General  
908 Revenue Fund shall be used for the Florida Farmworker Student  
909 Scholarship Program.

910 Section 23. Effective July 1, 2020, sections 1004.33 and  
911 1004.34, Florida Statutes, are repealed.

912 Section 24. Section 1004.335, Florida Statutes, is created  
913 to read:

914 1004.335 Accreditation consolidation of University of  
915 South Florida branch campuses.—

916 (1) No later than January 15, 2019, the Board of Trustees  
917 of the University of South Florida must adopt and submit to the  
918 Board of Governors an implementation plan to orderly phase out  
919 the separate accreditation of the University of South Florida  
920 St. Petersburg campus and the University of South Florida  
921 Sarasota/Manatee campus, which were conferred by the Southern  
922 Association of Colleges and Schools Commission on Colleges  
923 (SACSCOC) pursuant to ss. 1004.33 and 1004.34, respectively.

924 (2) The implementation plan must:

925 (a) Detail any necessary steps, and the timeline for such  
926 steps, to ensure that the separate accreditation for each campus

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927 is terminated no later than June 30, 2020. The implementation  
928 plan must also ensure that there is no lapse in institutional  
929 accreditation for any campus during the phasing-out process.

930 (b) Be designed and carried out in a manner that, to the  
931 extent possible, minimizes any disruption to students attending  
932 any University of South Florida campus, with an emphasis on  
933 ensuring that each student's opportunity to graduate from the  
934 university within 4 years of his or her initial first-time-in-  
935 college enrollment is not impeded as a result of the  
936 consolidation of SACSCOC accreditation.

937 (c) Provide that on or before July 1, 2020, the entirety  
938 of the University of South Florida, including all campuses and  
939 other component units of the university, shall operate under a  
940 single institutional accreditation from the SACSCOC.

941 (d) Provide that on each regularly scheduled submission  
942 date subsequent to July 1, 2020, the University of South Florida  
943 shall report consolidated data for all of the university's  
944 campuses and students to the Integrated Postsecondary Education  
945 Data System and to the Board of Governors. The Board of  
946 Governors shall use the consolidated data for purposes of  
947 determining eligibility for funding pursuant to ss. 1001.7065  
948 and 1001.92.

949 (3) Notwithstanding the provisions of ss. 1001.7065 and  
950 1001.92 or any Board of Governors regulation to the contrary  
951 relating to the calculation of graduation rates and retention

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952 rates, a student who meets all of the following criteria may not  
953 be counted by the Board of Governors when calculating or  
954 confirming the graduation rate or the retention rate of the  
955 University of South Florida under those sections:

956 (a) The student was admitted to and initially enrolled  
957 before the spring 2019 semester as a first-time-in-college  
958 student at the University of South Florida St. Petersburg or the  
959 University of South Florida Sarasota/Manatee.

960 (b) The student voluntarily disenrolled from all  
961 University of South Florida campuses without graduating before  
962 the date of termination of the separate SACSCOC accreditation of  
963 his or her admitting campus.

964 (4) This section expires July 1, 2020.

965 Section 25. Subsection (1) of section 1004.344, Florida  
966 Statutes, is amended to read:

967 1004.344 The Florida Center for the Partnerships for Arts  
968 Integrated Teaching.—

969 (1) The Florida Center for the Partnerships for Arts  
970 Integrated Teaching is created within the University of South  
971 Florida and shall be physically headquartered at the University  
972 of South Florida Sarasota/Manatee.

973 Section 26. This act shall take effect upon becoming a  
974 law.

975 -----  
976 -----



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## T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

An act relating to higher education; providing a short title; amending s. 1001.706, F.S.; requiring state universities to identify internship opportunities in high-demand fields; revising requirements for state university accountability plans; requiring state university boards of trustees to submit a proposal to improve graduation rates by a specified date; providing requirements for such proposals; amending s. 1001.7065, F.S.; revising the preeminent state research universities program graduation rate requirements and funding distributions; specifying funding as provided by the Legislature; deleting the authority for such universities to stipulate a special course requirement for incoming students; requiring the Board of Governors to establish certain standards by a specified date; amending s. 1001.92, F.S.; requiring certain performance-based metrics to include specified graduation rates and access benchmarks; specifying funding as provided by the Legislature; creating s. 1004.097, F.S.; providing a short title; providing definitions; providing applicability; authorizing a public institution of higher education

