



State Universities and Private Colleges Appropriations Committee

**March 16, 2010
2:15 p.m. – 6:00 p.m.
12 House Office Building**

Meeting Packet

**Larry Cretul
Speaker**

**William Proctor
Chair**



The Florida House of Representatives
State Universities and Private Colleges Appropriations Committee

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Speaker

William Proctor
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Meeting Agenda
Tuesday, March 16, 2010
12 House Office Building
2:15 p.m. – 6:00 p.m.

I. Call to Order

II. Roll Call

III. Consideration of the following proposed committee bill:

**PCB SUPC 10-01 – Postsecondary Education Funding by State
Universities & Private Colleges Appropriations Committee**

IV. Budget Workshop

V. Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB SUPC 10-01 Postsecondary Education Funding
SPONSOR(S): State Universities & Private Colleges Appropriations Committee
TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	State Universities & Private Colleges Appropriations Committee		Trexler <i>AT</i>	Trexler <i>AT</i>
1)				
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

PCB SUPC 10-01 revises provisions relating to the Children and Spouses of Deceased or Disabled Veterans (CSDDV) Program. The bill clarifies the use of funds, the award amounts, and the eligible institutions at which a recipient may use an award.

The bill provides a new process for the coordinated licensing of electronic library resources for use by secondary and postsecondary students.

The bill requires that students enrolled in workforce education programs must be classified as residents or nonresidents for tuition purposes.

The bill continues the flat award amounts for Bright Futures Scholarship recipients that were established during fiscal year 2009-2010; the flat award amounts are to continue through the 2010-2011 academic year and will expire on July 1, 2011.

The bill revises the Workers' Compensation Administrative Trust Fund within the Department of Education, establishing a reversion schedule for any unencumbered and/or undisbursed funds that were transferred from the Department of Financial Services Workers' Compensation Administration Trust Fund.

The bill eliminates statutory requirements for separate funding of baccalaureate programs within the Florida College System, allowing for such funding to be transferred to the Community College Program Fund. The bill also creates a requirement for separate reporting of upper-division enrollment and upper-division expenditures.

The bill revises provisions relating to workforce education fees to authorize, rather than require, rule adoption by the State Board of Education for the calculation of cost borne by students.

The bill aligns the submission date for requests relating to the community college and state university facilities enhancement challenge grant programs with the October 15 legislative budget request submission deadline.

This bill provides an effective date of July 1, 2010.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: 295.02, 295.04, 1006.72, 1009.22, 1009.534, 1009.535, 1009.536, 1009.5385, 1010.87, 1011.32, 1011.80, 1011.83, 1011.84, and 1013.79.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: pcb01.SUPC.doc
DATE: 3/12/2010

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Children and Spouses of Deceased or Disabled Veterans (CSDDV)

Current Situation

Current law provides for a scholarship program for the children and spouses of deceased or disabled veterans in Chapter 295 – Laws Relating to Veterans, Florida Statutes.¹ This chapter establishes the criteria for eligibility for an award, authorizes the State Board of Education to adopt rules to administer the program, clarifies how funds may be used, and bases the award amounts on the funds provided in the General Appropriations Act. In addition to Chapter 295, F.S., s. 1009.5385, F.S., also addresses how the scholarship funds of CSDDV award recipients may be used, requiring CSDDV funds to be used according to the same criteria stipulated for the Bright Futures Scholarship Program.

Proposed Changes

The CSDDV and Bright Futures Scholarship programs are distinct in the purposes they serve, the populations they serve, and the eligibility criteria for awards. Therefore, the bill repeals s. 1009.5385, F.S., removing the requirement that CSDDV funds be subjected to the criteria in the Bright Futures Scholarship Program. The bill clarifies how funds may be used, providing that they may but are not required to be used on tuition and registration fees, board, room rent, and books and supplies. The bill also clarifies the types of institutions that a student must attend to utilize the award as those described in s. 1009.533, F.S. The bill also establishes award amounts: for students in public postsecondary institutions, awards are equal to the amount required to pay tuition and registration fees or the amount established in the General Appropriations Act; award amounts for students in nonpublic postsecondary institutions are equal to the amount required to pay the average tuition and registration fees in a public postsecondary institution or the amount specified in the General Appropriations Act.

