



Higher Education Appropriations Subcommittee Meeting Packet

**January 24, 2012
2:00 p.m. – 4:30 p.m.
Reed Hall**



The Florida House of Representatives

APPROPRIATION COMMITTEE

Higher Education Appropriations Subcommittee

Dean Cannon
Speaker

Marlene O'Toole
Chair

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MEETING AGENDA

Reed Hall

January 24, 2012

- I.** Meeting Called To Order
- II.** Opening Remarks by Chair
- III.** Budget Workshop – Chair’s Recommendations
- IV.** Consideration of the following proposed committee bills:
PCB HEAS 12-01 – Post Secondary Education Funding
PCB HEAS 12-02 – Reemployment for Injured Worker
- V.** Closing Remarks
- VI.** Meeting Adjourned



PCB HEAS 12-01
Post Secondary
Education Funding

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB HEAS 12-01 Postsecondary Education Funding

SPONSOR(S):

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Higher Education Appropriations Subcommittee		Butler 	Heflin 

SUMMARY ANALYSIS

The bill conforms statutes to the funding decisions included in the House of Representatives proposed General Appropriations Act (GAA) for Fiscal Year 2012-13.

Specifically the bill:

- Establishes the Florida Virtual Campus to provide access to online student and library support services and serve as a statewide resource and clearinghouse for postsecondary education distance learning courses and degree programs and to increase student access and completion of degrees
- Establishes a Degree Completion Pilot Program to recruit, recover, and retain adult learners and assist them in completing degrees aligned to high-wage, high-skill, and workforce needs
- Increases the surcharge for excess credit hours
- Authorizes the Board of Governors to transfer unused Student and Other Fees Trust Fund authority between institutions, and restricts universities' ability to transfer funds in excess of \$1 million to and from satellite campuses
- Maintains the salary limitation on the amount of state funds that may be used for salaries of Florida College System and State University presidents and administrative employees in Fiscal Year 2012-13
- Provides that a full-time student, co-enrolled in a K-12 education program and an adult general education program, may be reported for funding in an adult education program in Fiscal Years 2012-2013 and 2013-14

The bill makes the following changes to student financial aid and tuition assistance programs:

- Shortens the length of time from 3 years to 2 years that a student is eligible to accept the initial Bright Futures Scholarship after high school graduation
- Clarifies that students enrolled in the Spring/Summer University of Florida pilot program are authorized to receive a Bright Futures Scholarship award for only two semesters each year
- Clarifies that students are required to annually submit the Free Application for Federal Student Aid (FAFSA)
- Limits allowable uses for the Bright Futures Gold Seal Vocational Scholarship
- Revises student GPA eligibility requirements for renewal of the Florida Bright Futures Scholarship award, the Florida Resident Access Grant, and Access to Better Learning grant

The bill includes provisions for other scholarship programs which:

- Requires the Florida Fund for Minority Teachers (FFMT) and the Florida Education Fund (FEF) to provide financial reports on an annual basis
- Requires the FFMT to use a contingency collection agency to recoup scholarship repayments from students in default
- Requires the FEF to utilize cash reserves to provide scholarships in Fiscal Year 2012-13
- Eliminates a law scholarship program that is no longer funded, nor does the FEF provide scholarships for
- Revises matching requirements for the FEF, the Jose Marti and Mary McLeod Bethune Scholarship Programs

The House proposed GAA provides:

- \$16.9 million to support the newly established Virtual Campus, of these funds \$5 million is provided for student access and degree completion pilots
- \$11 million in savings to state associated with the decrease in allowable excess credit hours
- \$337,554 in savings due to changes in the Bright Futures Vocational Gold Seal Scholarship program
- \$1.9 million in savings due to the utilization of program reserve funds by FFMT and FEF

This bill has an effective date of July 1, 2012.

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

STORAGE NAME: PCB01.HEAS.DOCX

DATE: 1/12/2012

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

South Florida Community College Name Change

Current Situation

A community college district board of trustees may change its institutional name by using the designation "college" or "state college" if the college has been authorized to grant a baccalaureate degree(s) and has been accredited as a baccalaureate degree granting institution by the Commission on Colleges of the Southern Association of Colleges and Schools.¹ A board of trustees must seek codification of the name change in the following regular session of the Legislature.²

On January 26, 2011, the South Florida Community College's district board of trustees approved the request to submit a proposal to offer the Bachelor of Applied Science in Supervision and Management. On September 20, 2011, the State Board of Education approved South Florida Community College's proposal to offer a baccalaureate degree. On September 28, 2011 the South Florida Community College board of trustees approved a change of the college's name to South Florida State College, to become effective July 1, 2012. On December 5, 2011, the Commission on Colleges of the Southern Association of Colleges and Schools (SACS) denied membership at a more advanced degree level for South Florida Community College because the institution did not provide an acceptable plan and supporting documentation to ensure that it has appropriately qualified faculty to teach assigned coursework in the new program. In June 2012, the commission will review institutions required to submit additional reports; it is anticipated that accreditation for the more advanced degree level will be affirmed.³

Effect of Changes

The bill codifies the name of South Florida State College, contingent upon final SACS accreditation.

State Universities and Board of Governors Transfer of Funds

Current Situation

A university board of trustees is responsible for the financial management of its university. The board must account for the expenditures of all funds, establish tuition rates under purview of the Board of Governors, and submit annual financial statements.⁴ The board of trustees also has the authority to transfer funds within the fiscal year to and from the special units under its jurisdiction, including medical schools and institutes. Universities must then submit a Resource Utilization Deviation request to the Board of Governors as a component of their annual operating budget submission in an effort to amend the budget requests to reflect the needs of the major institutions and of their special units. The Legislature then takes this information into account and appropriates funds separately to each major institution and to the medical schools.

Effect of Changes

The bill requires all transfers between major institutions and their special units to be reviewed for approval by the Board of Governors if the amount exceeds one million dollars. If approved, the Board of Governors may then submit the request to the Legislative Budget Commission for further review. Once the transfer request has been approved by both entities, the university may then make the transaction.

The bill also authorizes the Board of Governors to transfer unused tuition appropriations from the Education/General Student and Other Fees Trust Fund between institutions.

¹ Section 1001.60, F.S.

² Section 1001.60(2)(c), F.S.

³ Information provided by the Division of Florida Colleges

⁴ Board of Governors Rule 1.001(6), University Board of Trustees Powers and Duties

Florida Virtual Campus

Current Situation

Florida Distance Learning Consortium

In 1996,⁵ the State Board of Community Colleges (SBCC) established the Florida Community College Distance Learning Consortium (FCCDLC) as an advisory committee to the SBCC for purposes of:

- Advising the SBCC on policy and fiscal issues relating to distance learning and technology.
- Coordinating the establishment of a technology-enhanced delivery system that supports the mission of Florida's community colleges while also increasing access to higher education for all Florida residents.
- Representing the community college system on regional and national committees.

Also in 1996, the Institute for Public Postsecondary Distance Learning (Institute) was created by the Board of Regents and the SBCC through a memorandum of understanding and was administratively housed at Florida Gulf Coast University.⁶ The primary purpose of the Institute was to encourage and facilitate the cooperative development and delivery of distance learning instruction between the state universities and the community colleges.

In 2003 the governing bodies of the FCCDLC and the Institute agreed to consolidate to create the Florida Distance Learning Consortium (FDLC). The FDLC was designed to:

- Take on the responsibility for providing strong distance learning leadership for a K-20 education delivery system.
- Exist as a membership organization open to any Florida accredited school district, community college, state university, or any Independent Colleges and Universities of Florida (ICUF) institution.
- Exist as an advisory body to the State Board of Education in order to support the distance learning process at all educational levels and serve as a catalyst for greater collaboration and coordination.

Since the State Board of Education and the Board of Governors did not formally establish the FDLC within the state's postsecondary educational structure, to include the identification of clearly defined roles and responsibilities, participation and use of the FDLC's services and activities was voluntary.⁷

In 2008 the Legislature created the Florida Distance Learning Task Force to submit a report to the Governor, the Speaker of the House of Representatives, the President of the Senate, the State Board of Education, the Board of Governors, and the state university and community college boards of trustees no later than March 1, 2009, that provided recommendations on several distance learning-related issues to include the future role of the FDLC.⁸

The task force submitted its report on February 26, 2009, and identified five major substantive policy findings and recommendations for legislative consideration:⁹

- Establish the FDLC in statute as a statewide higher education collaborative with responsibilities and accountability.
- Adopt a definition of "distance learning" for the purpose of assessing the distance learning fee.
- Promote access for students by requiring postsecondary institutions to provide a link to the distance learning catalog.
- Finalize the plan for implementing online registration process.

⁵ House of Representatives Staff Analysis for CS/HB 7105, Policy & Budget Council; Schools & Learning Council, 4/21/2008.

⁶ *Id.*

⁷ *Id.*

⁸ 2008-148, Laws of Florida.

⁹ Presentation by Co-Chair of the Florida Distance Learning Task Force to the House State & Community Colleges & Workforce Policy Committee on March 10, 2009. The *Florida Distance Learning Task Force Report*, February 26, 2009, contains 23 recommendations on a variety of distance learning issues.

- Continue development of a central repository to provide open access textbook opportunities for students.

In 2009 the Legislature established the FDLC in statute to facilitate collaboration among the public postsecondary educational institutions in their use of distance learning to increase access to associate and baccalaureate courses and degree programs; to support institutions in their use of technology; and to help build partnerships among the institutions, businesses, and communities.¹⁰ The Board of Governors and the State Board of Education exercise joint oversight of the FDLC and has established its administrative and operational guidelines and processes.

Florida Higher Education Distance Learning Catalog

In 1997, the FCCDLC developed the first system-wide online catalog listing the distance learning courses offered by Florida's public community colleges. All participating community colleges entered their distance learning courses into the catalog and prospective students could search for the availability of distance learning courses by term, college, course number, or course prefix. Once a prospective student located a course of interest, the student would be linked to the appropriate college's website for course registration and enrollment.¹¹

By 2002, the Institute had created a similar online distance learning catalog for the state universities. When the governing bodies of the FCCDLC and Institute decided to consolidate and form the FDLC, the two online distance learning catalogs were combined to create a single comprehensive public postsecondary distance learning course and degree program catalog.¹²

In 2008, the Legislature codified the catalog in statute and established the Florida Higher Education Distance Learning Catalog.¹³ The number of distance learning courses that have been listed in the catalog has continuously increased over the years from 6,000 courses listed in 2005 to 28,272 in 2010-11.¹⁴

Florida's Academic Counseling and Tracking for Students System

In 1995, the Legislature directed Florida's higher education governing systems to design and implement a single, statewide computer-assisted student advising system. The legislation mandated that the system include a degree audit and an articulation component to assist students in course selection, document their status toward degree completion, and verify when students complete graduation requirements. A working prototype of these features was completed in 1999, and by 2004, 38 of the 39 public postsecondary institutions had implemented the degree audit, transcript, and admissions application functionalities.¹⁵

The 2002 Florida Education Governance Reorganization codified in statute the establishment of the computer-assisted student advising system, which had become known as the Florida's Academic Counseling and Tracking for Students (FACTS), and expanded its mission to support Florida's K-20 seamless education system.¹⁶ Several high school tools were added to FACTS including a personalized high school planner (Electronic Personal Education Planner or ePEP) and a variety of scholarship, dual enrollment, and academic planning information.¹⁷ In 2006, the Legislature required that all middle school students use FACTS to create an ePEP as part of a class required for promotion to 9th grade.¹⁸

¹⁰ Chapter 2009-92, Laws of Florida.

¹¹ House of Representatives Staff Analysis for CS/HB 7105, Policy & Budget Council; Schools & Learning Council, 4/21/2008.

¹² *Id.*

¹³ Chapter 2008-148, Laws of Florida.

¹⁴ Presentation to House Higher Education Appropriations Subcommittee on December 7, 2011, *Online Registration Process for Transient Students: Update*.

¹⁵ OPPAGA Postsecondary Student Use of the Florida Academic Counseling and Tracking for Students (FACTS) Is Low – April 2008.

¹⁶ Chapter 2002-387, Laws of Florida.

¹⁷ OPPAGA Postsecondary Student Use of the Florida Academic Counseling and Tracking for Students (FACTS) Is Low – April 2008.

¹⁸ Chapter 2006-74, Laws of Florida.

In 2011, the Legislature expanded the functionality of FACTS by requiring the system to provide the admissions application for transient students who are undergraduate students currently enrolled and pursuing a degree at a public postsecondary educational institution and who want to enroll in a course listed in the Florida Higher Education Distance Learning Catalog which is offered by a public postsecondary educational institution that is not the student's degree-granting institution.¹⁹

Florida Center for Library Automation & College Center for Library Automation

In 1984, the Legislature appropriated funds for the establishment of the Florida Center for Library Automation (FCLA) to focus on the library automation needs of the state universities. Today FCLA provides library automation support to 79 libraries on 55 campuses as part of the 11 institutions of the State University System (SUS). In 2009, FCLA was designated an Academic Infrastructure Support Organization (AISO) which means it supports all the state universities with statewide infrastructure and services. The FCLA director reports to the University of Florida Academic Provost and Senior Vice President who oversees FCLA on behalf of the SUS Council of Academic Vice Presidents.²⁰

In 1989, the Legislature appropriated funds for the establishment of the College Center for Library Automation (CCLA) to serve the library automation needs of the community colleges. Today CCLA provides library automation support to 82 physical library sites as part of the 28 institutions in the Florida College System (FCS). Under a formal agreement, the Chair of the Council of Presidents and the Chancellor of the FCS are responsible for CCLA's governance and general oversight. A state-level contract administrator is appointed to act on their behalf in all matters pertaining to the organization.²¹

In July 2010, the Task Force on the Future of Academic Libraries in Florida was created by the chancellors of the SUS and FCS. The chancellors instructed the task force to "determine a vision and develop a strategic plan for the future of academic library access, resources, and services in Florida that encompasses emerging trends and changing realities in the areas of instruction, research, technology, and public service within the context of the academic mission."²²

On March 2, 2011, the chancellors submitted a letter to the members of the task force that expanded their charge by requesting that they develop strategies and timelines for establishing a library technology organizational structure that would meet the needs of academic libraries in both the SUS and FCS in a manner that was more cost-effective than the current organizational structure. The task force was requested to submit its plan by December 31, 2011.²³

In 2011, the Legislature directed the chancellors of the SUS and FCS to submit a plan to the Executive Office of the Governor and to the legislative appropriations committees by January 1, 2012, for establishing a joint library organization to address the needs of academic libraries in the SUS and FCS that replaces the FCLA and the CCLA.²⁴

The task force's *Unified Library Services Business Plan*, November 10, 2011, was submitted to the legislative appropriations committees and includes the following high-level recommendations:²⁵

- Governance structure to include full representation of all public higher education institutions.
- Board of Directors to provide leadership and oversight, as well as accountability to the two system chancellors.
- Internal organization to be based on the services provided by the new organization.
- New organization to contract with a postsecondary institution for administrative and other support.

¹⁹ Chapter 2011-63, Laws of Florida.

²⁰ Task Force Report on the Future of Academic Libraries in Florida, *Unified Library Services Business Plan*, November 10, 2011.

²¹ Task Force Report on the Future of Academic Libraries in Florida, *Unified Library Services Business Plan*, November 10, 2011.

²² Task Force on the Future of Academic Libraries in Florida, *Unified Library Services Business Plan*, November 10, 2011.

²³ March 2, 2011, letter from Chancellors Brogan and Holcombe to the members of the Task Force for the Future of Academic Libraries in Florida.

²⁴ Chapter 2011-63, Laws of Florida.

²⁵ Task Force on the Future of Academic Libraries in Florida. *Unified Library Services Business Plan*, November 10, 2011.

- As the new organization matures, other entities (ICUF institutions, public libraries, K-12) may want to contract for certain services.
- The new organization must be able to adapt to ever-changing technologies.
- No additional funds are requested for the new organization.
- Cost savings achieved through consolidating FCLA and CCLA services should be used to provide additional services or offset inflationary costs for eResources.
- The new organization's official start date should be July 1, 2012.
- FCLA and CCLA should continue to exist until June 30, 2013, to allow for a smooth transition of services.
- Identify transition team and interim director.
- Form Members Council and Board of Directors.
- Hire permanent executive director.
- Contract with postsecondary institution.
- Determine location.