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1002 to create and enforce certain restrictions relating to  
1003 expressive activities on campus; providing a cause of  
1004 action for violations of the act; amending s. 1004.28,  
1005 F.S.; directing a state university board of trustees  
1006 to limit the services, activities, and expenses of its  
1007 direct-support organizations; requiring the chair of  
1008 the board of trustees to appoint at least one  
1009 representative to the board of directors and executive  
1010 committee of a university direct-support organization;  
1011 requiring the disclosure of certain financial  
1012 documents; creating s. 1004.6497, F.S.; establishing  
1013 the World Class Faculty and Scholar Program; providing  
1014 the purpose and intent; authorizing state university  
1015 investments in certain faculty retention, recruitment,  
1016 and recognition activities; specifying funding as  
1017 provided by the Legislature; requiring an annual  
1018 report to the Governor and the Legislature by a  
1019 specified date; creating s. 1004.6498, F.S.;  
1020 establishing the State University Professional and  
1021 Graduate Degree Excellence Program; providing the  
1022 purpose; listing the quality improvement efforts that  
1023 may be used to elevate the prominence of state  
1024 university medicine, law, and graduate-level business  
1025 programs; specifying funding as provided by the  
1026 Legislature; requiring an annual report to the

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1027 Governor and the Legislature by a specified date;  
1028 amending s. 1008.30, F.S.; authorizing certain state  
1029 universities to continue to provide developmental  
1030 education instruction; amending s. 1009.22, F.S.;  
1031 removing the prohibition on the inclusion of a  
1032 technology fee in the funds for the Florida Bright  
1033 Futures Scholarship Program award; amending s.  
1034 1009.23, F.S.; removing the prohibition on the  
1035 inclusion of a technology fee in the funds for the  
1036 Florida Bright Futures Scholarship Program award;  
1037 amending s. 1009.24, F.S.; removing the prohibition on  
1038 the inclusion of a technology fee and a tuition  
1039 differential fee in the funds for the Florida Bright  
1040 Futures Scholarship Program award; amending s.  
1041 1009.53, F.S.; authorizing students to use certain  
1042 Florida Bright Futures Scholarship Program awards for  
1043 summer term enrollment beginning in specified years;  
1044 specifying funding as provided by the Legislature;  
1045 amending s. 1009.534, F.S.; specifying Florida  
1046 Academic Scholars award amounts to cover tuition,  
1047 fees, textbooks, and other educational expenses;  
1048 amending s. 1009.535, F.S.; specifying Florida  
1049 Medallion Scholars award amounts to cover specified  
1050 tuition and fees; amending s. 1009.701, F.S.; revising  
1051 the state-to-private match requirement for

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1052 contributions to the First Generation Matching Grant  
1053 Program beginning in a specified fiscal year;  
1054 extending the program to include Florida College  
1055 System institution students; amending s. 1009.893,  
1056 F.S.; extending coverage of the Benacquisto  
1057 Scholarship Program to include tuition and fees for  
1058 qualified nonresident students; creating s. 1009.894,  
1059 F.S.; creating the Florida Farmworker Student  
1060 Scholarship Program; providing a purpose; requiring  
1061 the Department of Education to administer the  
1062 scholarship program; providing student eligibility  
1063 criteria; specifying award amounts and distributions;  
1064 amending s. 1009.98, F.S.; providing that certain  
1065 payments from the Florida Prepaid College Board to a  
1066 state university on behalf of a qualified beneficiary  
1067 may not exceed a specified amount; providing a  
1068 directive to the Division of Law Revision and  
1069 Information; requiring the Board of Governors, in  
1070 consultation with the state universities and by a  
1071 specified date, to submit recommendations on a process  
1072 to achieve a complete performance-based continuous  
1073 improvement funding model; requiring the Legislature  
1074 to review recommendations from an independent entity;  
1075 requiring such entity to consult with the Board of  
1076 Governors; requiring legislative action before