¹ Section 295.01, F.S.

Electronic Library Resources

Current Situation

There are four automated library systems and services in Florida that provide centralized automated library services for different constituents as follows:²

- Florida Center for Library Automation (FCLA) – State University System
- College Center for Library Automation (CCLA) – Florida College System
- SUNLINK – K-12 public schools
- Florida Electronic Library (FEL) – Florida public libraries

Each system provides, in part, access to commercial electronic resources through subscription contracts with publishers. Currently, there is ad hoc coordination among the automated library systems; however, there is no standardized process to ensure there is no duplication in the licensing of electronic library resources. There is also no coordination to ensure that all baccalaureate degree seeking students have access to the same electronic library resources.

Proposed Changes

The bill creates a new process for the coordinated licensing of electronic library resources for use by secondary and postsecondary students in Florida. The bill requires the FCLA, CCLA, and FEL to identify on an annual basis the electronic library resources that will be licensed and made available to K-12 students and teachers and to postsecondary students enrolled in the Florida College System or the State University System.

Calculation of Costs Borne By Workforce Education Students

Current Situation

The State Board of Education (SBE) is required to adopt, by rule, the definitions and procedures that district school boards and community college boards of trustees shall use in the calculation of cost borne by students.³ Because the Legislature in recent years has specified student costs, rule has not been needed.

Proposed Changes

The bill authorizes the SBE to adopt definitions and procedures by rule when needed, but does not require them to do so.

Bright Futures Awards

Current Situation

During the 2009 Legislative Session, Bright Futures Scholarship awards were established at specified amounts in the General Appropriations Act, rather than at the amounts specified in statute.⁴ The Legislature implemented this policy for one year. Beginning July 1, 2010, the awards will revert to the original amounts, covering 75 percent or 100 percent of tuition and eligible fees, pending legislative action to either extend the flat awards or provide some other funding solution.

² Joint Library Planning Committee, "A plan providing options and recommendations for cooperative library automation activity," available at <http://www.fldoe.org/cc/pdf/ilpc-report-1.pdf> (accessed March 12, 2010).

³ Sections 1009.22(3)(g) and 1009.22(11), F.S.

⁴ Sections 1009.534, 1009.535, and 1009.536, F.S.; Specific Appropriation 3, s. 2 of ch. 2009-81, L.O.F.

Proposed Changes

The bill extends the flat amount awards for the Bright Futures Scholarship program for another year, to expire on July 1, 2011.

Workers' Compensation Trust Fund, Department of Education

Current Situation

The Department of Education - Division of Vocational Rehabilitation currently receives a non-operating transfer from the Workers' Compensation Trust Fund at the Department of Financial Services (DFS) to the Workers' Compensation Trust Fund at the Department of Education (DOE). These funds are for the sole purpose of administering the Injured Workers Program at the Division of Vocational Rehabilitation.⁵ Any funds that are not used during the fiscal year remain in the Workers' Compensation Trust Fund at the DOE for future use in administering the program.⁶

Proposed Changes

The bill requires unspent and unencumbered funds in the Workers' Compensation Trust Fund at DOE to revert back to the Workers' Compensation Trust Fund at DFS. The bill stipulates that funds unencumbered as of June 30 and unspent as of September 30 shall revert to DFS for reappropriation.

Residency Determination for Tuition Purposes in Workforce Education Programs

Current Situation

Current law requires that fees for students who are nonresidents for tuition purposes must offset the full cost of instruction.⁷ However, unlike Florida colleges and state universities, school districts have no clear direction to determine residency for students in workforce education programs.

In February 2010, the Office of Program Policy and Government Accountability (OPPAGA) released a report that found school districts had incentive not to "rigorously enforce residency requirements for these programs" because the funding model "penalizes districts that charge higher tuition" (such as those for nonresidents).⁸ The lack of clear statutory direction leaves districts to develop their own policies regarding residency.

The OPPAGA report suggests amending statute to require districts to use the same residency standards for workforce education programs as those used by colleges and universities. The agency response from the Department of Education to the OPPAGA report states that "(t)he Department agrees that consistent policies on residency for tuition purposes are important."