Effect of Proposed Changes

The bill establishes the Florida Virtual Campus to serve as a statewide resource and clearinghouse for technology-based postsecondary education courses, degree programs, and student and library support services and to facilitate collaboration among public postsecondary educational institutions in their use of these resources to increase student access and completion of associate and baccalaureate degrees. The bill consolidates the services and resources provided by the Florida Distance Learning Consortium, the Florida Higher Education Distance Learning Catalog, FACTS, the FCLA, and the CCLA into the Florida Virtual Campus.

The bill authorizes the chancellors of the Florida College System and the State University System to exercise joint oversight of the Florida Virtual Campus and to establish its governance and reporting structure, administrative and operational guidelines and processes, staffing requirements, and operational budget.

The bill also directs the Florida Virtual Campus to collaborate with the University of West Florida, University of South Florida, Florida State College at Jacksonville, and St. Petersburg College to implement the Degree Completion Pilot Project which is designed to recruit, recover, and retain Florida's adult learners and assist them in completing an associate or baccalaureate degree that is aligned to high-wage, high-skill workforce needs.

Student Enrollment Pilot Program for Spring and Summer Terms

Current Situation

In Fiscal Year 2011-12, the University of Florida was authorized to develop and implement a student enrollment plan for the spring and summer terms to align on-campus student enrollment with the availability of instructional facilities. The pilot provided for a student cohort limited to on-campus enrollment during these terms. Legislative authority provided that students enrolled in the pilot program were eligible to receive the scholarship award for attendance in the spring and summer terms, but were not eligible to receive the scholarship for attendance during the fall.²⁶

Effect of Changes

The bill clarifies that students enrolled in the Spring/Summer University of Florida pilot program who are eligible for a Bright Futures scholarship are eligible to receive the scholarship award during the summer term. The student may not receive a Bright Futures Scholarship for more than two semesters in any Fiscal Year.

Excess Credit Hour Surcharge

Current Situation

²⁶ Section 1009.215, F.S.

Section 1009.286, F.S., requires a surcharge of 100 percent of tuition be assessed for each credit hour in excess of 115 percent of the number of credit hours required for completion of the students' registered degree program.

Effect of Changes

The bill requires students entering into a state university or college in the 2012-13 academic year for the first time to pay 100 percent of tuition for excess credit hours above 110 percent of the credit hours required for their degree. Students who entered into a state university or college in the 2011-12 academic year for the first time will pay 100 percent of tuition for excess credit hours above 115 percent of the credit hours required for their degree. Students who entered into a state university or college prior to the 2011-12 academic year for the first time will pay 50 percent of tuition for excess credit hours above 120 percent of the credit hours required for their degree. Students enrolling in these additional courses will be assessed an increased fee in an effort to encourage them to complete the necessary degree requirements in a timely manner.

Excess Credit Surcharge Implementation

	<i>Academic Year of Enrollment</i>		
	2009-10 - 2010-11	2011-12	2012-13
Percent of Tuition	50%	100%	100%
Percent of Required Credit Hours	120%	115%	110%

Florida Bright Futures Scholarship Program Eligibility

Length of Time to Accept Initial Bright Future's Scholarship Award

Current Situation

Section 1009.531(2)(c), provides that a student who qualifies for a Florida Bright Futures Scholarship Program is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 5 years following high school graduation. A student who applies for an award by high school graduation and who meets all other eligibility requirements, but does not accept his or her award, may reapply during subsequent application periods for up to 3 years after high school graduation. Exceptions are made for a student who enlists in the United States Armed Forces immediately after completion of high school in that the 3-year eligibility period for his or her initial award and the 5-year renewal period begins upon the date of separation for active duty. Also, for a student who is receiving a Florida Bright Futures Scholarship award and discontinues his or her education to enlist in the United States Armed Forces, the remainder of his or her 5-year renewal period commences upon the date of separation from active duty. For all Bright Futures Scholarships, if a course of study is not completed after 5 academic years, an exception of 1 year to the renewal timeframe may be granted due to verifiable illness or other documented emergency.

Effect of Changes

The bill shortens the length of time from 3 years after high school graduation to 2 years after high school graduation that a student is eligible to accept an initial Bright Futures Scholarship award.

Annual Submission of the FAFSA

Current Situation

Beginning in Fiscal Year 2011-12 and each subsequent year, students applying for a Florida Bright Futures Scholarship award are required to submit a complete and error-free Free Application for Federal Student Aid (FAFSA) prior to award disbursement. Legislative intent was to require all Florida Bright Futures Scholarship recipients to annually submit the FAFSA; however, the requirement was placed in the statute that applies for initial awards, and not included in the section of law pertaining to renewal awards.²⁷

Effect of Changes

²⁷ Section 1009.531(7), F.S.

The bill clarifies that students are required to annually submit the Free Application for Federal Student Aid (FAFSA) for initial award eligibility as well as renewal award eligibility.

Gold Seal Vocational Scholars Award Use

Current Situation

The Gold Seal Vocational Scholars Award was created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and career preparation by high school students who wish to continue their education. The eligibility requirements for this scholarship program are quite different from the Academic and Medallion Scholarships. A student wishing to receive the Gold Seal Vocational Scholarship must complete the secondary school portion of a sequential program of study which requires at least three secondary school career credits taken over at least two academic years, and is continued in a planned, related postsecondary program. Instead of defined SAT scores, which Academic and Medallion Scholars must meet, the Gold Seal Vocational Scholar must demonstrate college readiness by earning a passing score on the Florida College Entry Level Placement Test or equivalent.

Gold Seal Vocational Scholars are limited to 100 percent of the number of credit hours to complete a program, up to 90 credit hours. Many specific career-focused certificate, diploma and degree programs are offered through school district technical centers and Florida College System institutions, as well as other private technical centers or private institutions. These programs require fewer credit hours to complete than a baccalaureate degree and prepare students to obtain specific training for targeted high skill/high wage employment. Most of these programs require 60 hours or less. A few require more than 60, but less than 72, and very few require more than 72 hours to complete.

Career programs include: an Applied Technology Diploma Program, a Technical Degree Education Program, and a Career Certificate Program. The Applied Technology Diploma Program is a course of study that is part of a technical degree program which requires less than 1,800 clock hours, the equivalent of 60 credit hours, and leads to employment in a specific occupation.²⁸ A Technical Degree Education Program is a course of study that leads to an Associate in Applied Science or Associate in Science degree,²⁹ typically requiring 60 to 72 credit hours. A Career Certificate Program is a course of study that leads to at least one occupational completion point or competency in a specific area of study.³⁰ Most certificate programs require 1,800 clock hours, the equivalent of 60 credit hours; however, there are nine programs that require more, ranging from 63 to 95 credit hours.³¹

Effect of Changes

The bill narrows the scope of allowable uses for the Gold Seal Vocational Award by limiting the award to be used for specific career-focused educational programs which include Applied Technology Diploma Programs, Technical Degree Education Programs, and Career Certificate Programs. In addition, each scholarship is limited to the lesser of either the number of credit hours necessary to complete a program, or up to 72 credit hours for a program. An Applied Technology Diploma Program scholarship is limited to the equivalent of 60 credit hours; a Technical Degree Education Program scholarship is limited to the number of hours required for the program, up to 72 credit hours; a Career Certificate Program is limited to the number of hours required for the program, up to 72 credit hours.

GPA Requirements for Bright Futures Scholarship Renewal Awards

Current Situation

Section 1009.532, F.S., provides eligibility criteria for renewal awards in Florida Bright Futures Scholarship Programs. Florida Academic Scholars must retain a 3.0 grade point average (GPA) in order to be renewed for a scholarship each semester. Florida Medallion Scholars and Gold Seal Vocational Scholars must retain a 2.75 GPA in order to be renewed for a scholarship each semester. If a student fails to meet the required GPA, the student may restore eligibility by improving the GPA to the required level. This restoration is allowed one time.³²

²⁸ Section 1004.02(8), F.S.

²⁹ Section 1004.02(14), F.S.

³⁰ Section 1004.02(21), F.S.

³¹ Email correspondence, Division of Career and Adult Education

³² Section 1009.532(1)(b)2., F.S.

Effect of Changes

The bill revises eligibility requirements for students receiving a Bright Futures Scholarship award renewal.

	Florida's Bright Futures Scholarship Program Required Grade Point Averages (GPA)			
	Current GPA Requirements FY 2011-12		Proposed Renewal Requirements	
	Initial	Renewal	FY 2012-13	FY 2013-14
Scholarship Award				
Academic Scholar	3.5	3.0	3.25	3.5
Medallion Scholar	3.0	2.75	3.0	3.0
Gold Seal Vocational	3.0	2.75	3.0	3.0

Florida Fund for Minority Teachers

Current Situation

The Florida Fund for Minority Teachers, Inc., (FFMT) is a not-for-profit corporation housed in the College of Education at the University of Florida which administers and manages the minority teacher education scholars program.³³ The FFMT is authorized to award up to \$4,000 per year to 350 new scholars in their junior year and up to 350 renewal scholarships to seniors. The recipients may be awarded scholarships for no more than three years. Participants in the program primarily attend Florida College System institutions, but may attend other public and private colleges and universities which have teacher education programs. The program requires the recipient to graduate within three years, and teach at a Florida public institution for one year for each year the scholarship was received. Recipients who fail to graduate within three years or fulfill the employment requirement are required to repay the scholarship with interest. The FFMT indicates the collection rate for defaulted scholarships is less than ten percent.

From Fiscal Years' 1996-97 through 2010-11, FFMT received \$37.7 million in state funding. Of these appropriations, approximately \$33.5 million of these funds were expended on scholarships. Florida statute allows for five percent of the appropriation to be to administer the program, including support for the Board of Directors, and a required training program to assist with the recruitment, retention and graduation of minority teacher scholars. Section 1009.60(2), Florida Statutes, requires that the training program must include an annual conference or series of conferences.

Prior to 2009, the FFMT was allowed to keep unspent funds for the program to be used for future scholarships. In Fiscal Year 2009-10, however, statutory changes were made which require any appropriated funds not spent for scholarships, less the five percent for administration, be returned to the Department of Education (department).³⁴

Over the past several years, the Legislature made reductions to many programs due to budgetary constraints. In scrutinizing programs, the Legislature has required stricter oversight of state contracts and expenditures³⁵. State appropriations totaling \$3 million for the FFMT program in Fiscal Year 2008-09, have been reduced to \$985,468 in Fiscal Year 2011-12. These reductions were based on information received from the Department of Education comparing historical appropriations, less five percent authorized for administering the program, to actual expenditures for scholarships. According to the department, FFMT should have a cash balance of approximately \$2.6 million; however, according to the FFMT's June 30, 2011 financial statement, the cash balance totaled approximately \$1.4 million. The difference indicates that more than five percent has been used to administer the program.

³³ FFMT authorized in s. 1009.605, F.S.

³⁴ Section 1009.605(2)(b), F.S.

³⁵ Section 287.058, F.S.

Section 1009.605 currently does not include financial reporting requirements, which culminated in insufficient oversight of the expenditure of appropriated state funds.

Effect of Changes

The bill requires the FFMT to annually report to the Department of Education the balance of the corporation's assets and cash reserves. Also, to enable better collection of defaulted scholarships, a requirement for the FFMT to use a contingency collection agency is included.

Due to budgetary constraints, the proposed appropriation for the 2012-13 Fiscal Year is reduced by \$885,468, leaving \$100,000 in General Revenue funding for FFMT. This will require the FFMT to utilize reserve funding to provide scholarships and administer the Minority Teacher Scholarship Program in the 2012-13 Fiscal Year.

Florida Education Fund³⁶

Current Situation

McKnight Doctoral Fellowship Program

The Florida Education Fund's (FEF) McKnight Doctoral Fellowship Program (MDF) was established in 1984 to increase the representation of minorities in faculty and administrative positions in higher education in Florida and to increase the number of highly educated minorities in leadership positions in Florida's business and professional enterprises. The FEF provides up to 50 fellowships renewable for up to five years to students pursuing doctoral degrees at one of nine participating institutions in the State of Florida. Each fellowship consists of \$17,000 per year in tuition, fees, and stipends.³⁷ The FEF provided the following information about the program:

- Since 1984, 784 doctoral fellowships have been awarded. 42 new fellows began their Ph.D. programs in the Fall 2011 semester.
- To date, 372 Fellows have earned their doctoral degrees.
- Currently, 276 Doctoral Fellows are matriculating at nine participating Florida institutions.
- 44 percent of the current McKnight Fellows are in the sciences or related fields, including physical, life, computer and health sciences, math and engineering.
- Approximately 85% work or have previously worked in a Florida college, university, or other educational institution for a minimum of two years.
- McKnight Fellows have completed their Ph.D.s in an average of 5.2 years, instead of the seven-year national average.
- Value flows back to universities, the State, and communities through MDF scholars' participation as teaching assistants, lecturers, instructors, and research assistants at universities. MDF scholars also provide pre-college program services in which the fellows design/teach summer camp programs, teach SAT prep courses, and tutor and mentor K-12 students.

McKnight Junior Faculty Fellowship Program

The program was intended to encourage excellence in teaching and research by women, African Americans, Hispanics, and Native Americans. To date, the FEF has awarded 194 Fellowships. At least 33 fellows have obtained tenure, 32 fellows have completed their doctoral degrees, and 36 fellows have earned promotions.

Funds appropriated in the Office of Student Financial Aid budget in the Transfer to Florida Education Fund category are specifically appropriated to be used for the McKnight Doctoral Fellowship and McKnight Junior Faculty Fellowship programs. Originally, the FEF was funded by a major grant of \$10 million from the McKnight Foundation of Minneapolis, Minnesota. The grant required a state match of \$5 million which was appropriated in two installments of \$2.5 million in Fiscal Years 1985-86 and 1986-

³⁶ The Florida Education Fund was originally known as the "McKnight Programs in Higher Education"

³⁷ <http://www.fefonline.org/mdf.html> (\$5,000 per year tuition/fees; \$12,000 stipend)

87.³⁸ In 1989-90, \$100,000 was appropriated for the Florida Endowment for Higher Education; proviso included that the funds were to be used to match private sources at a \$1 state match to \$2 from private sources³⁹. This appropriation was vetoed by the Governor.⁴⁰

In Fiscal Year 1990-91, substantive changes were made that required a \$1 dollar for each \$2 contributed by private sources and required certification of donations contributed between July 1, 1990 and June 30, 1991.⁴¹ These changes specified that only the new donations above the certified base were to be calculated for state matching funds during the first year of the program. In subsequent years, only the new donations above the prior year certified base were to be calculated for state matching funds.

It is not readily apparent whether the certifications occurred since funds were not appropriated again to the FEF until 1997-98. Varying amounts totaling \$19.9 million have been appropriated to the Transfer to Florida Education Fund appropriation category between Fiscal Years' 1997-98 and 2011-12, in the General Appropriations Acts for those years. When asked about the matching funds from private sources, the FEF stated that the matching requirements were for the original grant and not for appropriations since. From Fiscal Years 2007-08 through 2010-11, the state appropriated \$8.1 million; documentation received from the FEF shows non-state contributions of \$1.2 million were received from non-state grants/contributions.

Over the past several years, the Legislature made reductions to many programs due to budgetary constraints. In scrutinizing programs, the Legislature has required stricter oversight of state contracts and expenditures.⁴² Section 1009.70, Florida Statutes, currently does not include financial reporting requirements. According to an audited June 30, 2011 FEF financial statement, the FEF had investments totaling \$14.8 million. Of this amount, approximately \$8.5 million is invested in equities, mutual funds, preferred stock and other liquid accounts. In the absence of a state appropriation in Fiscal Year 2012-13, it appears that the FEF could utilize some of these funds to continue scholarships at the same level as provided in Fiscal Year 2011-12.

Minority Participation in Legal Education

The Minority Participation in Legal Education (MPLE) program was created by the Legislature in 1994 to address underrepresentation of minorities in the state's legal profession. The FEF was authorized to administer the program.⁴³ Funding was provided specifically for this program in the General Appropriations Act from Fiscal Years 1994-1995 through 2004-2005 totaling \$37.3 million. Funding was phased out when Florida Agricultural and Mechanical University (FAMU) and Florida International University (FIU) law schools were established.