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1077 implementation of any recommendations; providing  
1078 appropriations; providing for the future repeal of ss.  
1079 1004.33 and 1004.34, F.S., relating to the University  
1080 of South Florida St. Petersburg and Manatee/Sarasota,  
1081 respectively; creating s. 1004.335, F.S.; requiring  
1082 the University of South Florida to adopt and submit a  
1083 plan to phase out the separate accreditations of the  
1084 University of South Florida St. Petersburg and the  
1085 University of South Florida Manatee/Sarasota by a  
1086 specified date; providing requirements for such plan;  
1087 providing that certain students may not be included in  
1088 specified graduation and retention rate calculations;  
1089 amending s. 1004.344; requiring the University of  
1090 South Florida's Florida Center for the Partnership for  
1091 Arts Integrated Teaching to be located at a certain  
1092 branch campus; providing appropriations; providing an  
1093 effective date.  
1094



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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Committee  
 2 Representative Ahern offered the following:

3  
 4 **Amendment to Amendment (126639) by Representative Rodrigues**  
 5 **(with title amendment)**

6 Remove lines 910-974 of the amendment and insert:

7 Section 1. Subsection (1) of section 1001.71, Florida  
 8 Statutes, is amended to read:

9 1001.71 University boards of trustees; membership.—

10 (1) Pursuant to s. 7(c), Art. IX of the State  
 11 Constitution, each local constituent university shall be  
 12 administered by a university board of trustees comprised of 13  
 13 members as follows: 6 citizen members appointed by the Governor  
 14 subject to confirmation by the Senate; 5 citizen members  
 15 appointed by the Board of Governors subject to confirmation by  
 16 the Senate; the chair of the faculty senate or the equivalent;

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17 and the president of the student body of the university. The  
18 appointed members shall serve staggered 5-year terms. In order  
19 to achieve staggered terms, beginning July 1, 2003, of the  
20 initial appointments by the Governor, 2 members shall serve 2-  
21 year terms, 3 members shall serve 3-year terms, and 1 member  
22 shall serve a 5-year term and of the initial appointments by the  
23 Board of Governors, 2 members shall serve 2-year terms, 2  
24 members shall serve 3-year terms, and 1 member shall serve a 5-  
25 year term. There shall be no state residency requirement for  
26 university board members, but the Governor and the Board of  
27 Governors shall consider diversity and regional representation.  
28 For purposes of this subsection, regional representation shall  
29 include the chair of a campus board established pursuant to s.  
30 1004.341.

31 Section 2. Effective July 2, 2020, Section 1004.341,  
32 Florida Statutes, is created to read:

33 1004.341 University of South Florida campuses.

34 (1) The St. Petersburg and Sarasota/Manatee campuses of the  
35 University of South Florida are hereby established.

36 (a) The St. Petersburg campus of the University of South  
37 Florida shall be known as the "University of South Florida St.  
38 Petersburg" and shall include any college of the University of  
39 South Florida that is headquartered or primarily located in  
40 Pinellas County.

41 (b) The Sarasota/Manatee campus of the University of South



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42 Florida shall be known as the "University of South Florida  
43 Sarasota/Manatee" and shall include any college of the  
44 University of South Florida that is headquartered or primarily  
45 located in Sarasota or Manatee County.

46 (2) The University of South Florida St. Petersburg and  
47 University of South Florida Sarasota/Manatee shall each have a  
48 Campus Board and a Regional Chancellor. The Chair of the Board  
49 of Trustees of the University of South Florida, based upon  
50 recommendations of the President of the University of South  
51 Florida, shall appoint:

52 (a) Seven residents of Pinellas County to serve 4-year  
53 staggered terms on the Campus Board of the University of South  
54 Florida St. Petersburg. A member of the Board of Trustees of the  
55 University of South Florida who resides in Pinellas County shall  
56 jointly serve as a member of the Board of Trustees and as chair  
57 of the campus board. The chair of the faculty senate or the  
58 equivalent and the president of the student body of the campus  
59 shall serve as ex officio members.