Proposed Changes

The bill creates a requirement that students in workforce education programs be classified as residents or nonresidents for tuition purposes in the same manner as prescribed for college and university students.⁹

⁵ Section 1010.87(1), F.S.

⁶ Section 1010.87(2), F.S.

⁷ Section 1009.22(3)(a), F.S.

⁸ Office of Program Policy Analysis & Government Accountability Report 10-24, February 2010

⁹ See s. 1009.21, F.S.

Baccalaureate Funding

Current Situation

Florida colleges are authorized to offer specified baccalaureate degree programs to meet district, regional or statewide workforce needs.¹⁰ Funding for these baccalaureate programs “shall be specified in the General Appropriations Act (GAA).”¹¹ The Community College Program Fund (CCPF) is established to “comprise all appropriations made by the Legislature for the support of the current operating program.”¹²

In the FY 2009-10 General Appropriations Act, funding for baccalaureate programs is provided separately from the CCPF funding. Current law prohibits the use of funds specifically appropriated to baccalaureate programs for any other purpose, but there is no restriction on using funds appropriated through the CCPF for baccalaureate programs.¹³

Colleges are tasked to serve community needs by providing access to undergraduate education including baccalaureate programs, and to do so in the most efficient manner possible. The policy of the Legislature is to decentralize authority and provide “local operational flexibility”, both of which would seem to support allowing colleges (through their boards of trustees and presidents) to allocate their funding in such manner as to best meet the needs of their individual communities.¹⁴

The Florida Community Colleges’ Council of Presidents has recommended moving baccalaureate funding into the CCPF.¹⁵

Proposed Changes

The bill repeals provisions relating to the specific appropriation of baccalaureate funding¹⁶ to allow funding for baccalaureate programs to be transferred to the CCPF. The bill also creates a requirement that enrollment and expenditures for the upper-division be reported separately from enrollment and expenditures for the lower-division.

Facility Enhancement Challenge Grant Programs

Current Situation

The Community College Facility Enhancement Challenge Grant Program and the University Facility Enhancement Challenge Grant Program are state matching programs wherein a Florida college or a state university solicits private donations to construct an educational facility.¹⁷ Subject to legislative appropriation, private donations are matched with state funds on a dollar-for-dollar basis.

Current law requires the State Board of Education to transmit the list of community college projects meeting the eligibility requirements for a state match to the Legislature no later than September 1 of each year.¹⁸ The Board of Governors is required to transmit the list of state university eligible projects no later than October 1 of each year.¹⁹

¹⁰ Section 1007.33, F.S.

¹¹ Section 1011.83, F.S.

¹² Section 1011.81, F.S.

¹³ Section 1011.83(3), F.S.

¹⁴ Sections 1001.60(a), 1001.64(1), 1000.02(1)(e), 1000.03(1) and 1000.02(2)(e), F.S.

¹⁵ Council of Presidents Meeting, November 18, 2009, Orlando, Florida

¹⁶ Sections 1011.83(2), (3), (4) and (5), F.S.

¹⁷ See s. 1011.32 and s. 1013.79, F.S.

¹⁸ Section 1011.32(8), F.S.

¹⁹ Section 1013.79(8), F.S.

Proposed Changes

The bill provides a transmittal date of October 15 for each program, which is also consistent with the submission date for the Legislative Budget Request.²⁰