Effect of Changes

The bill clarifies language relating to state matching funds, requiring a dollar-for-dollar state match to private contributions and requires expenditure of appropriated funds to be matched dollar-for-dollar from private sources. The bill requires the FEF to annually provide the Department of Education with a copy of its certified financial statement and annual report, and to post these documents on its website. The FEF is also required to provide scholarship data to the department. The bill deletes obsolete language pertaining to a law school scholarship program for which the FEF no longer receives funding for, or provides scholarships. Other statutory cross references pertaining to the law scholarship are removed, and technical changes to correct the name of the McKnight Doctoral Fellowship Program and the McKnight Junior Faculty Fellowship Programs are made. Finally, the bill authorizes the Florida Education Fund to use available cash reserves to continue funding scholarships in the 2012-13 Fiscal Year at the same level as funded in the 2011-12 Fiscal Year.

³⁸ General Appropriations Acts 1984-85 and 1985-86 Specific Appropriations 339 and 352 respectively

³⁹ <http://fefonline.org/about.html>: FEF originally known as McKnight Programs in Higher Education

⁴⁰ Chapter 89-253, Laws of Florida, Specific Appropriation 382A

⁴¹ Chapter 90-365, s. 240.498, F.S.

⁴² Section 287.058, F.S.

⁴³ Section 1009.70(8)

Match Requirement for Matching Grant Scholarship Programs.

Current Situation

The Jose Marti Scholarship Challenge Grant Fund⁴⁴ is a need-based merit scholarship that provides financial assistance to eligible Hispanic-American students attending Florida public or eligible private institutions. The Legislature is not obligated to appropriate funds for the program; however, in the instance of appropriation, the moneys shall be allocated by the Department of Education on the basis of one \$5,000 challenge grant for each \$2,500 raised from private sources.

The Mary McLeod Bethune Scholarship Program⁴⁵ provides financial assistance to undergraduate students who meet scholastic requirements, demonstrate financial need and attend Bethune-Cookman University, Edward Waters College, Florida A&M University, or Florida Memorial University. The Legislature is not obligated to appropriate funds for the program; however, in the instance of appropriation, the moneys shall be allocated by the Department of Education on the basis of one \$2,000 challenge grant for each \$1,000 raised from private sources.

Effect of Changes

The bill revises matching requirements for the Jose Marti and Mary McLeod Bethune Scholarship Programs to require that matching funds be allocated on a dollar-for-dollar basis. This will provide consistency among challenge/matching grant scholarship programs such as the First Generation Matching Grant Program which requires a dollar-for-dollar match.

The bill provides that the Jose Marti Scholarship Challenge Grant Program will require a \$5,000 state match for each \$5,000 contribution from private sources. The Mary McLeod Bethune Scholarship Program will require a state match of \$2,000 for each \$2,000 contribution from private sources.

Eligibility Requirement for Florida Resident Access Grant and Access to Better Learning and Education

Current Situation

The Florida Resident Access Grant (FRAG) and the Access to Better Learning and Education (ABLE) grant programs currently require satisfactory academic progress as defined by the college or university in which the student is enrolled.⁴⁶ Florida statutes require a grade point average (GPA) of a 2.0 on a 4.0 scale in order to be eligible for any state financial aid award or tuition assistance grants therefore this was the applicable GPA for the FRAG and ABLE programs.

Effect of Changes

The bill defines satisfactory academic progress as being a 2.0 GPA in lower division courses and a 3.0 in upper division courses. This increases the applicable eligibility requirements that were previously applied to the program from a 2.0 to a 2.5 GPA in the lower division courses and from a 2.0 to a 3.0 GPA in upper level courses in order to be eligible to receive funds under this tuition assistance program.

Co-Enrollment in Adult General Education

Current Situation

Florida statutes permit adult education programs to serve currently enrolled high school students. The definition of an adult student includes high school students who are taking an adult education course required for high school graduation.⁴⁷ The majority of school districts' adult education programs offer the co-enrollment option to high school students. In the 2008-2009 school year, 60,000 high school students were also taking adult education courses. In the 2008-2009 school year, 33 of 56 districts

⁴⁴ Section 1009.72

⁴⁵ Section 1009.73

⁴⁶ Section 1009.89, Florida Statutes

⁴⁷ Section 1004.02, Florida Statutes

providing adult education programs had 10 or more co-enrolled high school students. These 33 school districts spent approximately \$29 million from workforce education funding on these programs.⁴⁸

The Division of Career and Adult Education within the Department of Education, conducted a survey on district adult high school co-enrollment policies. Surveys returned represented 98 percent, or 58,960 of the 60,000 students co-enrolled in adult education programs. Reasons for providing the co-enrollment option varied among districts. School districts reported that co-enrollment was offered as a dropout prevention measure, providing credit recovery to meet graduation requirements; or as grade replacement, which could also provide assistance to students in meeting Bright Futures eligibility requirements. Some districts limit the total number and type of courses; others limit participation by grade levels. 52 percent of the districts who responded allow coursework hours beyond standard diploma requirements.⁴⁹

In Fiscal Year 2011-12, the General Appropriations Act included a budget reduction of \$11.8 million related to co-enrollment, and temporary authority was provided to allow school districts to report certain co-enrolled students or funding for the 2011-12 fiscal year.

Effect of Changes

The bill continues a provision from Fiscal Year 2011-12 related to the prohibition of a full-time student co-enrolled in a K-12 education program and an adult general education program from being reported for funding in an adult education program. In Fiscal Years 2012-2013 and 2013-14, students may be co-enrolled, however, use is limited to two courses per year per student for core coursework, and may only be used for credit recovery and dropout prevention purposes. The provision only applies for students who do not have a pattern of excessive absenteeism or habitual truancy or a history of disruptive behavior in school.

College and University Limits on Salaries Paid from Appropriated Funds

Current Situation

Section 1012.885(2), F.S., provides a limitation on state funds used for compensation for college presidents at \$225,000. Section 1012.975(2), F.S., provides the same cap for university presidents from public funds. Section 1012.886 and 1012.976, F.S. was established in Fiscal Year 2011-12 to limit compensation from public funds for administrative employees for that year. Also in Fiscal Year 2011-12 the presidents' cap was reduced to \$200,000 for that year. University teaching faculty or medical school faculty and staff are excluded from the salary limitation.

Effect of Changes

The bill extends the \$200,000 salary cap amount in the aforementioned statutes for an additional year, Fiscal Year 2012-13.

B. SECTION DIRECTORY:

Section 1. Amends s. 282.201, F.S., conforming name change to align with changes made in this bill.

Section 2. Amends s. 1000.21(3)(z), F. S., revising the name of a Florida College System institution.

Section 3. Amends s. 1001.706(4), F.S., authorizing transfers of appropriations by the Board of Governors.

Section 4. Amends s. 1001.73, F.S., restricting transfers of appropriations in excess of \$1 million by the State University System.

Section 5. Amends s. 1003.4156(1)(a), F.S., conforming name change to align with changes made in this bill.

⁴⁸ OPPAGA Research Memorandum, School District Co-Enrollment for 2008-09, February 14, 2011

⁴⁹ School district survey by Career and Adult Education, Department of Education

Section 6. Repeals s. 1004.09, F.S.

Section 7. Repeals s. 1004.091, F.S.

Section 8. Amends s. 1004.39(5), F.S., conforming to align with changes made in this bill.

Section 9. Amends s. 1004.40(5), F.S., conforming to align with changes made in this bill.

Section 10. Amends s. 1006.72, F.S., conforming name change to align with changes made in this bill.

Section 11. Creates s. 1006.73, F.S., establishing the Florida Virtual Campus, assisting joint oversight of the campus to the chancellors of the State University System and the Florida College System, and identifying the services and resources to be provided by the campus.

Section 12. Creates s. 1006.735, F.S., relating to the Florida Virtual Campus collaborating with certain public postsecondary educational institutions in the implementation of the Degree Completion Pilot Project.

Section 13. Amends s. 1007.01(3)(h), F.S., correcting cross reference.

Section 14. Amends s. 1007.27(1), F.S., conforming name change to align with changes made in this bill.

Section 15. Repeals s. 1007.28, F.S.

Section 16. Amends s. 1009.215(3), F.S., clarifying eligibility for use of Bright Futures scholarship funds.

Section 17. Amends s. 1009.23, F.S., conforming a name change to align with changes made in the bill.

Section 18. Amends s. 1009.24, F.S., correcting a cross reference.

Section 19. Amends s. 1009.286, F.S., decreasing postsecondary education excess hours.

Section 20. Amends s. 1009.531, F.S., revising eligibility requirements for Bright Futures scholarships.

Section 21. Amends s. 1009.532(3), F.S., revising eligibility requirements for Bright Futures scholarships.

Section 22. Amends s. 1009.534, F.S., revising eligibility requirements for Florida Academic Scholars.

Section 23. Amends s. 1009.535, F.S., revising eligibility requirements for Florida Medallion Scholars.

Section 24. Amends s. 1009.536, F.S., revising eligibility requirements for Florida Gold Seal Vocational Scholars.

Section 25. Amends s. 1009.60, F.S., revising requirements to the Florida Fund for Minority Teachers, Inc. relating to collections of defaulted scholarships.

Section 26. Amends s. 1009.605(2)(b), F.S., requiring financial reporting of the Florida Fund for Minority Teachers, Inc.,

Section 27. Amends s. 1009.70, F.S., revising requirements and duties of the Florida Education Fund.

Section 28. Amends s. 1009.72(4), revising matching fund requirements for the Jose' Marti Scholarship Challenge Grant Program.

Section 29. Amends s. 1009.73(4), revising matching fund requirements for the Mary McLeod Bethune Scholarship Program.

Section 30. Amends s. 1009.89(4), revising eligibility requirements for the Florida Resident Access Program grants program.

Section 31. Amends s. 1009.891(4), revising eligibility requirements for the Access to Better Learning Grant Program.

Section 32. Amends s.1011.80(10), extending provisions relating to co-enrolled students.

Section 33. Amends s. 1012.885(4), reenacting limitations relating to remuneration of Florida College System Institution presidents.

Section 34. Amends s. 1012.886(4), reenacting limitations relating to remuneration of Florida College System Institution administrative employees.

Section 35. Amends s. 1012.976(4), F.S., reenacting limitations relating to remuneration of state university presidents.

Section 36. Amends s. 1012.976(4), F.S., reenacting limitations relating to remuneration of state university administrative employees.

Section 37. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill decreases student scholarship opportunities by increasing the level of difficulty for eligibility for the Bright Futures Scholarship program, the Florida Resident Access Grant, and the Access to Better Learning and Education grant. This may result in an increased cost to students to cover a larger portion of the cost of attendance.

Increasing the tuition surcharge for excess credit hours will increase fees for students who register for courses in excess of 110 percent of their required program of study. The House proposed General Appropriations Act establishes the base tuition rate per credit hour for Florida colleges at \$74.04 and

\$111.59 for state universities. A student would be charged the full tuition rate plus the equivalent surcharge for each excess credit hour.

D. FISCAL COMMENTS:

Florida Virtual Campus

The Florida Virtual Campus is appropriated \$16.9 million to support the newly established program; these funds were transferred from the Florida Distance Learning Consortium, the Florida Higher Education Distance Learning Catalog, Florida's Academic Counseling and Tracking for Students system, the Florida Center for Library Automation, and the College Center for Library Automation. Of these funds \$5 million is appropriated for student access and degree completion pilots.

It is anticipated that consolidating the services and resources currently provided by the Florida Distance Learning Consortium, the Florida Higher Education Distance Learning Catalog, Florida's Academic Counseling and Tracking for Students system, the Florida Center for Library Automation, and the College Center for Library Automation into the Florida Virtual Campus will result in cost savings due to similar operational responsibilities and functions also being consolidated.

Excess Credit Hour Surcharge

A surcharge for excess credit hours was first implemented for students who entered a college or university for the first time in 2009-2010. In Fiscal Year 2011-12, the surcharge was increased from 50 percent to 100 percent of tuition for excess hours. Although the fiscal impact of the surcharge has not been realized to the full extent, OPPAGA has estimated that reducing the allowable credit hours to 110% will further reduce the state's burden by an additional \$11 million in Fiscal Year 2012-13. Increasing the applicable excess credit hours for the surcharge is anticipated to bring in additional revenues of \$11 million to be generated for universities.⁵⁰ These revenues are anticipated to decrease as students modify their behavior in an effort to avoid having to pay for this charge. Should a significant number of affected students graduate sooner, this would contribute to the efficiency of the system by freeing up capacity and increasing graduation rates.

Florida Bright Futures Scholarship Program Eligibility for Renewal Awards

Increasing the grade point average eligibility requirements for renewal of the Florida Bright Futures Scholarship ensures that state expenditures are provided to Florida students who continue to excel in their postsecondary coursework. Because statutory changes to the Bright Futures Program are prospective, and must be applied to the cohort affected from this point forward, OPPAGA estimates that savings to the State of Florida will not be realized until Fiscal Year 2013-14. OPPAGA estimates a state savings of \$10.4 million, or 3.1%, in the 2013-14 Fiscal Year, and increasing to \$14.8 million in Fiscal Year 2014-15.⁵¹

Florida Bright Futures Gold Seal Vocational Scholarship

Limiting the use of the Gold Seal Vocational Scholarship award to be used for career-focused educational programs which include Applied Technology Diploma Programs, Technical Degree Education Programs, and Career Certificate Programs will provide savings of at least \$337,554. These programs are not offered at public state universities, but are offered at Florida Colleges and school district technical centers. In Fiscal Year 2010-11, 28 percent of Gold Seal Vocational Scholars used the award at a four year public state university.⁵² The Legislative Office of Economic and Demographic Research estimated a savings of \$337,554 in Fiscal Year 2012-13 if initial awardees were switched to two-year or vocational schools.⁵³

Other Scholarship Program Savings

Recurring General Revenue appropriations for the Minority Teacher Scholarship Program and the McKnight Doctoral Fellowship Program are reduced by approximately \$1.9 million in Fiscal Year 2012-13. This will require these programs to utilize reserve program funds to continue scholarships.

⁵⁰ OPPAGA Research Memorandum, Excess Hours Fees – 110% Threshold, December 16, 2011

⁵¹ OPPAGA Research Memorandum, Bright Futures: Increasing GPA Renewal Requirements, December 19, 2011

⁵² Florida Department of Education Office of Student Financial Assistance End-of-Year Report 2010-11.

⁵³ Email correspondence: Legislative Office of Economic and Demographic Research (12-14-2011)

Eligibility Requirement for Florida Resident Access Grant and Access to Better Learning and Education

Increasing the eligibility requirements for the Florida Resident Access Grant and the Access to Better Learning and Education programs may reduce the need for the state to provide funding for students who do not earn a grade point average (GPA) of a 2.0 GPA in lower division courses and a 3.0 in upper division courses by an indeterminate amount. The savings will be diminished as student behavior changes in an effort to achieve the necessary GPA in order to be eligible for the grant programs.