60 (b) Four residents of Manatee County and three residents of  
61 Sarasota County to serve 4-year staggered terms on the Campus  
62 Board of the University of South Florida Sarasota/Manatee. A  
63 member of the Board of Trustees of the University of South  
64 Florida who resides in Manatee or Sarasota County shall be  
65 selected by the Chair of the Board of Trustees of the University  
66 of South Florida to jointly serve as a member of the Board of

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67 Trustees and as chair of the campus board. The chair of the  
68 faculty senate or the equivalent and the president of the  
69 student body of the campus shall serve as ex officio members.

70 (c) The Board of Trustees may reappoint a member to the  
71 campus board, other than the chair, for one additional term.

72 (3) Each campus board has the powers and duties provided  
73 by law, which include the authority to approve and submit an  
74 annual operating plan, budget and legislative budget request to  
75 the Board of Trustees of the University of South Florida.

76 (4) The Board of Trustees shall publish and approve an  
77 annual operating budget for each campus and a report on the  
78 distribution of funds including, student tuition and fees,  
79 preeminence and performance based funding, provided to each  
80 campus.

81 (5) The Board of Trustees must publish on its website a  
82 biennial regional impact report, beginning July 1, 2021, which  
83 details the specific increased investments in university  
84 programs located in Pinellas, Manatee and Sarasota Counties. The  
85 report shall include, at a minimum, trend information related to  
86 access to new degree programs for students in those counties,  
87 any changes in student enrollment and outcomes at each campus  
88 located in those counties, increased research conducted and  
89 research infrastructure added in those counties, and any fixed  
90 capital outlay projects or property acquisitions planned or  
91 completed in those counties.

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92 (6) The faculty and students at each campus shall be  
93 represented in the academic and student governance structures of  
94 the University of South Florida as determined by the Board of  
95 Trustees.

96 Section 3. Section 1004.335, Florida Statutes, is created to  
97 read:

98 1004.335 Accreditation consolidation of University of  
99 South Florida branch campuses.-

100 (1) The University of South Florida Consolidation Planning  
101 Study and Implementation Task Force is established to develop  
102 recommendations to improve service to students by phasing out  
103 the separate accreditation of the University of South Florida  
104 St. Petersburg and the University of South Florida  
105 Sarasota/Manatee, which were conferred by the Southern  
106 Association of Colleges and Schools Commission on Colleges  
107 (SACSCOC) pursuant to ss.1004.33 and 1004.34, respectively.

108 (2) The task force shall consist of the following members:

109 (a) One member appointed by the chair of the Board of  
110 Governors who will serve as chair;

111 (b) Two members appointed by the President of the Senate;

112 (c) Two members appointed by the Speaker of the House of  
113 Representatives;

114 (d) Two members appointed by the chair of the University of  
115 South Florida board of trustees;

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116 (e) One member appointed by the chair of the campus board  
117 of the University of South Florida St. Petersburg;

118 (f) One member appointed by the chair of the campus board  
119 of the University of South Florida Sarasota/Manatee;

120 (g) The regional chancellor of the University of South  
121 Florida St. Petersburg;

122 (h) The regional chancellor of the University of South  
123 Florida Sarasota/Manatee;

124 (i) The president of the University of South Florida or his  
125 or her designee; and

126 (j) One student member appointed by the University of South  
127 Florida Alumni Association.

128 (3) The Board of Trustees shall assign personnel from each  
129 campus to staff the task force. The chair of the task force may  
130 consult experts in university mergers and consolidations to  
131 assist the task force in developing recommendations.

132 (4) No later than February 15, 2019, the task force must  
133 submit a report to the University of South Florida Board of  
134 Trustees, which includes, at a minimum, recommendations on the  
135 following:

136 (a) Identification of specific degrees in programs of  
137 strategic significance, including healthcare, science,  
138 technology, engineering, math, and other program priorities to  
139 be offered at the University of South Florida St. Petersburg and  
140 the University of South Florida Sarasota/Manatee and the

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141 timeline for programs being developed and delivered on each  
142 campus;

143 (b) Maintaining the unique identity of each campus and an  
144 assessment of whether a separate educational mission is  
145 beneficial to the future of each campus;

146 (c) Maintaining faculty input from all campuses during the  
147 review and development of general education requirements to  
148 reflect the distinctive identity of each campus;

149 (d) Developing the research capacity at each campus;

150 (e) Equitable distribution of programs and resources to  
151 establish pathways to admission for all students who require  
152 bridge programming and financial aid; and

153 (f) Establishing budget transparency and accountability  
154 regarding the review and approval of student fees among  
155 campuses, including fee differentials and athletic fees to  
156 enable the identification of the equitable distribution of  
157 resources to each campus, including the University of South  
158 Florida Health.