B. SECTION DIRECTORY:

- Section 1.** Amends s. 295.02; revising provisions relating to the use of funds to pay postsecondary education expenses for children and spouses of certain members of the military.
- Section 2.** Amends s. 295.04; providing a definition; providing educational benefit award amounts for students at public and nonpublic eligible postsecondary education institutions.
- Section 3.** Creates s. 1006.72; providing requirements for the licensing of electronic library resources; requiring a process to annually identify electronic library resources for specific core categories; providing requirements for statewide, postsecondary, 4-year degree, and 2-year degree core resources.
- Section 4.** Amends s. 1009.22; requiring students in workforce education programs to be classified as residents or nonresidents for tuition purposes; revising requirement of State Board of Education to adopt definitions and policies by rule.
- Section 5.** Amends s. 1009.534; providing that award amounts for Florida Academic Scholars shall be specified in the 2010-2011 General Appropriations Act.
- Section 6.** Amends s. 1009.535; providing that award amounts for Florida Medallion Scholars shall be specified in the 2010-2011 General Appropriations Act.
- Section 7.** Amends s. 1010.536; providing that award amounts for Florida Gold Seal Vocational Scholars shall be specified in the 2010-2011 General Appropriations Act.
- Section 8.** Amends s. 1010.87; providing that certain funds transferred to the Workers' Compensation Administration Trust Fund in the Department of Education shall revert to the Workers' Compensation Administration Trust Fund in the Department of Financial Services.
- Section 9.** Amends s. 1011.32; revising the date for transmittal to the Legislature of information relating to the Community College Facility Enhancement Challenge Grant Program.
- Section 10.** Amends s. 1011.80; requiring workforce education programs to classify students as residents or nonresidents for tuition purposes.
- Section 11.** Amends s. 1011.83; repealing language pertaining to specific funding of baccalaureate program; allowing for baccalaureate funding to be provided through Community College Program Fund.
- Section 12.** Amends s. 1011.84; requiring colleges to report enrollment and expenditures for baccalaureate programs separately from lower-division programs.
- Section 13.** Amends s. 1013.79; revising the date for transmittal to the Legislature of information relating to the University Facility Enhancement Challenge Grant Program.
- Section 14.** Repeals s. 1009.5385; relating to the use of certain scholarship funds by children and spouses of deceased or disabled veterans.
- Section 15.** Provides an effective date of July 1, 2010.

²⁰ See s. 216.023, F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Bright Futures Awards

By extending the GAA specified award amounts for the Bright Futures Scholarship Program, the expenditures for this program can be reduced for Fiscal Year 2010-11. If the award amounts were to revert to covering 75 percent or 100 percent of tuition and eligible fees, the estimated cost would be \$479.6 million in Fiscal Year 2010-11, an increase of approximately \$60 million over the 2009-10 appropriation.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Residency Determination for Tuition Purposes

According to OPPAGA Report 10-24, the establishment of consistent residency determination criteria for workforce education programs may result in savings to the state. Currently, the state subsidizes the cost of instruction for resident students enrolled in workforce education programs; however, nonresidents are required to pay the full cost of instruction through tuition. To the extent the new residency determination criteria result in fewer students being classified as residents for tuition purposes, the state may experience savings of an indeterminate amount. Some students classified as nonresidents may opt not to participate in workforce education programs if they are required to bear a greater share of the cost of instruction.

Electronic Library Resources

In Fiscal Year 2008-09, FCLA, CCLA, and FEL spent a total of \$9.7 million to license electronic library resources. Approximately 15 percent of the electronic resources licensed statewide are licensed by multiple automated library systems. It is unknown how many additional electronic library resources are licensed by an individual college or university that is also licensed by either FCLA or CCLA. By requiring the FCLA, CCLA, and FEL to collaborate on licensing of electronic resources, the amount of duplication should decrease, thereby reducing the cost to provide these resources to students.

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/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to postsecondary education funding;
 3 amending s. 295.02, F.S.; revising provisions relating to
 4 the use of funds to pay postsecondary education expenses
 5 for children and spouses of certain members of the
 6 military; amending s. 295.04, F.S.; providing a
 7 definition; providing educational benefit award amounts
 8 for students at public and nonpublic eligible
 9 postsecondary education institutions; creating s. 1006.72,
 10 F.S.; providing requirements for the licensing of
 11 electronic library resources; requiring a process to
 12 annually identify electronic library resources for
 13 specified core categories; providing requirements for
 14 statewide, postsecondary, 4-year degree, and 2-year degree
 15 core resources; amending s. 1009.22, F.S.; requiring
 16 students in workforce education programs to be classified
 17 as residents or nonresidents for tuition purposes;
 18 authorizing, rather than requiring, the State Board of
 19 Education to adopt rules for use by district school boards
 20 and community college boards of trustees in the
 21 calculation of workforce education costs borne by
 22 students; amending ss. 1009.534, 1009.535, and 1009.536,
 23 F.S.; providing that the award amount for a Florida
 24 Academic Scholar, Florida Medallion Scholar, and Florida
 25 Gold Seal Vocational Scholar shall be specified in the
 26 General Appropriations Act for the 2010-2011 academic
 27 year; amending s. 1010.87, F.S.; providing that certain
 28 funds transferred to the Workers' Compensation