College and University Salary Limitations

The continuation of the university president salary limitation for the 2012-13 fiscal year at \$200,000, maintains the reduced amount of public funds expended by \$252,584 since all eleven university presidents were funded at the cap amount of \$225,000 prior to the change. The bill also maintains the statutory cap of \$200,000 from appropriated state funds that can be used for salaries of university administrative employees, excluding medical school faculty and staff, which results in a savings of \$1.3 million.⁵⁴

By maintaining the reduction from \$225,000 to \$200,000 in the amount of appropriated state funds that can be used for Florida college presidents' salaries, \$487,000 in general revenue will be saved in the 2012-13 fiscal year. In Fiscal Year 2010-11, 21 of the 28 presidents' salaries were above \$200,000; 16 of these presidents' salaries were funded with general revenue at the \$225,000 cap. By applying the same funding restriction for college administrative employees, \$42,000 will be saved. In Fiscal Year 2010-11, only three employees had salaries above \$200,000.⁵⁵

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

⁵⁴ E-Mail correspondence with the Florida Board of Governors

⁵⁵ E-Mail correspondence with the Office of Financial Policy, Florida College System

1 A bill to be entitled
 2 An act relating to postsecondary education funding;
 3 amending s. 282.201, F.S.; conforming provisions to
 4 changes made by the act; amending s. 1000.21, F.S.;
 5 revising the name of South Florida Community College;
 6 providing for contingent effect; amending s. 1001.706,
 7 F.S.; authorizing the Board of Governors to transfer
 8 certain funds between state universities; amending s.
 9 1001.73, F.S.; providing a restriction on the transfer
 10 of certain funds by a state university board of
 11 trustees; providing procedures for additional transfer
 12 of funds; amending s. 1003.4156, F.S.; conforming
 13 provisions to changes made by the act; repealing s.
 14 1004.09, F.S., relating to the Florida Higher
 15 Education Distance Learning Catalog; repealing s.
 16 1004.091, F.S., relating to the Florida Distance
 17 Learning Consortium; amending ss. 1004.39, 1004.40,
 18 and 1006.72, F.S.; conforming provisions to changes
 19 made by the act; creating s. 1006.73, F.S.;
 20 establishing the Florida Virtual Campus to provide
 21 access to online student and library support services
 22 and to serve as a statewide resource and clearinghouse
 23 for technology-based public postsecondary education
 24 distance learning courses and degree programs;
 25 requiring the Florida Virtual Campus to develop and
 26 manage a library information portal and automated
 27 library management tools, to develop and manage an
 28 Internet-based catalog of distance learning courses,

29 to implement an online admissions application process
 30 for transient students, to develop and manage a
 31 computer-assisted student advising system, to license
 32 and acquire electronic library resources, to promote
 33 and provide recommendations concerning the use and
 34 distribution of open-access textbooks, to provide help
 35 desk support to institutions and students, and to
 36 identify and evaluate new technologies and
 37 instructional methods; providing for the transfer of
 38 assets and liabilities of the Florida Distance
 39 Learning Consortium, the Florida Center for Library
 40 Automation, the College Center for Library Automation,
 41 and FACTS.org to the Florida Virtual Campus; requiring
 42 recommendations to the Legislature; creating s.
 43 1006.735, F.S.; requiring the Florida Virtual Campus
 44 to collaborate with specified postsecondary
 45 educational institutions to implement the Degree
 46 Completion Pilot Project to recruit, recover, and
 47 retain adult learners and assist them in completing
 48 degrees aligned to high-wage, high-skill workforce
 49 needs; specifying components of the pilot project and
 50 the tuition and fee structure to be used; requiring
 51 the Florida Virtual Campus to submit a project plan to
 52 the Legislature; amending s. 1007.01, F.S.; conforming
 53 a cross-reference; amending s. 1007.27, F.S.;
 54 conforming provisions to changes made by the act;
 55 repealing s. 1007.28, F.S., relating to a computer-
 56 assisted student advising system; amending s.

57 1009.215, F.S.; revising provisions relating to
 58 scholarship awards under a student enrollment pilot
 59 program for the spring and summer terms; amending ss.
 60 1009.23 and 1009.24, F.S.; conforming provisions to
 61 changes made by the act; amending s. 1009.286, F.S.,
 62 relating to additional student payment for credit
 63 hours exceeding baccalaureate degree program
 64 completion requirements; including reference to
 65 Florida College System institutions offering
 66 baccalaureate degree programs; revising criteria for
 67 the excess credit hour surcharge; amending ss.
 68 1009.531 and 1009.532, F.S.; revising eligibility
 69 requirements for initial and renewal awards under the
 70 Florida Bright Futures Scholarship Program; amending
 71 ss. 1009.534, 1009.535, and 1009.536, F.S.; revising
 72 provisions relating to the amount of a Florida
 73 Academic Scholars award, a Florida Medallion Scholars
 74 award, and a Florida Gold Seal Vocational Scholars
 75 award; revising student eligibility requirements for
 76 renewal awards; providing that a student may earn a
 77 Florida Gold Seal Vocational Scholarship for credit
 78 hours or equivalent clock hours to complete an applied
 79 technology diploma program, a technical degree
 80 education program, or a career certificate program;
 81 amending s. 1009.60, F.S.; providing a duty of the
 82 Florida Fund for Minority Teachers, Inc., relating to
 83 collections under the minority teacher education
 84 scholars program; amending s. 1009.605, F.S.;

85 providing a duty of the Florida Fund for Minority
 86 Teachers, Inc., relating to reporting; amending s.
 87 1009.70, F.S.; revising provisions relating to the
 88 Florida Education Fund; authorizing the Legislature to
 89 appropriate funds and providing the basis for matched
 90 funding and expenditures; requiring the fund to
 91 provide the Department of Education with its financial
 92 statement and annual report; revising the names of
 93 certain fellowship programs; providing requirements
 94 for the award of scholarships; deleting the legal
 95 education component of the fund which includes a law
 96 and pre-law program; amending ss. 1009.72 and 1009.73,
 97 F.S.; revising requirements for matching funds under
 98 the Jose Marti Scholarship Challenge Grant Program and
 99 the Mary McLeod Bethune Scholarship Program; amending
 100 ss. 1009.89 and 1009.891, F.S.; revising student
 101 eligibility requirements under the William L. Boyd,
 102 IV, Florida resident access grant program and the
 103 Access to Better Learning and Education Grant Program;
 104 amending s. 1011.80, F.S.; revising provisions
 105 relating to the reporting for funding purposes of
 106 certain students who are coenrolled in a K-12
 107 education program and an adult education program;
 108 amending s. 1012.885, F.S.; extending provisions
 109 relating to remuneration of Florida College System
 110 institution presidents; reenacting and amending s.
 111 1012.886, F.S.; delaying the expiration of provisions
 112 relating to the remuneration of Florida College System

113 institution administrative employees; amending s.
 114 1012.975, F.S.; extending provisions relating to
 115 remuneration of state university presidents;
 116 reenacting and amending s. 1012.976, F.S.; delaying
 117 the expiration of provisions relating to the
 118 remuneration of state university administrative
 119 employees; providing effective dates.

120

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

122

123 Section 1. Paragraph (b) of subsection (4) of section
 124 282.201, Florida Statutes, is amended to read:

125 282.201 State data center system; agency duties and
 126 limitations.—A state data center system that includes all
 127 primary data centers, other nonprimary data centers, and
 128 computing facilities, and that provides an enterprise
 129 information technology service as defined in s. 282.0041, is
 130 established.

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

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

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

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

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

141 4. The FCAT Explorer.

142 5. ~~FACTS.org.~~

143 Section 2. Effective upon the institution receiving
 144 accreditation of its baccalaureate degree programs by the
 145 Commission on Colleges of the Southern Association of Colleges
 146 and Schools, paragraph (z) of subsection (3) of section 1000.21,
 147 Florida Statutes, is amended to read:

148 1000.21 Systemwide definitions.—As used in the Florida K-
 149 20 Education Code:

150 (3) "Florida College System institution" except as
 151 otherwise specifically provided, includes all of the following
 152 public postsecondary educational institutions in the Florida
 153 College System and any branch campuses, centers, or other
 154 affiliates of the institution:

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

157 Section 3. Paragraph (e) is added to subsection (4) of
 158 section 1001.706, Florida Statutes, to read:

159 1001.706 Powers and duties of the Board of Governors.—

160 (4) POWERS AND DUTIES RELATING TO FINANCE.—

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

164 Section 4. Subsection (5) is added to section 1001.73,
 165 Florida Statutes, to read:

166 1001.73 University board empowered to act as trustee.—

167 (5) A board of trustees of a state university may not
 168 transfer in excess of \$1 million in funds that are appropriated

169 to the state university in the General Revenue Fund, the
 170 Educational Enhancement Trust Fund, and the Education/General
 171 Student and Other Fees Trust Fund between the Education and
 172 General Activities category and other program categories. A
 173 board of trustees may request additional transfer authority from
 174 the Board of Governors. Upon approval of the additional transfer
 175 authority by the Board of Governors, the Board of Governors may
 176 request a budget amendment to transfer appropriations for a
 177 state university between categories in excess of \$1 million.
 178 Such transfers are subject to review and approval by the
 179 Legislative Budget Commission.

180 Section 5. Paragraph (a) of subsection (1) of section
 181 1003.4156, Florida Statutes, is amended to read:

182 1003.4156 General requirements for middle grades
 183 promotion.—

184 (1) Promotion from a school composed of middle grades 6,
 185 7, and 8 requires that:

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

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

191 2. Three middle school or higher courses in mathematics.
 192 Each middle school must offer at least one high school level
 193 mathematics course for which students may earn high school
 194 credit. Successful completion of a high school level Algebra I
 195 or geometry course is not contingent upon the student's
 196 performance on the end-of-course assessment required under s.

197 1008.22(3)(c)2.a.(I). However, beginning with the 2011-2012
 198 school year, to earn high school credit for an Algebra I course,
 199 a middle school student must pass the Algebra I end-of-course
 200 assessment, and beginning with the 2012-2013 school year, to
 201 earn high school credit for a geometry course, a middle school
 202 student must pass the geometry end-of-course assessment.

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

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

223 5. One course in career and education planning to be
 224 completed in 7th or 8th grade. The course may be taught by any

225 member of the instructional staff; must include career
 226 exploration using Florida CHOICES or a comparable cost-effective
 227 program; must include educational planning using the online
 228 student advising system established pursuant to s. 1006.73 known
 229 ~~as Florida Academic Counseling and Tracking for Students at the~~
 230 ~~Internet website FACTS.org~~; and shall result in the completion
 231 of a personalized academic and career plan. The required
 232 personalized academic and career plan must inform students of
 233 high school graduation requirements, high school assessment and
 234 college entrance test requirements, Florida Bright Futures
 235 Scholarship Program requirements, state university and Florida
 236 College System institution admission requirements, and programs
 237 through which a high school student can earn college credit,
 238 including Advanced Placement, International Baccalaureate,
 239 Advanced International Certificate of Education, dual
 240 enrollment, career academy opportunities, and courses that lead
 241 to national industry certification.

242
 243 A student with a disability, as defined in s. 1007.02(2), for
 244 whom the individual education plan team determines that an end-
 245 of-course assessment cannot accurately measure the student's
 246 abilities, taking into consideration all allowable
 247 accommodations, shall have the end-of-course assessment results
 248 waived for purposes of determining the student's course grade
 249 and completing the requirements for middle grades promotion.
 250 Each school must hold a parent meeting either in the evening or
 251 on a weekend to inform parents about the course curriculum and
 252 activities. Each student shall complete an electronic personal

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

262 Section 6. Section 1004.09, Florida Statutes, is repealed.

263 Section 7. Section 1004.091, Florida Statutes, is
 264 repealed.

265 Section 8. Subsection (5) of section 1004.39, Florida
 266 Statutes, is amended to read:

267 1004.39 College of law at Florida International
 268 University.—

269 (5) The Florida International University Board of Trustees
 270 and the Board of Governors may accept grants, donations, gifts,
 271 and moneys available for this purpose, including moneys for
 272 planning and constructing the college. The Florida International
 273 University Board of Trustees may procure and accept any federal
 274 funds that are available for the planning, creation, and
 275 establishment of the college of law. If the American Bar
 276 Association or any other nationally recognized association for
 277 the accreditation of colleges of law issues a third disapproval
 278 of an application for provisional approval or for full approval
 279 or fails to grant, within 5 years following the graduation of
 280 the first class, a provisional approval, to the college of law

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281 at Florida International University, the Board of Governors
 282 shall make recommendations to the Governor and the Legislature
 283 as to whether the college of law will cease operations at the
 284 end of the full academic year subsequent to the receipt by the
 285 college of law of any such third disapproval, or whether the
 286 college of law will continue operations and any conditions for
 287 continued operations. If the college of law ceases operations
 288 pursuant to this section, the following conditions apply:

289 (a) The authority for the college of law at Florida
 290 International University and the authority of the Florida
 291 International University Board of Trustees and the Board of
 292 Governors provided in this section shall terminate upon the
 293 cessation of operations of the college of law at Florida
 294 International University. The college of law at Florida
 295 International University shall receive no moneys allocated for
 296 the planning, construction, or operation of the college of law
 297 after its cessation of operations other than moneys to be
 298 expended for the cessation of operations of the college of law.
 299 Any moneys allocated to the college of law at Florida
 300 International University not expended prior to or scheduled to
 301 be expended after the date of the cessation of the college of
 302 law shall be appropriated for other use by the Legislature of
 303 the State of Florida.

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

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309 of Trustees upon the cessation of the college of law.

310
 311 ~~Nothing in this section shall undermine commitments to current~~
 312 ~~students receiving support as of the date of the enactment of~~
 313 ~~this section from the law school scholarship program of the~~
 314 ~~Florida Education Fund as provided in s. 1009.70(8). Students~~
 315 ~~attending the college of law at Florida International University~~
 316 ~~shall be eligible for financial, academic, or other support from~~
 317 ~~the Florida Education Fund as provided in s. 1009.70(8) without~~
 318 ~~the college's obtaining accreditation by the American Bar~~
 319 ~~Association.~~

320 Section 9. Subsection (5) of section 1004.40, Florida
 321 Statutes, is amended to read:

322 1004.40 College of law at Florida Agricultural and
 323 Mechanical University.—

324 (5) The Florida Agricultural and Mechanical University
 325 Board of Trustees and the Board of Governors may accept grants,
 326 donations, gifts, and moneys available for this purpose,
 327 including moneys for planning and constructing the college. The
 328 Florida Agricultural and Mechanical University Board of Trustees
 329 may procure and accept any federal funds that are available for
 330 the planning, creation, and establishment of the college of law.
 331 If the American Bar Association or any other nationally
 332 recognized association for the accreditation of colleges of law
 333 issues a third disapproval of an application for provisional
 334 approval or for full approval or fails to grant, within 5 years
 335 following the graduation of the first class, a provisional
 336 approval, to the college of law at Florida Agricultural and

337 Mechanical University, the Board of Governors shall make
 338 recommendations to the Governor and Legislature as to whether
 339 the college of law will cease operations at the end of the full
 340 academic year subsequent to the receipt by the college of law of
 341 any such third disapproval, or whether the college of law will
 342 continue operations and any conditions for continued operations.
 343 If the college of law ceases operations of the college of law
 344 pursuant to this section, the following conditions apply:

345 (a) The authority for the college of law at Florida
 346 Agricultural and Mechanical University and the authority of the
 347 Florida Agricultural and Mechanical University Board of Trustees
 348 and the Board of Governors provided in this section shall
 349 terminate upon the cessation of operations of the college of law
 350 at Florida Agricultural and Mechanical University. The college
 351 of law at Florida Agricultural and Mechanical University shall
 352 receive no moneys allocated for the planning, construction, or
 353 operation of the college of law after its cessation of
 354 operations other than moneys to be expended for the cessation of
 355 operations of the college of law. Any moneys allocated to the
 356 college of law at Florida Agricultural and Mechanical University
 357 not expended prior to or scheduled to be expended after the date
 358 of the cessation of the college of law shall be appropriated for
 359 other use by the Legislature of the State of Florida.

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

365 Agricultural and Mechanical University Board of Trustees upon
 366 the cessation of the college of law.

367
 368 ~~Nothing in this section shall undermine commitments to current~~
 369 ~~students receiving support as of the date of the enactment of~~
 370 ~~this section from the law school scholarship program of the~~
 371 ~~Florida Education Fund as provided in s. 1009.70(8). Students~~
 372 ~~attending the college of law at Florida Agricultural and~~
 373 ~~Mechanical University shall be eligible for financial, academic,~~
 374 ~~or other support from the Florida Education Fund as provided in~~
 375 ~~s. 1009.70(8) without the college's obtaining accreditation by~~
 376 ~~the American Bar Association.~~

377 Section 10. Subsections (2), (4), (5), (6), and (7) of
 378 section 1006.72, Florida Statutes, are amended to read:

379 1006.72 Licensing electronic library resources.—

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

390 (4) POSTSECONDARY EDUCATION CORE RESOURCES.—For purposes
 391 of licensing electronic library resources ~~required by both the~~
 392 ~~Florida Center for Library Automation and the College Center for~~

393 ~~Library Automation~~ from funds appropriated to the Florida
 394 Virtual Campus ~~centers~~, Florida College System institution and
 395 state university library staff shall identify the postsecondary
 396 education core resources that will be available to all public
 397 postsecondary education students.