159 (g) Developing and delivering integrated academic programs,  
160 student and faculty governance, and administrative services to  
161 better serve the students, faculty and staff at the University  
162 of South Florida College of Marine Science, the University of  
163 South Florida Sarasota/Manatee and the University of South  
164 Florida St. Petersburg.

165 (5) No later than March 15, 2019, the Board of Trustees of



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166 the University of South Florida, after considering the  
167 recommendations of the task force, must adopt and submit to the  
168 Board of Governors an implementation plan that:

169 (a) Establishes timelines for each step that is necessary  
170 to terminate the separate accreditation for each campus no later  
171 than June 30, 2020, so that there is no lapse in institutional  
172 accreditation for any campus during the phasing-out process.

173 (b) Minimizes disruption to students attending any  
174 University of South Florida campus so that the consolidation of  
175 SACSCOC accreditation does not impede a student's ability to  
176 graduate within 4 years of initial first-time-in-college  
177 enrollment.

178 (c) Requires that on or before July 1, 2020, the entirety  
179 of the University of South Florida, including all campuses and  
180 other component units of the university, to operate under a  
181 single institutional accreditation from the SACSCOC.

182 (d) Requires that on each regularly scheduled submission  
183 date subsequent to July 1, 2020, the University of South Florida  
184 shall report consolidated data for all of the university's  
185 campuses and students to the Integrated Postsecondary Education  
186 Data System and to the Board of Governors. The Board of  
187 Governors shall use the consolidated data for purposes of  
188 determining eligibility for funding pursuant to ss. 1001.7065  
189 and 1001.92.

190 (6) Notwithstanding the provisions of ss. 1001.7065 and

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191 1001.92 or any Board of Governors regulation to the contrary  
192 relating to the calculation of graduation rates and retention  
193 rates, a student who meets all of the following criteria may not  
194 be counted by the Board of Governors when calculating or  
195 confirming the graduation rate or the retention rate of the  
196 University of South Florida under those sections:

197 (a) The student was admitted to and initially enrolled  
198 before the spring 2020 semester as a first-time-in-college  
199 student at the University of South Florida St. Petersburg or the  
200 University of South Florida Sarasota/Manatee.

201 (b) The student voluntarily disenrolled from all  
202 University of South Florida campuses without graduating before  
203 the date of termination of the separate SACSCOC accreditation of  
204 his or her admitting campus.

205 (7) This section expires July 1, 2020.

206 Section 4. Effective July 1, 2020, Sections 1004.33, and  
207 1004.34, Florida Statutes, are repealed.

208 Section 5. Subsection (1) of section 1004.344, Florida  
209 Statutes, is amended to read:

210 1004.344 The Florida Center for the Partnerships for Arts  
211 Integrated Teaching.—

212 (1) The Florida Center for the Partnerships for Arts  
213 Integrated Teaching is created within the University of South  
214 Florida and shall be physically headquartered at the University  
215 of South Florida Sarasota/Manatee.

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Amendment No. 3

216 Section 6. Except as otherwise provided, this act shall  
217 take effect upon becoming law.

218

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220 -----

221

**T I T L E A M E N D M E N T**

222

Remove lines 1079-1094 of the amendment and insert:  
223 appropriations; amending s. 1001.71, F.S.; revising the  
224 membership of university boards of trustees; creating  
225 s. 1004.341, F.S.; establishing University of South  
226 Florida campuses; requiring campus boards and regional  
227 chancellors for the University of South Florida St.  
228 Petersburg and the University of South Florida  
229 Sarasota/Manatee; establishing membership requirements  
230 for the campus boards of the University of South  
231 Florida St. Petersburg and the University of South  
232 Florida Sarasota/Manatee; establishing powers and  
233 duties for campus boards; providing budget and  
234 reporting requirements for the University of South  
235 Florida Board of Trustees; requiring faculty and  
236 student representation from each campus in the academic  
237 and student government structures of the University of  
238 South Florida; creating s. 1004.335, F.S.; requiring  
239 the University of South Florida to adopt and submit a  
240 plan to phase out the separate accreditations of the