29 Administration Trust Fund in the Department of Education
 30 shall revert to the Workers' Compensation Administration
 31 Trust Fund in the Department of Financial Services;
 32 amending s. 1011.32, F.S.; revising the date for
 33 transmittal to the Legislature of information relating to
 34 the Community College Facility Enhancement Challenge Grant
 35 Program; amending s. 1011.80, F.S.; requiring students in
 36 workforce education programs to be classified as residents
 37 or nonresidents for tuition purposes; amending s. 1011.83,
 38 F.S.; deleting certain provisions relating to funds
 39 appropriated for baccalaureate degree programs conducted
 40 by community colleges; amending s. 1011.84, F.S.;
 41 requiring the Department of Education to estimate certain
 42 community college enrollments separately; reducing the
 43 number of fiscal years to be covered in each annual
 44 estimation; requiring a community college that grants
 45 baccalaureate degrees to report certain expenditures
 46 separately; amending s. 1013.79, F.S.; revising the date
 47 for transmittal to the Legislature of information relating
 48 to the University Facility Enhancement Challenge Grant
 49 Program; repealing s. 1009.5385, F.S., relating to the use
 50 of certain scholarship funds by children of deceased or
 51 disabled veterans; providing an effective date.

52
 53 Be It Enacted by the Legislature of the State of Florida:

54
 55 Section 1. Section 295.02, Florida Statutes, is amended to
 56 read:

57 295.02 Use of funds; age, etc.—

58 (1) Sums appropriated and expended to carry out the
 59 provisions of s. 295.01(1) may ~~shall~~ be used to pay tuition and
 60 registration fees, board, and room rent and to buy books and
 61 supplies for the children of deceased or disabled veterans or
 62 servicemembers, as defined and limited in s. 295.01, s. 295.016,
 63 s. 295.017, s. 295.018, s. 295.0185, s. 295.019, or s. 295.0195,
 64 or of parents classified as prisoners of war or missing in
 65 action, as defined and limited in s. 295.015, who are between
 66 the ages of 16 and 22 years and who are in attendance at an
 67 eligible postsecondary education ~~a state-supported~~ institution
 68 as defined in s. 295.04 ~~of higher learning, including a~~
 69 ~~community college or career center~~. Any child having entered
 70 upon a course of training or education under the provisions of
 71 this chapter, consisting of a course of not more than 4 years,
 72 and arriving at the age of 22 years before the completion of
 73 such course may continue the course and receive all benefits of
 74 the provisions of this chapter until the course is completed.

75 (2) Sums appropriated and expended to carry out the
 76 provisions of s. 295.01(2) may ~~shall~~ be used to pay tuition and
 77 registration fees, board, and room rent and to buy books and
 78 supplies for the spouses of deceased or disabled veterans or
 79 servicemembers, as defined and limited in s. 295.01, who are
 80 enrolled at an eligible postsecondary education ~~a state-~~
 81 ~~supported~~ institution as defined in s. 295.04 ~~of higher~~
 82 ~~learning, including a community college or career center~~.

83 (3) Notwithstanding the benefits-disbursement provision in
 84 s. 295.04, such funds shall be applicable for up to 110 percent

85 of the number of required credit hours of an initial
 86 baccalaureate degree or certificate program for which the
 87 student spouse is enrolled.

88 ~~(4)(3)~~ The Department of Education shall administer this
 89 educational program subject to regulations of the department.

90 Section 2. Section 295.04, Florida Statutes, is amended to
 91 read:

92 295.04 Appropriation; benefits.—

93 (1) The sum necessary for the purposes of this chapter
 94 shall be appropriated in the General Appropriations Act for each
 95 fiscal year, provided that no student shall receive an amount in
 96 excess of tuition and registration fees.

97 (2) As used in this section, an "eligible postsecondary
 98 education institution" means an institution described in s.
 99 1009.533.

100 (3)(a) A student who is enrolled in a public eligible
 101 postsecondary education institution is eligible for an award
 102 equal to the amount required to pay tuition and registration
 103 fees or the amount specified in the General Appropriations Act.