398 (5) FOUR-YEAR DEGREE CORE RESOURCES.—For purposes of
 399 licensing electronic library resources beyond the postsecondary
 400 education core resources by the Florida Virtual Campus ~~Center~~
 401 ~~for Library Automation~~ from funds appropriated to the campus
 402 ~~center~~, state university library staff, in consultation with
 403 Florida College System institution library staff, shall identify
 404 the 4-year degree core resources that will be available to all
 405 4-year degree-seeking students in the State University System
 406 and the Florida College System. The Florida Virtual Campus
 407 ~~Center for Library Automation~~ shall include in the negotiated
 408 pricing model any Florida College System institution interested
 409 in licensing a resource.

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

420 (7) REPORT.—The chancellors ~~and vice chancellors~~ of the

421 Florida College System and the State University System shall
 422 annually report to the Executive Office of the Governor and the
 423 chairs of the legislative appropriations committees the cost
 424 savings realized as a result of the collaborative licensing
 425 process identified in this section.

426 Section 11. Section 1006.73, Florida Statutes, is created
 427 to read:

428 1006.73 Florida Virtual Campus.—

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

435 (a) Establish a single library automation system and
 436 associated resources and services that all public postsecondary
 437 educational institutions will use for purposes of supporting
 438 their learning, teaching, and research needs.

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

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

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

446 (2) The chancellors of the Florida College System and the
 447 State University System shall exercise joint oversight of the
 448 Florida Virtual Campus and shall establish its governance and

449 reporting structure, administrative and operational guidelines
 450 and processes, staffing requirements, and operational budget.
 451 All data center services needed by the Florida Virtual Campus
 452 shall be provided by a primary data center established pursuant
 453 to ss. 282.201 and 1004.649.

454 (3) The Florida Virtual Campus may contract for
 455 administrative services with a public postsecondary educational
 456 institution. The administrative overhead costs charged by the
 457 institution may not exceed the actual cost for providing the
 458 services and shall require a specific appropriation in the
 459 General Appropriations Act.

460 (4) The Florida Virtual Campus shall:

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

467 1. A shared Internet-based catalog and discovery tool that
 468 allow a user to search and, if authorized, access the aggregate
 469 library holdings of the state's public postsecondary educational
 470 institutions. The catalog and discovery tool shall allow the
 471 user to search the library holdings of one institution, selected
 472 institutions, or all institutions and, to the extent feasible,
 473 include an interlibrary loan function that ensures the
 474 authorized user can access the required library holding.

475 2. An Internet-based searchable collection of electronic
 476 resources which shall include, but not be limited to, full-text

477 journals, articles, databases, and electronic books that the
 478 Florida Virtual Campus licenses pursuant to s. 1006.72.

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

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

487 (b) Develop and manage a statewide Internet-based catalog
 488 of distance learning courses, degree programs, and resources
 489 offered by public postsecondary educational institutions which
 490 is intended to assist in the coordination and collaboration of
 491 articulation and access pursuant to parts II and III of chapter
 492 1007. The campus shall establish operational guidelines and
 493 procedures for the catalog which must:

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

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

503 3. Require that, at a minimum, the catalog is reviewed at
 504 the start of each academic semester to ensure that distance

505 learning courses and degree programs comply with all operational
 506 guidelines and procedures.

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

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

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

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

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

518 a. Costs of distance learning courses and degree programs.

519 b. Graduation and retention rates of students enrolled in
 520 distance learning programs.

521 c. Distance learning course completion.

522 (c) Implement a streamlined, automated, online admissions
 523 application process for undergraduate transient students who are
 524 currently enrolled and pursuing a degree at a public

525 postsecondary educational institution and who choose to enroll
 526 in a course listed in the distance learning catalog established
 527 pursuant to paragraph (b) which is offered by a public

528 postsecondary educational institution that is not the student's
 529 degree-granting institution. The Florida Virtual Campus shall
 530 work with the Florida College System and the State University

531 System to implement this process which requires all Florida
 532 College System institutions and state universities to:

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

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

540 3. Transfer credit awarded by the institutions offering
 541 the distance learning course to the transient student's degree-
 542 granting institution.

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

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

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

560 2. Audit transcripts of students enrolled in a public

561 postsecondary educational institution to assess current academic
 562 standing, the impact of changing majors or institutions, the
 563 requirements for a student to transfer to another institution,
 564 and all requirements necessary for graduation.

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

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

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

575 a. Admissions and readmissions.

576 b. Financial aid.

577 c. Transfer of credit awarded by the institution offering
 578 the distance learning to the transient student's degree-granting
 579 institution.

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

586 (f) Promote and provide recommendations concerning the use
 587 and distribution of open-access textbooks and education
 588 resources as a method for reducing costs, and work with public

589 postsecondary educational institutions in developing a
 590 standardized process for the review and approval of open-access
 591 textbooks.

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

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

600 (5) All assets and liabilities of the Florida Distance
 601 Learning Consortium, the Florida Center for Library Automation,
 602 the College Center for Library Automation, and FACTS.org are
 603 transferred to the Florida Virtual Campus.

604 (6) Beginning December 1, 2012, and annually thereafter,
 605 the chancellors of the Florida College System and the State
 606 University System shall provide recommendations to the chairs of
 607 the legislative appropriations committees on other resources and
 608 services that should be included in the Florida Virtual Campus.

609 Section 12. Section 1006.735, Florida Statutes, is created
 610 to read:

611 1006.735 Degree Completion Pilot Project.—

612 (1) The Florida Virtual Campus shall collaborate with the
 613 University of West Florida, the University of South Florida,
 614 Florida State College at Jacksonville, and St. Petersburg
 615 College to implement the Degree Completion Pilot Project which
 616 is designed to recruit, recover, and retain Florida's adult

617 learners and assist them in completing an associate degree or a
 618 baccalaureate degree that is aligned to high-wage, high-skill
 619 workforce needs. For purposes of this section, an adult reentry
 620 learner is a student who has completed at least 30 credit hours
 621 but has left an institution in good standing prior to the
 622 completion of his or her associate or baccalaureate degree.
 623 Adult reentry learners who are veterans or active duty members
 624 of the United States Armed Forces shall be targeted for
 625 participation in the pilot project.

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

632 (3) The pilot project shall include the associate, applied
 633 baccalaureate, and baccalaureate degree programs selected by the
 634 postsecondary educational institutions identified in subsection
 635 (1), with partnering public postsecondary educational
 636 institutions providing areas of specialization or concentration
 637 as necessary.

638 (4) The pilot project shall be implemented beginning in
 639 the 2012-2013 academic year and shall include the following
 640 components:

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

644 (b) Development and implementation of an advising and

645 student support system that includes the use of degree
 646 completion specialists, that is based upon best practices and
 647 processes, and that includes academic and career support
 648 services designed specifically for the adult learner.

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

655 (d) Development of new, and use of existing, competency-
 656 based instructional and evaluation tools to assess prior
 657 performance, experience, and education for the award of college
 658 credit to reduce the time to complete an associate or
 659 baccalaureate degree. The tools may include the use of the
 660 American Council on Education's collaborative link between the
 661 United States Department of Defense and higher education through
 662 the review of military training and experiences for the award of
 663 equivalent college credit for members of the United States Armed
 664 Forces.

665 (e) Development and implementation of an evaluation
 666 process that collects, analyzes, and provides information on the
 667 pilot project to the participating postsecondary educational
 668 institutions, the chairs of the legislative appropriations
 669 committees, and the Executive Office of the Governor on the
 670 effectiveness of the pilot project and the attainment of its
 671 goals. Such a process shall include a management information
 672 system that collects the appropriate student, programmatic, and

673 fiscal data necessary to complete the evaluation of the pilot
 674 project.

675 (f) Development and implementation of a statewide
 676 marketing campaign targeted towards recruiting adult learners,
 677 particularly veterans and active duty members of the United
 678 States Armed Forces, for enrollment in the degree programs
 679 offered through the pilot project.

680 (5) For purposes of the pilot project, each institution's
 681 current tuition and fee structure shall be used. However, all
 682 participating institutions shall collaboratively identify the
 683 applicable cost components that are involved in the development
 684 and delivery of distance learning courses, collect information
 685 on these cost components, and submit the information to the
 686 Florida Virtual Campus.

687 (6) The Florida Virtual Campus, in collaboration with the
 688 participating institutions, shall submit to the chairs of the
 689 legislative appropriations committees no later than August 1,
 690 2012, a detailed project plan that defines the major work
 691 activities, timeline, and cost for implementing the pilot
 692 project.

693 Section 13. Paragraph (h) of subsection (3) of section
 694 1007.01, Florida Statutes, is amended to read:

695 1007.01 Articulation; legislative intent; purpose; role of
 696 the State Board of Education and the Board of Governors;
 697 Articulation Coordinating Committee.—

698 (3) The Commissioner of Education, in consultation with
 699 the Chancellor of the State University System, shall establish
 700 the Articulation Coordinating Committee which shall make

701 recommendations related to statewide articulation policies to
 702 the Higher Education Coordination Council, the State Board of
 703 Education, and the Board of Governors. The committee shall
 704 consist of two members each representing the State University
 705 System, the Florida College System, public career and technical
 706 education, public K-12 education, and nonpublic education and
 707 one member representing students. The chair shall be elected
 708 from the membership. The committee shall:

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

713 Section 14. Subsection (1) of section 1007.27, Florida
 714 Statutes, is amended to read:

715 1007.27 Articulated acceleration mechanisms.—

716 (1) It is the intent of the Legislature that a variety of
 717 articulated acceleration mechanisms be available for secondary
 718 and postsecondary students attending public educational
 719 institutions. It is intended that articulated acceleration serve
 720 to shorten the time necessary for a student to complete the
 721 requirements associated with the conference of a high school
 722 diploma and a postsecondary degree, broaden the scope of
 723 curricular options available to students, or increase the depth
 724 of study available for a particular subject. Articulated
 725 acceleration mechanisms shall include, but not be limited to,
 726 dual enrollment as provided for in s. 1007.271, early admission,
 727 advanced placement, credit by examination, the International
 728 Baccalaureate Program, and the Advanced International

729 Certificate of Education Program. Credit earned through the
 730 Florida Virtual School shall provide additional opportunities
 731 for early graduation and acceleration. Students of Florida
 732 public secondary schools enrolled pursuant to this subsection
 733 shall be deemed authorized users of the state-funded electronic
 734 library resources that are licensed for Florida College System
 735 institutions and state universities by the Florida Virtual
 736 Campus Florida Center for Library Automation and the College
 737 Center for Library Automation. Verification of eligibility shall
 738 be in accordance with rules established by the State Board of
 739 Education and regulations established by the Board of Governors
 740 and processes implemented by Florida College System institutions
 741 and state universities.

742 Section 15. Section 1007.28, Florida Statutes, is
 743 repealed.

744 Section 16. Subsection (3) of section 1009.215, Florida
 745 Statutes, is amended to read:

746 1009.215 Student enrollment pilot program for the spring
 747 and summer terms.—

748 (3) Students who are enrolled in the pilot program and who
 749 are eligible to receive Bright Futures Scholarships under ss.
 750 1009.53-1009.536 shall be eligible to receive the scholarship
 751 award for attendance during no more than 2 semesters or the
 752 equivalent in any fiscal year, including the summer term in the
 753 ~~spring and summer terms but are not eligible to receive the~~
 754 ~~scholarship for attendance during the fall term.~~

755 Section 17. Paragraphs (a) and (c) of subsection (16) and
 756 subsection (17) of section 1009.23, Florida Statutes, are
 757 amended to read:

758 1009.23 Florida College System institution student fees.—

759 (16) (a) Each Florida College System institution may assess
 760 a student who enrolls in a course listed in the ~~Florida Higher~~
 761 ~~Education~~ distance learning catalog, established pursuant to s.
 762 1006.73 ~~1004.09~~, a per-credit-hour distance learning course user
 763 fee. For purposes of assessing this fee, a distance learning
 764 course is a course in which at least 80 percent of the direct
 765 instruction of the course is delivered using some form of
 766 technology when the student and instructor are separated by time
 767 or space, or both.

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

773 (17) Each Florida College System institution that accepts
 774 transient students, pursuant to s. 1006.73 ~~1004.091~~, may
 775 establish a transient student fee not to exceed \$5 per distance
 776 learning course for processing the transient student admissions
 777 application.

778 Section 18. Paragraph (t) of subsection (14) and
 779 paragraphs (a) and (c) of subsection (17) of section 1009.24,
 780 Florida Statutes, are amended to read:

781 1009.24 State university student fees.—

782 (14) Except as otherwise provided in subsection (15), each

783 university board of trustees is authorized to establish the
 784 following fees:

785 (t) A transient student fee that may not exceed \$5 per
 786 distance learning course for accepting a transient student and
 787 processing the transient student admissions application pursuant
 788 to s. 1006.73 ~~1004.091~~.

789
 790 With the exception of housing rental rates and except as
 791 otherwise provided, fees assessed pursuant to paragraphs (h)-(s)
 792 shall be based on reasonable costs of services. The Board of
 793 Governors shall adopt regulations and timetables necessary to
 794 implement the fees and fines authorized under this subsection.
 795 The fees assessed under this subsection may be used for debt
 796 only as authorized under s. 1010.62.

797 (17)(a) A state university may assess a student who
 798 enrolls in a course listed in the ~~Florida Higher Education~~
 799 distance learning catalog, established pursuant to s. 1006.73
 800 ~~1004.09~~, a per-credit-hour distance learning course fee. For
 801 purposes of assessing this fee, a distance learning course is a
 802 course in which at least 80 percent of the direct instruction of
 803 the course is delivered using some form of technology when the
 804 student and instructor are separated by time or space, or both.

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

810 Section 19. Section 1009.286, Florida Statutes, is amended
 811 to read:

812 1009.286 Additional student payment for hours exceeding
 813 baccalaureate degree program completion requirements at Florida
 814 College System institutions and state universities.—

815 (1) It is the intent of the Legislature to encourage each
 816 undergraduate student who enrolls in a Florida College System
 817 institution or state university to complete the student's
 818 respective baccalaureate degree program in the most efficient
 819 way possible while providing for access to additional college
 820 coursework. Therefore, the Legislature intends to enact a policy
 821 that provides incentives for efficient baccalaureate degree
 822 completion.

823 (2) Florida College System institutions and state
 824 universities shall require a student to pay an excess hour
 825 surcharge equal to 100 percent of the tuition rate for each
 826 credit hours hour in excess of 115 percent of the number of
 827 credit hours required to complete the baccalaureate degree
 828 program in which the student is enrolled. The excess hour
 829 surcharge shall be as follows:

830 (a) For a student who entered a Florida College System
 831 institution or a state university for the first time in the
 832 2009-2010 or 2010-2011 academic year and maintained continuous
 833 enrollment, a surcharge equal to 50 percent of the tuition rate
 834 for each credit hour in excess of 120 percent.

835 (b) For a student who entered a Florida College System
 836 institution or a state university for the first time in the
 837 2011-2012 academic year and maintained continuous enrollment, a

838 surcharge equal to 100 percent of the tuition rate for each
 839 credit hour in excess of 115 percent.

840 (c) For a student who enters a Florida College System
 841 institution or a state university for the first time in the
 842 2012-2013 academic year and thereafter, a surcharge equal to 100
 843 percent of the tuition rate for each credit hour in excess of
 844 110 percent.

845 (3) Except as otherwise provided by law and for purposes
 846 of this section, the following credit hours shall be included
 847 when calculating the number of hours taken by a student:

848 (a) All credit hours for courses taken at the Florida
 849 College System institution or state university from which the
 850 student is seeking a baccalaureate degree, including:

- 851 1. Failed courses.
- 852 2. Courses that are dropped after the ~~university's~~
 853 advertised last day of the drop and add period.
- 854 3. Courses from which a student withdraws, except as
 855 provided in subsection (4).
- 856 4. Repeated courses, except repeated courses for which the
 857 student has paid the full cost of instruction as provided in s.
 858 1009.285.

859 (b) All credit hours earned at another institution and
 860 accepted for transfer by the Florida College System institution
 861 or state university and applied toward the student's
 862 baccalaureate degree program.