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Amendment No. 3

241 University of South Florida St. Petersburg and the  
242 University of South Florida Manatee/Sarasota by a  
243 specified date; providing requirements for such plan;  
244 providing that certain students may not be included in  
245 specified graduation and retention rate calculations;  
246 providing for the future repeal of ss. 1004.33 and  
247 1004.34, F.S., relating to the University of South  
248 Florida St. Petersburg and Sarasota/Manatee,  
249 respectively; amending s. 1004.344; requiring the  
250 University of South Florida's Florida Center for the  
251 Partnership for Arts Integrated Teaching to be located  
252 at a certain branch campus; providing an effective  
253 date.



Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Committee  
 2 Representative Diamond offered the following:

3  
 4 **Substitute Amendment for Amendment (126639) by**  
 5 **Representative Rodrigues**

6 Remove lines 910-964 and insert:

7 (1) The University of South Florida shall establish a study  
 8 committee to examine the potential impact of phasing out the  
 9 separate accreditation of the University of South Florida St.  
 10 Petersburg campus and the University of South Florida  
 11 Sarasota/Manatee campus, which were conferred by the Southern  
 12 Association of Colleges and Schools Commission on Colleges  
 13 (SACSCOC) pursuant to ss. 1004.33 and 100.34, respectively.

14 (2) The study committee shall consist of the following  
 15 members:



Amendment No.

- 16        (a) One representative from the University of South Florida  
17 board of trustees;
- 18        (b) One representative from the campus board of the  
19 University of South Florida St. Petersburg campus;
- 20        (c) One representative from the campus board of the  
21 University of South Florida Sarasota/Manatee campus;
- 22        (d) One senior administrator from each campus;
- 23        (e) One faculty member from each campus selected by each  
24 campus's faculty senate;
- 25        (f) One student from each campus selected by each campus's  
26 student government association;
- 27        (g) One representative from the Greater Tampa Chamber of  
28 Commerce;
- 29        (h) One representative from the St. Petersburg Chamber of  
30 Commerce;
- 31        (i) One representative from the St. Petersburg Downtown  
32 Partnership;
- 33        (j) One representative from the Manatee Chamber of  
34 Commerce;
- 35        (k) One representative from the Greater Sarasota Chamber of  
36 Commerce;
- 37        (l) One representative from St. Petersburg College; and
- 38        (m) One representative from the State College of Florida,  
39 Manatee-Sarasota.



Amendment No.

40       (3) The study committee shall hold at least one public  
41 meeting on each campus to allow for public input on the  
42 potential impact of consolidating the accreditation of all  
43 University of South Florida campuses under one single  
44 institutional accreditation. No later than February 15, 2019,  
45 the study committee must submit a report to the President of the  
46 Senate and the Speaker of the House of Representatives, which  
47 addresses the following:

48       (a) The potential impact of accreditation consolidation on  
49 academic programs offered at each campus;

50       (b) The potential impact of accreditation consolidation on  
51 admissions requirements and student access to enrollment at  
52 various campuses;

53       (c) The impact of accreditation consolidation on faculty  
54 and staff credentialed on each campus;

55       (d) An assessment by the business community in the Tampa  
56 Bay region of how accreditation consolidation may impact the  
57 academic programming needed by employers; and

58       (e) The support needed for each campus to achieve and  
59 maintain the metrics required for preeminent state research  
60 university status pursuant to s. 1001.7065.

61       (4) The study committee's report shall include a  
62 recommendation regarding whether or not accreditation  
63 consolidation is in the best interests of the students, faculty  
64 and the communities served by the University of South Florida

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Amendment No.