104 (b) A student enrolled in a nonpublic eligible
 105 postsecondary education institution is eligible for an award
 106 equal to the amount that would be required to pay for the
 107 average tuition and registration fees of a public postsecondary
 108 education institution at the comparable level or the amount
 109 specified in the General Appropriations Act.

110 (4) Only students in good standing in their respective
 111 institutions shall receive the benefits under this section
 112 thereof, and no student shall receive such benefits for more

113 ~~than 12 quarters, 8 semesters, or 8 trimesters.~~

114 Section 3. Section 1006.72, Florida Statutes, is created
115 to read:

116 1006.72 Licensing electronic library resources.-

117 (1) FINDINGS.-The Legislature finds that the most cost
118 efficient and effective means of licensing electronic library
119 resources requires that Florida colleges and state universities
120 collaborate with school districts and public libraries in the
121 identification and acquisition of such resources needed by more
122 than one sector.

123 (2) PROCESS TO IDENTIFY RESOURCES.-Library staff from
124 Florida colleges, state universities, school districts, and
125 public libraries shall implement a process that annually
126 identifies the electronic library resources for each of the core
127 categories established in this section. To the extent possible,
128 the Florida Electronic Library, the Florida Center for Library
129 Automation, and the College Center for Library Automation shall
130 jointly coordinate this annual process.

131 (3) STATEWIDE CORE RESOURCES.-For purposes of the Florida
132 Electronic Library's licensing of electronic library resources
133 with funds allocated by the Federal Government, library
134 representatives from public libraries, school districts, Florida
135 colleges, and state universities shall identify the statewide
136 core resources that will be available to all students, teachers,
137 and citizens of the state.

138 (4) POSTSECONDARY EDUCATION CORE RESOURCES.-For purposes
139 of the licensing of electronic library resources required by
140 both the Florida Center for Library Automation and the College

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141 Center for Library Automation from funds appropriated to the
142 centers, Florida college and state university library staff
143 shall identify the postsecondary education core resources that
144 will be available to all postsecondary education students.

145 (5) FOUR-YEAR DEGREE CORE RESOURCES.—For purposes of the
146 licensing of electronic library resources beyond the
147 postsecondary education core resources by the Florida Center for
148 Library Automation from funds appropriated to the center, state
149 university library staff, in consultation with Florida college
150 library staff, shall identify the 4-year degree core resources
151 that will be available to all 4-year degree seeking students in
152 the State University System and the Florida College System. The
153 Florida Center for Library Automation shall include in the
154 negotiated pricing model any Florida college interested in
155 licensing a resource.

156 (6) TWO-YEAR DEGREE CORE RESOURCES.—For purposes of the
157 licensing of electronic library resources beyond the
158 postsecondary education core resources by the College Center for
159 Library Automation from funds appropriated to the center,
160 Florida college library staff shall identify the 2-year degree
161 core resources that will be available to all Florida college
162 students. The College Center for Library Automation shall
163 include in the negotiated pricing model any state university
164 interested in licensing a resource.

165 Section 4. Subsection (1), paragraph (g) of subsection
166 (3), and subsection (11) of section 1009.22, Florida Statutes,
167 are amended to read:

168 1009.22 Workforce education postsecondary student fees.—

169 (1)(a) This section applies to students enrolled in
 170 workforce education programs who are reported for funding,
 171 except that college credit fees for the community colleges are
 172 governed by s. 1009.23.

173 (b) Students shall be classified by school districts and
 174 community colleges as residents or nonresidents for the purpose
 175 of assessing tuition in workforce education programs. Resident
 176 status shall be determined in the same manner as resident status
 177 for tuition purposes pursuant to s. 1009.21.

178 (3)

179 (g) The State Board of Education may ~~shall~~ adopt, by rule,
 180 the definitions and procedures that district school boards and
 181 community college boards of trustees shall use in the
 182 calculation of cost borne by students.

183 (11) Any school district or community college that reports
 184 students who have not paid fees in an approved manner in
 185 calculations of full-time equivalent enrollments for state
 186 funding purposes shall be penalized at a rate equal to 2 times
 187 the value of such enrollments. Such penalty shall be charged
 188 against the following year's allocation from workforce education
 189 funds or the Community College Program Fund and shall revert to
 190 the General Revenue Fund. The State Board of Education shall
 191 specify, as necessary in rule, approved methods of student fee
 192 payment. Such methods must include, but need not be limited to,
 193 student fee payment; payment through federal, state, or
 194 institutional financial aid; and employer fee payments.