863 (4) For purposes of this section, credit hours earned
 864 under the following circumstances are not calculated as hours
 865 required to earn a baccalaureate degree:

- 866 (a) College credits earned through an articulated
 867 accelerated mechanism identified in s. 1007.27.
- 868 (b) Credit hours earned through internship programs.
- 869 (c) Credit hours required for certification,
 870 recertification, or certificate programs.
- 871 (d) Credit hours in courses from which a student must
 872 withdraw due to reasons of medical or personal hardship.
- 873 (e) Credit hours taken by active-duty military personnel.
- 874 (f) Credit hours required to achieve a dual major taken
 875 while pursuing a baccalaureate degree.
- 876 (g) Remedial and English as a Second Language credit
 877 hours.
- 878 (h) Credit hours earned in military science courses that
 879 are part of the Reserve Officers' Training Corps (ROTC) program.
- 880 (5) Each state university and Florida College System
 881 institution shall implement a process for notifying students
 882 regarding the provisions of this section. Notice must be
 883 provided by a state university or a Florida College System
 884 institution upon a student's initial enrollment in the
 885 institution. Such notice must be provided a second time by a
 886 Florida College System institution or state university when a
 887 student has earned the credit hours required to complete the
 888 baccalaureate degree program in which the student is enrolled.
 889 The notice must include a recommendation that each student who
 890 intends to earn credit hours at the institution in excess of the
 891 credit hours required for the baccalaureate degree program in
 892 which the student is enrolled meet with his or her academic
 893 advisor.

894 (6) For purposes of this section, the term "state
 895 university" includes the institutions identified in s.
 896 1000.21(6) and the term "Florida College System institution"
 897 includes the institutions identified in s. 1000.21(3).

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

902 Section 20. Paragraph (c) is added to subsection (2) of
 903 section 1009.531, Florida Statutes, and subsection (7) of that
 904 section is amended, to read:

905 1009.531 Florida Bright Futures Scholarship Program;
 906 student eligibility requirements for initial awards.-

907 (2)

908 (c) For students graduating from high school in the 2012-
 909 2013 academic year and thereafter, a student is eligible to
 910 accept an initial award for 2 years following high school
 911 graduation and to accept a renewal award for 5 years following
 912 high school graduation. A student who applies for an award by
 913 high school graduation and who meets all other eligibility
 914 requirements, but who does not accept his or her award, may
 915 reapply during subsequent application periods up to 2 years
 916 after high school graduation. For a student who enlists in the
 917 United States Armed Forces immediately after completion of high
 918 school, the 2-year eligibility period for his or her initial
 919 award and the 5-year renewal period shall begin upon the date of
 920 separation from active duty. For a student who is receiving a
 921 Florida Bright Futures Scholarship award and discontinues his or

922 her education to enlist in the United States Armed Forces, the
 923 remainder of his or her 5-year renewal period shall commence
 924 upon the date of separation from active duty. If a course of
 925 study is not completed after 5 academic years, an exception of 1
 926 year to the renewal timeframe may be granted due to a verifiable
 927 illness or other documented emergency pursuant to s.
 928 1009.40(1)(b)4.

929 (7) To be eligible for an initial award and each renewal
 930 award under the Florida Bright Futures Scholarship Program, a
 931 student must submit a Free Application for Federal Student Aid
 932 which is complete and error free prior to disbursement.

933 Section 21. Subsection (3) of section 1009.532, Florida
 934 Statutes, is amended to read:

935 1009.532 Florida Bright Futures Scholarship Program;
 936 student eligibility requirements for renewal awards.—

937 (3) A student who is initially eligible prior to the 2010-
 938 2011 academic year and is enrolled in a program that terminates
 939 in an associate degree or a baccalaureate degree may receive an
 940 award for a maximum of 110 percent of the number of credit hours
 941 required to complete the program. A student who is enrolled in a
 942 program that terminates in a career certificate may receive an
 943 award for a maximum of 110 percent of the credit hours or clock
 944 hours required to complete the program up to 90 credit hours.
 945 For a student who is initially eligible in the 2010-2011
 946 academic term and thereafter, the student may receive an award
 947 for a maximum of 100 percent of the number of credit hours
 948 required to complete an associate degree program or a
 949 baccalaureate degree program, or the student may receive an

950 | award for a maximum of 100 percent of the credit hours or clock
 951 | hours required to complete up to 90 credit hours of a program
 952 | that terminates in a career certificate. For a student who is
 953 | initially eligible in the 2012-2013 academic term and
 954 | thereafter, the student may receive an award for a maximum of
 955 | 100 percent of the number of credit hours required to complete
 956 | an associate degree program or a baccalaureate degree program
 957 | or, for a Florida Gold Seal Vocational Scholars award, the
 958 | student may receive an award for a maximum of 100 percent of the
 959 | number of credit hours or equivalent clock hours required to
 960 | complete one of the following at a Florida public or nonpublic
 961 | educational institution that offers these specific programs: for
 962 | an applied technology diploma program as defined in s.
 963 | 1004.02(8), up to 60 credit hours or equivalent clock hours; for
 964 | a technical degree education program as defined in s.
 965 | 1004.02(14), up to the number of hours required for a specific
 966 | degree not to exceed 72 credit hours or equivalent clock hours;
 967 | or for a career certificate program as defined in s.
 968 | 1004.02(21), up to the number of hours required for a specific
 969 | certificate not to exceed 72 credit hours or equivalent clock
 970 | hours. A student who transfers from one of these program levels
 971 | to another program level becomes eligible for the higher of the
 972 | two credit hour limits.

973 | Section 22. Subsections (2), (3), (4), and (5) of section
 974 | 1009.534, Florida Statutes, are amended to read:

975 | 1009.534 Florida Academic Scholars award.—

976 | (2) ~~Effective January 1, 2008,~~ A Florida Academic Scholar
 977 | who is enrolled in a public or nonpublic postsecondary

978 educational ~~education~~ institution is eligible for an award equal
 979 to the amount specified in the General Appropriations Act to
 980 assist with the payment of tuition and fees ~~required to pay~~
 981 ~~tuition and fees. A student who is enrolled in a nonpublic~~
 982 ~~postsecondary education institution is eligible for an award~~
 983 ~~equal to the amount that would be required to pay for the~~
 984 ~~average tuition and fees of a public postsecondary education~~
 985 ~~institution at the comparable level.~~

986 (3) To be eligible for a renewal award as a Florida
 987 Academic Scholar, a student must maintain the equivalent of a
 988 cumulative grade point average of 3.0 on a 4.0 scale with an
 989 opportunity for restoration one time as provided in this
 990 chapter. For the 2012-2013 academic year, to be eligible for a
 991 renewal award as a Florida Academic Scholar, a student must
 992 maintain the equivalent of a cumulative grade point average of
 993 3.25 on a 4.0 scale with an opportunity for restoration one time
 994 as provided in this chapter. Beginning in the 2013-2014 academic
 995 year, to be eligible for a renewal award as a Florida Academic
 996 Scholar, a student must maintain the equivalent of a cumulative
 997 grade point average of 3.5 on a 4.0 scale with an opportunity
 998 for restoration one time as provided in this chapter.

999 (4) In each school district, the Florida Academic Scholar
 1000 with the highest academic ranking shall receive an additional
 1001 award equal to the amount specified in the General
 1002 Appropriations Act ~~of \$1,500~~ for college-related expenses. This
 1003 award must be funded from the Florida Bright Futures Scholarship
 1004 Program.

1005 ~~(5) Notwithstanding subsections (2) and (4), a Florida~~

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1006 ~~Academic Scholar is eligible for an award equal to the amount~~
 1007 ~~specified in the General Appropriations Act.~~

1008 Section 23. Subsections (2), (3), and (4) of section
 1009 1009.535, Florida Statutes, are amended to read:

1010 1009.535 Florida Medallion Scholars award.—

1011 (2) A Florida Medallion Scholar who is enrolled in a
 1012 public or nonpublic postsecondary educational institution is
 1013 eligible for an award equal to the amount specified in the
 1014 General Appropriations Act to assist with the payment of tuition
 1015 and fees required to pay 75 percent of tuition and fees if the
 1016 student is enrolled in a state university or a baccalaureate
 1017 degree program authorized pursuant to s. 1007.33. A Florida
 1018 Medallion Scholar is eligible for an award equal to the amount
 1019 required to pay 100 percent of tuition and fees for college
 1020 credit courses leading to an associate degree if the student is
 1021 enrolled in a Florida College System institution. A student who
 1022 is enrolled in a nonpublic postsecondary education institution
 1023 is eligible for an award equal to the amount that would be
 1024 required to pay 75 percent of the tuition and fees of a public
 1025 postsecondary education institution at the comparable level.

1026 (3) To be eligible for a renewal award as a Florida
 1027 Medallion Scholar, a student must maintain the equivalent of a
 1028 cumulative grade point average of 2.75 on a 4.0 scale with an
 1029 opportunity for restoration one time as provided in this
 1030 chapter. Beginning in the 2012-2013 academic year, to be
 1031 eligible for a renewal award as a Florida Medallion Scholar, a
 1032 student must maintain the equivalent of a cumulative grade point
 1033 average of 3.0 on a 4.0 scale with an opportunity for

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1034 restoration one time as provided in this chapter.

1035 ~~(4) Notwithstanding subsection (2), a Florida Medallion~~
 1036 ~~Scholar is eligible for an award equal to the amount specified~~
 1037 ~~in the General Appropriations Act.~~

1038 Section 24. Paragraph (a) of subsection (1) and
 1039 subsections (2), (3), (4), and (5) of section 1009.536, Florida
 1040 Statutes, are amended to read:

1041 1009.536 Florida Gold Seal Vocational Scholars award.—The
 1042 Florida Gold Seal Vocational Scholars award is created within
 1043 the Florida Bright Futures Scholarship Program to recognize and
 1044 reward academic achievement and career preparation by high
 1045 school students who wish to continue their education.

1046 (1) A student is eligible for a Florida Gold Seal
 1047 Vocational Scholars award if the student meets the general
 1048 eligibility requirements for the Florida Bright Futures
 1049 Scholarship Program and the student:

1050 (a) Completes the secondary school portion of a sequential
 1051 program of studies that requires at least three secondary school
 1052 career credits ~~taken over at least 2 academic years, and is~~
 1053 ~~continued in a planned, related postsecondary education program.~~
 1054 ~~If the student's school does not offer such a two plus two or~~
 1055 ~~tech prep program, the student must complete a job preparatory~~
 1056 ~~career education program selected by Workforce Florida, Inc.,~~
 1057 ~~for its ability to provide high wage employment in an occupation~~
 1058 ~~with high potential for employment opportunities.~~ On-the-job
 1059 training may not be substituted for any of the three required
 1060 career credits.

1061 (2) A Florida Gold Seal Vocational Scholar who is enrolled

1062 in a public or nonpublic postsecondary educational institution
 1063 is eligible for an award equal to the amount specified in the
 1064 General Appropriations Act to assist with the payment of tuition
 1065 and fees required to pay 75 percent of tuition and fees, if the
 1066 student is enrolled in a public postsecondary education
 1067 institution. A student who is enrolled in a nonpublic
 1068 postsecondary education institution is eligible for an award
 1069 equal to the amount that would be required to pay 75 percent of
 1070 the tuition and mandatory fees of a public postsecondary
 1071 education institution at the comparable level.

1072 (3) To be eligible for a renewal award as a Florida Gold
 1073 Seal Vocational Scholar, a student must maintain the equivalent
 1074 of a cumulative grade point average of 2.75 on a 4.0 scale with
 1075 an opportunity for restoration one time as provided in this
 1076 chapter. Beginning in the 2012-2013 academic year, to be
 1077 eligible for a renewal award as a Florida Gold Seal Vocational
 1078 Scholar, a student must maintain the equivalent of a cumulative
 1079 grade point average of 3.0 on a 4.0 scale with an opportunity
 1080 for restoration one time as provided in this chapter.

1081 (4) A student may earn a Florida Gold Seal Vocational
 1082 Scholarship for 110 percent of the number of credit hours
 1083 required to complete the program, up to 90 credit hours or the
 1084 equivalent. For a student who is initially eligible in the 2010-
 1085 2011 academic term and thereafter, the student may earn a
 1086 Florida Gold Seal Vocational Scholarship for 100 percent of the
 1087 number of credit hours required to complete the program, up to
 1088 90 credit hours or the equivalent. For a student who is
 1089 initially eligible in the 2012-2013 academic term and

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1090 thereafter, the student may earn a Florida Gold Seal Vocational
 1091 Scholarship for a maximum of 100 percent of the number of credit
 1092 hours or equivalent clock hours required to complete one of the
 1093 following at a Florida public or nonpublic educational
 1094 institution that offers these specific programs: for an applied
 1095 technology diploma program as defined in s. 1004.02(8), up to 60
 1096 credit hours or equivalent clock hours; for a technical degree
 1097 education program as defined in s. 1004.02(14), up to the number
 1098 of hours required for a specific degree not to exceed 72 credit
 1099 hours or equivalent clock hours; or for a career certificate
 1100 program as defined in s. 1004.02(21), up to the number of hours
 1101 required for a specific certificate not to exceed 72 credit
 1102 hours or equivalent clock hours.

1103 ~~(5) Notwithstanding subsection (2), a Florida Gold Seal~~
 1104 ~~Vocational Scholar is eligible for an award equal to the amount~~
 1105 ~~specified in the General Appropriations Act.~~

1106 Section 25. Subsection (7) of section 1009.60, Florida
 1107 Statutes, is renumbered as subsection (8), and a new subsection
 1108 (7) is added to that section to read:

1109 1009.60 Minority teacher education scholars program.—There
 1110 is created the minority teacher education scholars program,
 1111 which is a collaborative performance-based scholarship program
 1112 for African-American, Hispanic-American, Asian-American, and
 1113 Native American students. The participants in the program
 1114 include Florida's Florida College System institutions and its
 1115 public and private universities that have teacher education
 1116 programs.

1117 (7) The Florida Fund for Minority Teachers, Inc., shall

1118 | use a contingency collections agency to collect repayments of
 1119 | defaulted scholarships.

1120 | Section 26. Paragraph (b) of subsection (2) of section
 1121 | 1009.605, Florida Statutes, is amended to read:

1122 | 1009.605 Florida Fund for Minority Teachers, Inc.—

1123 | (2)

1124 | (b) The corporation shall report to the Department of
 1125 | Education, by the date established by the department, the
 1126 | eligible students to whom scholarship moneys are disbursed each
 1127 | academic term, the annual balance of the corporation's assets
 1128 | and cash reserves, and any other information requested by the
 1129 | department in accordance with s. 1009.94. By June 30 of each
 1130 | fiscal year, the corporation shall remit to the department any
 1131 | appropriated funds that were not distributed for scholarships,
 1132 | less the 5 percent for administration, including administration
 1133 | of the required training program, authorized pursuant to
 1134 | subsection (3).

1135 | Section 27. Subsections (2), (5), (7), and (8) of section
 1136 | 1009.70, Florida Statutes, are amended to read:

1137 | 1009.70 Florida Education Fund.—

1138 | (2) (a) The Florida Education Fund, a not-for-profit
 1139 | statutory corporation, is created from a challenge endowment
 1140 | grant from the McKnight Foundation and operates on income
 1141 | derived from the investment of endowment gifts and other gifts
 1142 | as provided by state statute and appropriate matching funds as
 1143 | provided by the state.

1144 | (b) The Legislature may appropriate funds to the Florida
 1145 | Education Fund to be used for scholarships under subsection (5).

1146 Funds ~~The amount~~ appropriated to the Florida Education Fund
 1147 shall be matched on a dollar-for-dollar ~~the~~ basis by funds of \$1
 1148 ~~for each \$2~~ contributed by private sources, and the expenditure
 1149 of appropriated funds shall be matched by a dollar-for-dollar
 1150 expenditure of funds from private sources. The Florida Education
 1151 Fund shall annually certify to the Legislature the amount of
 1152 donations contributed prior to the disbursement of state
 1153 appropriations between July 1, 1990, and June 30, 1991. Only the
 1154 ~~new donations above the certified base shall be calculated for~~
 1155 ~~state matching funds during the first year of the program. In~~
 1156 ~~subsequent years, only the new donations above the certified~~
 1157 ~~prior year base shall be calculated for state matching funds.~~

1158 (c) The corporation shall provide to the department a copy
 1159 of its certified financial statement and annual report,
 1160 including the corporation's assets and cash reserve balances.
 1161 The corporation shall also provide the department documentation
 1162 which includes the name of each scholarship recipient, the
 1163 postsecondary educational institution attended, the discipline
 1164 of study, and the amount awarded to each recipient. The
 1165 corporation shall post a copy of its certified financial
 1166 statement and annual report on its website.