65 St. Petersburg, and the University of South Florida  
66 Sarasota/Manatee. If the study committee recommends that the  
67 University should proceed with accreditation consolidation, the  
68 study committee shall make additional recommendations, including  
69 but not limited to:

70 (a) Proposed changes to the composition of the University  
71 of South Florida Board of Trustees to ensure representation of  
72 the counties served by the three campuses;

73 (b) Proposed changes to the University budget process to  
74 provide for additional transparency and input from each campus  
75 to ensure that University funds are appropriately and equitably  
76 allocated; and

77 (c) Proposed changes to the governance structure on each of  
78 the campuses to ensure the successful implementation of the  
79 accreditation consolidation and governance of each campus going  
80 forward.

81 (5) This section expires February 16, 2019.



Amendment No.

*Withdrawn  
Prior to consideration  
2.27.18*

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Committee  
 2 Representative Diamond offered the following:

3  
4  
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16

**Amendment**

Remove lines 1255-1303 and insert:

(1) The University of South Florida shall establish a study committee to examine the potential impact of phasing out the separate accreditation of the University of South Florida St. Petersburg campus and the University of South Florida Sarasota/Manatee campus, which were conferred by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) pursuant to ss. 1004.33 and 100.34, respectively.

(2) The study committee shall consist of the following members:

(a) One representative from the University of South Florida board of trustees;



Amendment No.

- 17        (b) One representative from the campus board of the  
18 University of South Florida St. Petersburg campus;
- 19        (c) One representative from the campus board of the  
20 University of South Florida Sarasota/Manatee campus;
- 21        (d) One senior administrator from each campus;
- 22        (e) One faculty member from each campus selected by each  
23 campus's faculty senate;
- 24        (f) One student from each campus selected by each campus's  
25 student government association;
- 26        (g) One representative from the Greater Tampa Chamber of  
27 Commerce;
- 28        (h) One representative from the St. Petersburg Chamber of  
29 Commerce;
- 30        (i) One representative from the St. Petersburg Downtown  
31 Partnership;
- 32        (j) One representative from the Manatee Chamber of  
33 Commerce;
- 34        (k) One representative from the Greater Sarasota Chamber of  
35 Commerce;
- 36        (l) One representative from St. Petersburg College; and
- 37        (m) One representative from the State College of Florida,  
38 Manatee-Sarasota.
- 39        (3) The study committee shall hold at least one public  
40 meeting on each campus to allow for public input on the  
41 potential impact of consolidating the accreditation of all

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Amendment No.

42 University of South Florida campuses under one single  
43 institutional accreditation. No later than February 15, 2019,  
44 the study committee must submit a report to the President of the  
45 Senate and the Speaker of the House of Representatives, which  
46 addresses the following:

47 (a) The potential impact of accreditation consolidation on  
48 academic programs offered at each campus;

49 (b) The potential impact of accreditation consolidation on  
50 admissions requirements and student access to enrollment at  
51 various campuses;

52 (c) The impact of accreditation consolidation on faculty  
53 and staff credentialed on each campus;

54 (d) An assessment by the business community in the Tampa  
55 Bay region of how accreditation consolidation may impact the  
56 academic programming needed by employers; and

57 (e) The support needed for each campus to achieve and  
58 maintain the metrics required for preeminent state research  
59 university status pursuant to s. 1001.7065.

60 (4) The study committee's report shall include a  
61 recommendation regarding whether or not accreditation  
62 consolidation is in the best interests of the students, faculty  
63 and the communities served by the University of South Florida  
64 St. Petersburg, and the University of South Florida  
65 Sarasota/Manatee. If the study committee recommends that the  
66 University should proceed with accreditation consolidation, the

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Amendment No.

67 study committee shall make additional recommendations, including  
68 but not limited to:

69 (a) Proposed changes to the composition of the University  
70 of South Florida Board of Trustees to ensure representation of  
71 the counties served by the three campuses;

72 (b) Proposed changes to the University budget process to  
73 provide for additional transparency and input from each campus  
74 to ensure that University funds are appropriately and equitably  
75 allocated; and

76 (c) Proposed changes to the governance structure on each of  
77 the campuses to ensure the successful implementation of the  
78 accreditation consolidation and governance of each campus going  
79 forward.

80 (5) This section expires February 16, 2019.