195 Section 5. Subsection (5) of section 1009.534, Florida
 196 Statutes, is amended to read:

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197 1009.534 Florida Academic Scholars award.—
 198 (5) Notwithstanding subsections (2) and (4), a Florida
 199 Academic Scholar is eligible for an award equal to the amount
 200 specified in the General Appropriations Act for the 2010-2011
 201 ~~2009-2010~~ academic year. This subsection expires July 1, 2011
 202 ~~2010~~.

203 Section 6. Subsection (4) of section 1009.535, Florida
 204 Statutes, is amended to read:

205 1009.535 Florida Medallion Scholars award.—
 206 (4) Notwithstanding subsection (2), a Florida Medallion
 207 Scholar is eligible for an award equal to the amount specified
 208 in the General Appropriations Act for the 2010-2011 ~~2009-2010~~
 209 academic year. This subsection expires July 1, 2011 ~~2010~~.

210 Section 7. Subsection (5) of section 1009.536, Florida
 211 Statutes, is amended to read:

212 1009.536 Florida Gold Seal Vocational Scholars award.—The
 213 Florida Gold Seal Vocational Scholars award is created within
 214 the Florida Bright Futures Scholarship Program to recognize and
 215 reward academic achievement and career preparation by high
 216 school students who wish to continue their education.

217 (5) Notwithstanding subsection (2), a Florida Gold Seal
 218 Vocational Scholar is eligible for an award equal to the amount
 219 specified in the General Appropriations Act for the 2010-2011
 220 ~~2009-2010~~ academic year. This subsection expires July 1, 2011
 221 ~~2010~~.

222 Section 8. Subsection (2) of section 1010.87, Florida
 223 Statutes, is amended to read:

224 1010.87 Workers' Compensation Administration Trust Fund

225 within the Department of Education.—

226 (2) Funds appropriated by nonoperating transfer from the
 227 Workers' Compensation Administration Trust Fund in the
 228 Department of Financial Services that remain unencumbered as of
 229 June 30 or undisbursed as of September 30 shall revert to the
 230 Workers' Compensation Administration Trust Fund in the
 231 Department of Financial Services. ~~Notwithstanding the provisions~~
 232 ~~of s. 216.301 and pursuant to s. 216.351, any balance in the~~
 233 ~~trust fund at the end of any fiscal year shall remain in the~~
 234 ~~trust fund at the end of the year and shall be available for~~
 235 ~~carrying out the purposes of the trust fund.~~

236 Section 9. Subsection (8) of section 1011.32, Florida
 237 Statutes, is amended to read:

238 1011.32 Community College Facility Enhancement Challenge
 239 Grant Program.—

240 (8) By October 15 ~~September 1~~ of each year, the State
 241 Board of Education shall transmit to the Legislature a list of
 242 projects which meet all eligibility requirements to participate
 243 in the Community College Facility Enhancement Challenge Grant
 244 Program and a budget request which includes the recommended
 245 schedule necessary to complete each project.

246 Section 10. Subsection (5) of section 1011.80, Florida
 247 Statutes, is amended to read:

248 1011.80 Funds for operation of workforce education
 249 programs.—

250 (5) State funding and student fees for workforce education
 251 instruction shall be established as follows:

252 (a) For a continuing workforce education course, state

253 funding shall equal 50 percent of the cost of instruction, with
 254 student fees, business support, quick-response training funds,
 255 or other means making up the remaining 50 percent.

256 (b) For all other workforce education programs, state
 257 funding shall equal 75 percent of the average cost of
 258 instruction with the remaining 25 percent made up from student
 259 fees. Fees for courses within a program shall not vary according
 260 to the cost of the individual program, but instead shall be
 261 based on a uniform fee calculated and set at the state level, as
 262 adopted by the State Board of Education, unless otherwise
 263 specified in the General Appropriations Act.

264 (c) For fee-exempt students pursuant to s. 1009.25, unless
 265 otherwise provided for in law, state funding shall equal 100
 266 percent of the average cost of instruction.