1167 (5) The Board of Directors of the Florida Education Fund
 1168 shall review and evaluate initial programs created by the
 1169 McKnight Foundation and continue funding the McKnight Doctoral
 1170 ~~Black Docterate~~ Fellowship Program and the McKnight Junior
 1171 Faculty Fellowship Program if the evaluations are ~~evaluation is~~
 1172 positive, and the board shall identify, initiate, and fund new
 1173 and creative programs and monitor, review, and evaluate those

1174 programs. The purpose of this commitment is to broaden the
 1175 participation and funding potential for further significant
 1176 support of higher education in this state. In addition, the
 1177 board shall:

1178 (a) Hold such meetings as are necessary to implement ~~the~~
 1179 ~~provisions of~~ this section.

1180 (b) Select a chairperson annually.

1181 (c) Adopt and use an official seal in the authentication
 1182 of its acts.

1183 (d) Make rules for its own government.

1184 (e) Administer this section.

1185 (f) Appoint an executive director to serve at its pleasure
 1186 and perform all duties assigned by the board. The executive
 1187 director shall be the chief administrative officer and agent of
 1188 the board.

1189 (g) Maintain a record of its proceedings.

1190 (h) Delegate to the chairperson of the board the
 1191 responsibility for signing final orders.

1192 (i) Utilize existing higher education organizations,
 1193 associations, and agencies to carry out its educational programs
 1194 and purposes with minimal staff employment.

1195 (j) Be empowered to enter into contracts with the Federal
 1196 Government, state agencies, or individuals.

1197 (k) Receive bequests, gifts, grants, donations, and other
 1198 valued goods and services. Such bequests and gifts shall be used
 1199 only for the purpose or purposes stated by the donor.

1200 (7) It is the intent of the Legislature that the Board of
 1201 Directors of the Florida Education Fund recruit eligible

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1202 residents of the state before it extends its search to eligible
 1203 nonresidents. ~~However, for the purposes of subsection (8), the~~
 1204 ~~board of directors shall recruit eligible residents only.~~ It is
 1205 further the intent of the Legislature that the board of
 1206 directors establish service terms, if any, that accompany the
 1207 award of moneys from the fund.

1208 (8) Notwithstanding this section, for the 2012-2013 fiscal
 1209 year, the Florida Education Fund may use available cash and cash
 1210 equivalents to provide scholarships in the same dollar amount as
 1211 provided in the 2011-2012 fiscal year ~~There is created a legal~~
 1212 ~~education component of the Florida Education Fund to provide the~~
 1213 ~~opportunity for minorities to attain representation within the~~
 1214 ~~legal profession proportionate to their representation within~~
 1215 ~~the general population. The legal education component of the~~
 1216 ~~Florida Education Fund includes a law school program and a pre-~~
 1217 ~~law program.~~

1218 ~~(a) The law school scholarship program of the Florida~~
 1219 ~~Education Fund is to be administered by the Board of Directors~~
 1220 ~~of the Florida Education Fund for the purpose of increasing the~~
 1221 ~~number of minority students enrolled in law schools in this~~
 1222 ~~state by 200. Implementation of this program is to be phased in~~
 1223 ~~over a 3 year period.~~

1224 ~~1. The board of directors shall provide financial,~~
 1225 ~~academic, and other support to students selected for~~
 1226 ~~participation in this program from funds appropriated by the~~
 1227 ~~Legislature.~~

1228 ~~2. Student selection must be made in accordance with rules~~
 1229 ~~adopted by the board of directors for that purpose and must be~~

1230 based, at least in part, on an assessment of potential for
 1231 success, merit, and financial need.

1232 3. Support must be made available to students who enroll
 1233 in private, as well as public, law schools in this state which
 1234 are accredited by the American Bar Association.

1235 4. Scholarships must be paid directly to the participating
 1236 students.

1237 5. Students who participate in this program must agree in
 1238 writing to sit for The Florida Bar examination and, upon
 1239 successful admission to The Florida Bar, to practice law in the
 1240 state for a period equal to the amount of time for which the
 1241 student received aid, up to 3 years, or repay the amount of aid
 1242 received.

1243 (b) The minority pre law scholarship loan program of the
 1244 Florida Education Fund is to be administered by the Board of
 1245 Directors of the Florida Education Fund for the purpose of
 1246 increasing the opportunity of minority students to prepare for
 1247 law school.

1248 1. From funds appropriated by the Legislature, the board
 1249 of directors shall provide for student fees, room, board, books,
 1250 supplies, and academic and other support to selected minority
 1251 undergraduate students matriculating at eligible public and
 1252 independent colleges and universities in Florida.

1253 2. Student selection must be made in accordance with rules
 1254 adopted by the board of directors for that purpose and must be
 1255 based, at least in part, on an assessment of potential for
 1256 success, merit, and financial need.

1257 3. To be eligible, a student must make a written agreement

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1258 ~~to enter or be accepted to enter a law school in this state~~
 1259 ~~within 2 years after graduation or repay the scholarship loan~~
 1260 ~~amount plus interest at the prevailing rate.~~

1261 ~~4. Recipients who fail to gain admission to a law school~~
 1262 ~~within the specified period, may, upon admission to law school,~~
 1263 ~~be eligible to have their loans canceled.~~

1264 ~~5. Minority pre-law scholarship loans shall be provided to~~
 1265 ~~34 minority students per year for up to 4 years each, for a~~
 1266 ~~total of 136 scholarship loans. To continue receiving~~
 1267 ~~scholarship loans, recipients must maintain a 2.75 grade point~~
 1268 ~~average for the freshman year and a 3.25 grade point average~~
 1269 ~~thereafter. Participants must also take specialized courses to~~
 1270 ~~enhance competencies in English and logic.~~

1271 ~~6. The board of directors shall maintain records on all~~
 1272 ~~scholarship loan recipients. Participating institutions shall~~
 1273 ~~submit academic progress reports to the board of directors~~
 1274 ~~following each academic term.~~

1275 Section 28. Subsection (4) of section 1009.72, Florida
 1276 Statutes, is amended to read:

1277 1009.72 Jose Marti Scholarship Challenge Grant Program.—

1278 (4) The amounts appropriated for the program shall be
 1279 allocated by the department on the basis of one \$5,000 challenge
 1280 grant for each \$5,000 ~~\$2,500~~ raised from private sources.
 1281 Matching funds shall be generated through contributions made
 1282 after July 1, 1986, and pledged for the purposes of this
 1283 section. Pledged contributions shall not be eligible for
 1284 matching prior to the actual collection of the total funds.

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1285 Section 29. Subsection (4) of section 1009.73, Florida
 1286 Statutes, is amended to read:

1287 1009.73 Mary McLeod Bethune Scholarship Program.—

1288 (4) The moneys for the program shall be allocated by the
 1289 department among the institutions of higher education listed in
 1290 subsection (1) on the basis of one \$2,000 challenge grant for
 1291 each \$2,000 ~~\$1,000~~ raised from private sources. Matching funds
 1292 shall be generated through contributions made after July 1,
 1293 1990, and pledged for the purposes of this section. Pledged
 1294 contributions shall not be eligible for matching prior to the
 1295 actual collection of the total funds. The department shall
 1296 allocate to each of those institutions a proportionate share of
 1297 the contributions received on behalf of those institutions and a
 1298 share of the appropriations and matching funds generated by such
 1299 institution.

1300 Section 30. Subsection (4) of section 1009.89, Florida
 1301 Statutes, is amended to read:

1302 1009.89 The William L. Boyd, IV, Florida resident access
 1303 grants.—

1304 (4) A person is eligible to receive such William L. Boyd,
 1305 IV, Florida resident access grant if:

1306 (a) He or she meets the general requirements, including
 1307 residency, for student eligibility as provided in s. 1009.40,
 1308 except as otherwise provided in this section;

1309 (b)1. He or she is enrolled as a full-time undergraduate
 1310 student at an eligible college or university;

1311 2. He or she is not enrolled in a program of study leading
 1312 to a degree in theology or divinity; and

1313 3. He or she is maintaining the equivalent of a cumulative
 1314 grade point average of 2.5 on a 4.0 scale for lower-division
 1315 courses and the equivalent of a 3.0 on a 4.0 scale for upper-
 1316 division courses ~~making satisfactory academic progress as~~
 1317 ~~defined by the college or university in which he or she is~~
 1318 ~~enrolled; and~~

1319 (c) He or she submits a Free Application for Federal
 1320 Student Aid which is complete and error free prior to
 1321 disbursement.

1322 Section 31. Subsection (4) of section 1009.891, Florida
 1323 Statutes, is amended to read:

1324 1009.891 The Access to Better Learning and Education Grant
 1325 Program.—

1326 (4) A person is eligible to receive an access grant if:

1327 (a) He or she meets the general requirements, including
 1328 residency, for student eligibility as provided in s. 1009.40,
 1329 except as otherwise provided in this section;

1330 (b)1. He or she is enrolled as a full-time undergraduate
 1331 student at an eligible college or university in a program of
 1332 study leading to a baccalaureate degree;

1333 2. He or she is not enrolled in a program of study leading
 1334 to a degree in theology or divinity; and

1335 3. He or she is maintaining the equivalent of a cumulative
 1336 grade point average of 2.5 on a 4.0 scale for lower-division
 1337 courses and the equivalent of a 3.0 on a 4.0 scale for upper-
 1338 division courses ~~making satisfactory academic progress as~~
 1339 ~~defined by the college or university in which he or she is~~
 1340 ~~enrolled; and~~

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1341 (c) He or she submits a Free Application for Federal
 1342 Student Aid which is complete and error free prior to
 1343 disbursement.

1344 Section 32. Subsection (10) of section 1011.80, Florida
 1345 Statutes, is amended to read:

1346 1011.80 Funds for operation of workforce education
 1347 programs.—

1348 (10) A high school student dually enrolled under s.
 1349 1007.271 in a workforce education program operated by a Florida
 1350 College System institution or school district career center
 1351 generates the amount calculated for workforce education funding,
 1352 including any payment of performance funding, and the
 1353 proportional share of full-time equivalent enrollment generated
 1354 through the Florida Education Finance Program for the student's
 1355 enrollment in a high school. If a high school student is dually
 1356 enrolled in a Florida College System institution program,
 1357 including a program conducted at a high school, the Florida
 1358 College System institution earns the funds generated for
 1359 workforce education funding, and the school district earns the
 1360 proportional share of full-time equivalent funding from the
 1361 Florida Education Finance Program. If a student is dually
 1362 enrolled in a career center operated by the same district as the
 1363 district in which the student attends high school, that district
 1364 earns the funds generated for workforce education funding and
 1365 also earns the proportional share of full-time equivalent
 1366 funding from the Florida Education Finance Program. If a student
 1367 is dually enrolled in a workforce education program provided by
 1368 a career center operated by a different school district, the

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1369 funds must be divided between the two school districts
 1370 proportionally from the two funding sources. A student may not
 1371 be reported for funding in a dual enrollment workforce education
 1372 program unless the student has completed the basic skills
 1373 assessment pursuant to s. 1004.91. A student who is coenrolled
 1374 in a K-12 education program and an adult education program may
 1375 not be reported for purposes of funding in an adult education
 1376 program, except that, for the 2011-2012 through the 2013-2014
 1377 fiscal years year-only, students who are coenrolled in core
 1378 curricula courses for credit recovery or dropout prevention
 1379 purposes and do not have a pattern of excessive absenteeism or
 1380 habitual truancy or a history of disruptive behavior in school
 1381 may be reported for funding for up to two courses per student.
 1382 Such students are exempt from the payment of the block tuition
 1383 for adult general education programs provided in s.
 1384 1009.22(3)(c).

1385 Section 33. Subsection (4) of section 1012.885, Florida
 1386 Statutes, is amended to read:

1387 1012.885 Remuneration of Florida College System
 1388 institution presidents; limitations.—

1389 (4) LIMITATION ON REMUNERATION.—Notwithstanding the
 1390 provisions of this section, for the 2012-2013 ~~2011-2012~~ fiscal
 1391 year, a Florida College System institution president may not
 1392 receive more than \$200,000 in remuneration from appropriated
 1393 state funds. Only compensation, as defined in s. 121.021(22),
 1394 provided to a Florida College System institution president may
 1395 be used in calculating benefits under chapter 121.

1396 Section 34. Section 1012.886, Florida Statutes, is
 1397 reenacted and amended to read:
 1398 1012.886 Remuneration of Florida College System
 1399 institution administrative employees; limitations.—
 1400 (1) DEFINITIONS.—As used in this section, the term:
 1401 (a) "Appropriated state funds" means funds appropriated
 1402 from the General Revenue Fund or funds appropriated from state
 1403 trust funds.
 1404 (b) "Cash-equivalent compensation" means any benefit that
 1405 may be assigned an equivalent cash value.
 1406 (c) "Remuneration" means salary, bonuses, and cash-
 1407 equivalent compensation paid to a Florida College System
 1408 institution administrative employee by his or her employer for
 1409 work performed, excluding health insurance benefits and
 1410 retirement benefits.
 1411 (2) LIMITATION ON COMPENSATION.—Notwithstanding any other
 1412 law, resolution, or rule to the contrary, a Florida College
 1413 System institution administrative employee may not receive more
 1414 than \$200,000 in remuneration annually from appropriated state
 1415 funds. Only compensation, as such term is defined in s.
 1416 121.021(22), provided to a Florida College System institution
 1417 administrative employee may be used in calculating benefits
 1418 under chapter 121.
 1419 (3) EXCEPTIONS.—This section does not prohibit any party
 1420 from providing cash or cash-equivalent compensation from funds
 1421 that are not appropriated state funds to a Florida College
 1422 System institution administrative employee in excess of the
 1423 limit in subsection (2). If a party is unable or unwilling to

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1424 fulfill an obligation to provide cash or cash-equivalent
 1425 compensation to a Florida College System institution
 1426 administrative employee as permitted under this subsection,
 1427 appropriated state funds may not be used to fulfill such
 1428 obligation. This section does not apply to Florida College
 1429 System institution teaching faculty.

1430 (4) EXPIRATION.—This section expires June 30, 2013 ~~2012~~.
 1431 Section 35. Subsection (4) of section 1012.975, Florida
 1432 Statutes, is amended to read:

1433 1012.975 Remuneration of state university presidents;
 1434 limitations.—

1435 (4) LIMITATION ON REMUNERATION.—Notwithstanding the
 1436 provisions of this section, for the 2012-2013 ~~2011-2012~~ fiscal
 1437 year, a state university president may not receive more than
 1438 \$200,000 in remuneration from public funds. Only compensation,
 1439 as defined in s. 121.021(22), provided to a state university
 1440 president may be used in calculating benefits under chapter 121.

1441 Section 36. Section 1012.976, Florida Statutes, is
 1442 reenacted and amended to read:

1443 1012.976 Remuneration of state university administrative
 1444 employees; limitations.—

1445 (1) DEFINITIONS.—As used in this section, the term:

1446 (a) "Appropriated state funds" means funds appropriated
 1447 from the General Revenue Fund or funds appropriated from state
 1448 trust funds.

1449 (b) "Cash-equivalent compensation" means any benefit that
 1450 may be assigned an equivalent cash value.

1451 (c) "Remuneration" means salary, bonuses, and cash-

1452 equivalent compensation paid to a state university
 1453 administrative employee by his or her employer for work
 1454 performed, excluding health insurance benefits and retirement
 1455 benefits.

1456 (2) LIMITATION ON COMPENSATION.—Notwithstanding any other
 1457 law, resolution, or rule to the contrary, a state university
 1458 administrative employee may not receive more than \$200,000 in
 1459 remuneration annually from appropriated state funds. Only
 1460 compensation, as such term is defined in s. 121.021(22),
 1461 provided to a state university administrative employee may be
 1462 used in calculating benefits under chapter 121.