267 (d) For a public educational institution that has been
 268 fully funded by an external agency for direct instructional
 269 costs of any course or program, the FTE generated shall not be
 270 reported for state funding.

271

272 Students shall be classified by school districts and community
 273 colleges as residents or nonresidents for the purpose of
 274 assessing tuition in workforce education programs. Resident
 275 status shall be determined in the same manner as resident status
 276 for tuition purposes pursuant to s. 1009.21.

277 Section 11. Section 1011.83, Florida Statutes, is amended
 278 to read:

279 1011.83 Financial support of community colleges.—

280 ~~(1)~~ Each community college that has been approved by the

281 Department of Education and meets the requirements of law and
282 rules of the State Board of Education shall participate in the
283 Community College Program Fund. However, funds to support
284 workforce education programs conducted by community colleges
285 shall be provided pursuant to s. 1011.80.

286 ~~(2) Funding for baccalaureate degree programs approved~~
287 ~~pursuant to s. 1007.33 shall be specified in the General~~
288 ~~Appropriations Act. A student in a baccalaureate degree program~~
289 ~~approved pursuant to s. 1007.33 who is not classified as a~~
290 ~~resident for tuition purposes pursuant to s. 1009.21 may not be~~
291 ~~included in calculations of full-time equivalent enrollments for~~
292 ~~state funding purposes.~~

293 ~~(3) Funds specifically appropriated by the Legislature for~~
294 ~~baccalaureate degree programs approved pursuant to s. 1007.33~~
295 ~~may be used only for such programs. A community college shall~~
296 ~~fund the nonrecurring costs related to the initiation of a new~~
297 ~~baccalaureate degree program under s. 1007.33 without new state~~
298 ~~appropriations unless special grant funds are appropriated in~~
299 ~~the General Appropriations Act. A new baccalaureate degree~~
300 ~~program may not accept students without a recurring legislative~~
301 ~~appropriation for this purpose.~~

302 ~~(4) State funding for baccalaureate degree programs~~
303 ~~approved pursuant to s. 1007.33 shall be as provided in the~~
304 ~~General Appropriations Act.~~

305 ~~(5) A community college that grants baccalaureate degrees~~
306 ~~shall maintain reporting and funding distinctions between any~~
307 ~~baccalaureate degree program approved under s. 1007.33 and any~~
308 ~~other baccalaureate degree programs involving traditional~~

309 ~~concurrent-use partnerships.~~

310 Section 12. Paragraph (a) of subsection (3) of section
 311 1011.84, Florida Statutes, is amended, and paragraph (g) is
 312 added to that subsection, to read:

313 1011.84 Procedure for determining state financial support
 314 and annual apportionment of state funds to each community
 315 college district.—The procedure for determining state financial
 316 support and the annual apportionment to each community college
 317 district authorized to operate a community college under the
 318 provisions of s. 1001.61 shall be as follows:

319 (3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

320 (a) By December 15 of each year, the Department of
 321 Education shall estimate the annual enrollment of each community
 322 college for the current fiscal year and for the 3 6 subsequent
 323 fiscal years. These estimates shall be based upon prior years'
 324 enrollments, upon the initial fall term enrollments for the
 325 current fiscal year for each college, and upon each college's
 326 estimated current enrollment and demographic changes in the
 327 respective community college districts. Upper-division
 328 enrollment shall be estimated separately from lower-division
 329 enrollment.

330 (g) Expenditures for upper-division enrollment in a
 331 community college that grants baccalaureate degrees shall be
 332 reported separately from expenditures for lower-division
 333 enrollment, in accordance with law and State Board of Education
 334 rule.

335 Section 13. Subsection (8) of section 1013.79, Florida
 336 Statutes, is amended to read:

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337 | 1013.79 University Facility Enhancement Challenge Grant
 338 | Program.—

339 | (8) By October 15 ~~±~~ of each year, the Board of Governors
 340 | shall transmit to the Legislature a list of projects that meet
 341 | all eligibility requirements to participate in the Alec P.
 342 | Courtelis University Facility Enhancement Challenge Grant
 343 | Program and a budget request that includes the recommended
 344 | schedule necessary to complete each project.

345 | Section 14. Section 1009.5385, Florida Statutes, is
 346 | repealed.

347 | Section 15. This act shall take effect July 1, 2010.