1463 (3) EXCEPTIONS.—This section does not prohibit any party
 1464 from providing cash or cash-equivalent compensation from funds
 1465 that are not appropriated state funds to a state university
 1466 administrative employee in excess of the limit in subsection
 1467 (2). If a party is unable or unwilling to fulfill an obligation
 1468 to provide cash or cash-equivalent compensation to a state
 1469 university administrative employee as permitted under this
 1470 subsection, appropriated state funds may not be used to fulfill
 1471 such obligation. This section does not apply to university
 1472 teaching faculty or medical school faculty or staff.

1473 (4) EXPIRATION.—This section expires June 30, 2013 ~~2012~~.
 1474 Section 37. Except as otherwise expressly provided in this
 1475 act, this act shall take effect July 1, 2012.

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB HEAS 12-01 (2012)

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 PCB: Higher Education
2 Appropriations Subcommittee
3 Representative O'Toole offered the following:
4

5 **Amendment (with title amendment)**

6 Remove lines 1300-1343
7
8
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10 -----
11 **T I T L E A M E N D M E N T**

12 Remove lines 100-104 and insert:
13 s. 1011.80, F.S.; revising provisions
14

PCB HEAS 12-02
Reemployment for
Injured Worker

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB HEAS 12-02 Reemployment of Injured Workers

SPONSOR(S):

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Higher Education Appropriations Subcommittee		Butler <i>WB</i>	Heflin <i>ACT</i>

SUMMARY ANALYSIS

The bill provides substantive changes in law to conform to budgetary reductions in the House of Representatives proposed Fiscal Year 2012-13 General Appropriations Act (GAA).

The Division of Vocational Rehabilitation (DVR), Bureau of Rehabilitation and Reemployment Services (BRRS) in the Department of Education provides reemployment services to injured workers who are not able to return to their usual and customary occupation due to their work injury and require additional services. Services provided include vocational counseling; job-seeking training skills; transferable skills analysis; job placement; labor market information; and, if qualified, training and education, which includes payment for books, tuition, tools, uniforms, and authorized supplies.

The bill repeals s. 440.491, F.S., relating to reemployment of injured workers, effective July 1, 2012. Repealing this section of law eliminates duties of the BRRS. The House proposed GAA for Fiscal Year 2012-13 includes a reduction of 27 full-time equivalent positions and \$2.3 million from the Workers' Compensation Administration Trust Fund through elimination of the BRRS Injured Worker Program. A balance of approximately \$200,000 remains in the budget to allow for the payment of anticipated program expenditures in Fiscal Year 2012-13. DVR suggests that, of its active caseload, approximately half would qualify for general VR services. Some could be eligible for services by the Department of Economic Opportunity.

Effective June 30, 2013, the Workers' Compensation Trust Fund within the Department of Education is terminated. Provisions are made for transferring the remaining fund balance and all revenues of the trust fund to the Worker's Compensation Administration Trust Fund within the Department of Financial Services.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Department of Education Division of Vocational Rehabilitation's Bureau of Rehabilitation and Reemployment Services (BRRS) provides reemployment services to injured employees in accordance with s. 440.491, Florida Statutes (Florida Workers' Compensation Law), and Rule Chapter 6A-22, Florida Administrative Code. Reemployment Services are provided to injured employees who are not able to return to their usual and customary occupation due to their work injury and require additional services to return to suitable gainful employment as defined in ss. 440.491(1)(h). Reemployment services include vocational counseling; job-seeking skills training; transferable skills analysis; job placement; labor market information; and training and education, including payment for books, tuition, tools, uniforms, and authorized supplies. Additional services may include referrals to other entities for services to assist with needs outside the scope of the Workers' Compensation System. The program organized by this section has existed since 1993.

The Workers' Compensation Administration Trust Fund (WCATF) within Department of Financial Services provides for the payment of expenses in respect to the administration of the workers' compensation program in the state.¹ Additionally, each fiscal year, funds are appropriated from the Workers' Compensation Administration Trust Fund to be transferred to other agencies to support related programs. Besides the Department of Education's Division of Vocational Rehabilitation, funds from the WCATF are also transferred annually to other agencies which include the Agency for Health Care Administration, Department of Business and Professional Regulation, Department of Management Services/Division of Administrative Hearings, First District Court of Appeal, and Justice Administration Commission (for use by the State Attorney in the 11th Judicial Circuit for the prosecution of workers' compensation fraud).

The major revenue source (other than fines imposed by the Division of Workers' Compensation) for the WCATF are assessments on workers' compensation insurance premiums as provided for in s. 440.51(1), F.S. Each year, by July 1st the department is required to notify insurance carriers and self-insurers of the assessment rate necessary for the enforcement of ch. 440, F.S. The assessment rate is effective the following January 1st. In an economic downturn, worker's compensation claims can exceed revenues produced, which in turn requires either expenditures to be reduced where possible, or imposition of assessment rate increases.

During the 2011 legislative session, budgetary reductions were made to the Injured Worker Program, and certain investigative, monitoring and regulatory duties of the Division of Vocational Rehabilitation related to the program were eliminated. The program was reduced by 55 full-time-equivalent (FTE) positions, and \$5.5 million in funding. These reductions were the result of declining cash balances in the Workers' Compensation Administrative Trust Fund (WCATF).

According to the Division of Vocational Rehabilitation, the BRRS has approximately 1,800 active open cases. Injured workers are referred to the BRRS program by insurance carriers, attorneys, health care providers, and rehabilitation providers. Per the Division of Vocational Rehabilitation, "We are not aware of other states that have a program similar to the Florida Workers' Compensation Reemployment Services Program. It is our understanding that most of the states we are familiar with refer clients to their state's General VR Program for vocational services."²

The BRRS program's current remaining budget includes \$2.5 million in Worker's Compensation Administrative Trust Funds to support the remaining 27 FTE who assist Florida's injured workers with reemployment services to return them to suitable gainful employment.

¹ Section 440.50, F.S.

² Email Correspondence, Division of Vocational Rehabilitation (11/7/2011)

Effect of Changes

The bill repeals s. 440.491, Florida Statutes, relating to reemployment/rehabilitative services for injured workers. Reemployment services include vocational counseling, job seeking skills training, ergonomic job analysis, labor market surveys, and arranging other services such as education or training, vocational and on-the-job, which may be needed by the employee to secure suitable employment.

It is anticipated that approximately half of the active injured employees currently receiving BRRS services would be eligible for general services provided by the Division of Vocational Rehabilitation (DVR). DVR assists people who have a physical or mental disability with preparing for a job, finding a job, or retaining employment.

The bill repeals the Workers' Compensation Administration Trust Fund within the Department of Education, effective June 30, 2013.

The bill provides procedures for transferring balances remaining in, and all revenues of the trust fund to the Workers' Compensation Administrative Trust Fund within the Department of Financial Services; provides procedures for payment of outstanding debts and obligations of the trust fund; and requires the Chief Financial Officer to close out and remove the trust fund from the various state accounting systems upon the trust funds termination.

B. SECTION DIRECTORY:

Section 1. Repeals s. 440,491, F.S., relating to reemployment of injured workers.

Section 2. Repeals s. 1010.87, F.S., relating to Worker's Compensation Administrative Trust Fund in the Department of Education, providing an effective date.

Section 3. Terminates the Worker's Compensation Administrative Trust Fund in the Department of Education; provides for accounting procedures relating to the fund; and, provides an effective date.

Section 4. Amends s. 287.057, F.S., deleting a provision related to the repealed program.

Section 5. Amends s. 402.7305, F.S., conforming a cross reference as a result of changes in the bill.

Section 6. Amends s. 427.0135, F.S., conforming a cross reference as a result of changes in the bill.

Section 7. Amends s. 440.15, F.S., deleting a provision related to the repealed program.

Section 8. Amends s. 440.33, F.S., deleting a provision related to the repealed program.

Section 9. Amends s., 440.50, F.S., deleting a reference related to the Worker's Compensation Trust Fund in the Department of Education.

Section 10. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill may result in a lesser adjustment to the assessments on workers' compensation insurance premiums by the Chief Financial Officer.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Reemployment and training services, which included payment of costs for tuition, books, and supplies, will no longer be available for injured workers. These individuals may not qualify for services under Division of Vocational Rehabilitation.

The bill may result in a lesser adjustment to the assessments on workers' compensation insurance premiums by the Chief Financial Officer which will likely be a savings to private businesses.

D. FISCAL COMMENTS:

A budget reduction of \$2.3 million in the Worker's Compensation Trust Fund and elimination of 27 full-time-equivalent positions are included in the House proposed Fiscal Year 2012-13 GAA relating elimination of the Injured Worker Program. Approximately \$200,000 is left in the trust fund to allow for the payment of anticipated program expenditures such as employee leave payouts and payment of unemployment compensation.

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

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A bill to be entitled
 An act relating to reemployment services; repealing s. 440.491, F.S., relating to reemployment of injured workers; repealing s. 1010.87, F.S., relating to the Workers' Compensation Administration Trust Fund within the Department of Education; terminating the trust fund and transferring the balance remaining in, and all revenues of, the terminated fund; requiring the Division of Vocational Rehabilitation within the Department of Education to pay any outstanding debts or obligations of the terminated fund; requiring the Chief Financial Officer to close out and remove the terminated fund from the various state accounting systems; amending ss. 287.057, 402.7305, 427.0135, 440.15, 440.33, and 440.50, F.S.; conforming cross-references; providing effective dates.

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

Section 1. Section 440.491, Florida Statutes, is repealed.

Section 2. Effective June 30, 2013, section 1010.87, Florida Statutes, is repealed.

Section 3. (1) The Workers' Compensation Administration Trust Fund, FLAIR number 48-2-795, within the Department of Education is terminated.

(2) The balance remaining in, and all revenues of, the trust fund shall be transferred to the Workers' Compensation

29 Administration Trust Fund within the Department of Financial
 30 Services.

31 (3) The Division of Vocational Rehabilitation within the
 32 Department of Education shall pay any outstanding debts or
 33 obligations of the terminated trust fund as soon as practicable,
 34 and the Chief Financial Officer shall close out and remove the
 35 terminated trust fund from the various state accounting systems
 36 using generally accepted accounting principles concerning
 37 warrants outstanding, assets, and liabilities.

38 (4) This section shall take effect June 30, 2013.

39 Section 4. Paragraph (f) of subsection (3) of section
 40 287.057, Florida Statutes, is amended to read:

41 287.057 Procurement of commodities or contractual
 42 services.—

43 (3) When the purchase price of commodities or contractual
 44 services exceeds the threshold amount provided in s. 287.017 for
 45 CATEGORY TWO, no purchase of commodities or contractual services
 46 may be made without receiving competitive sealed bids,
 47 competitive sealed proposals, or competitive sealed replies
 48 unless:

49 (f) The following contractual services and commodities are
 50 not subject to the competitive-solicitation requirements of this
 51 section:

52 1. Artistic services. For the purposes of this subsection,
 53 the term "artistic services" does not include advertising or
 54 typesetting. As used in this subparagraph, the term
 55 "advertising" means the making of a representation in any form
 56 in connection with a trade, business, craft, or profession in

57 order to promote the supply of commodities or services by the
 58 person promoting the commodities or contractual services.

59 2. Academic program reviews if the fee for such services
 60 does not exceed \$50,000.

61 3. Lectures by individuals.

62 4. Legal services, including attorney, paralegal, expert
 63 witness, appraisal, or mediator services.

64 5.a. Health services involving examination, diagnosis,
 65 treatment, prevention, medical consultation, or administration.

66 b. Beginning January 1, 2011, health services, including,
 67 but not limited to, substance abuse and mental health services,
 68 involving examination, diagnosis, treatment, prevention, or
 69 medical consultation, when such services are offered to eligible
 70 individuals participating in a specific program that qualifies
 71 multiple providers and uses a standard payment methodology.
 72 Reimbursement of administrative costs for providers of services
 73 purchased in this manner shall also be exempt. For purposes of
 74 this sub-subparagraph, "providers" means health professionals,
 75 health facilities, or organizations that deliver or arrange for
 76 the delivery of health services.

77 6. Services provided to persons with mental or physical
 78 disabilities by not-for-profit corporations which have obtained
 79 exemptions under the provisions of s. 501(c)(3) of the United
 80 States Internal Revenue Code or when such services are governed
 81 by the provisions of Office of Management and Budget Circular A-
 82 122. However, in acquiring such services, the agency shall
 83 consider the ability of the vendor, past performance,
 84 willingness to meet time requirements, and price.

85 7. Medicaid services delivered to an eligible Medicaid
86 recipient unless the agency is directed otherwise in law.

87 8. Family placement services.

88 9. Prevention services related to mental health, including
89 drug abuse prevention programs, child abuse prevention programs,
90 and shelters for runaways, operated by not-for-profit
91 corporations. However, in acquiring such services, the agency
92 shall consider the ability of the vendor, past performance,
93 willingness to meet time requirements, and price.

94 ~~10. Training and education services provided to injured~~
95 ~~employees pursuant to s. 440.491(6).~~

96 10.11. Contracts entered into pursuant to s. 337.11.

97 11.12. Services or commodities provided by governmental
98 agencies.

99 Section 5. Paragraph (a) of subsection (2) of section
100 402.7305, Florida Statutes, is amended to read:

101 402.7305 Department of Children and Family Services;
102 procurement of contractual services; contract management.—

103 (2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.—

104 (a) Notwithstanding s. 287.057(3)(f)11. ~~287.057(3)(f)12.~~,
105 whenever the department intends to contract with a public
106 postsecondary institution to provide a service, the department
107 must allow all public postsecondary institutions in this state
108 that are accredited by the Southern Association of Colleges and
109 Schools to bid on the contract. Thereafter, notwithstanding any
110 other provision to the contrary, if a public postsecondary
111 institution intends to subcontract for any service awarded in
112 the contract, the subcontracted service must be procured by

113 competitive procedures.

114 Section 6. Subsection (3) of section 427.0135, Florida
115 Statutes, is amended to read:

116 427.0135 Purchasing agencies; duties and
117 responsibilities.—Each purchasing agency, in carrying out the
118 policies and procedures of the commission, shall:

119 (3) Not procure transportation disadvantaged services
120 without initially negotiating with the commission, as provided
121 in s. 287.057(3)(f)11. ~~287.057(3)(f)12.~~, or unless otherwise
122 authorized by statute. If the purchasing agency, after
123 consultation with the commission, determines that it cannot
124 reach mutually acceptable contract terms with the commission,
125 the purchasing agency may contract for the same transportation
126 services provided in a more cost-effective manner and of
127 comparable or higher quality and standards. The Medicaid agency
128 shall implement this subsection in a manner consistent with s.
129 409.908(18) and as otherwise limited or directed by the General
130 Appropriations Act.

131 Section 7. Paragraph (c) of subsection (2) of section
132 440.15, Florida Statutes, is amended to read:

133 440.15 Compensation for disability.—Compensation for
134 disability shall be paid to the employee, subject to the limits
135 provided in s. 440.12(2), as follows:

136 (2) TEMPORARY TOTAL DISABILITY.—

137 (c) Temporary total disability benefits paid pursuant to
138 this subsection shall include such period as may be reasonably
139 necessary for training in the use of artificial members and
140 appliances, ~~and shall include such period as the employee may be~~

141 | ~~receiving training and education under a program pursuant to s.~~
 142 | ~~440.491.~~

143 | Section 8. Subsection (3) of section 440.33, Florida
 144 | Statutes, is amended to read:

145 | 440.33 Powers of judges of compensation claims.—

146 | ~~(3) Before adjudicating a claim for permanent total~~
 147 | ~~disability benefits, the judge of compensation claims may~~
 148 | ~~request an evaluation pursuant to s. 440.491(6) for the purpose~~
 149 | ~~of assisting the judge of compensation claims in the~~
 150 | ~~determination of whether there is a reasonable probability that,~~
 151 | ~~with appropriate training or education, the employee may be~~
 152 | ~~rehabilitated to the extent that such employee can achieve~~
 153 | ~~suitable gainful employment and whether it is in the best~~
 154 | ~~interest of the employee to undertake such training or~~
 155 | ~~education.~~

156 | Section 9. Subsection (5) of section 440.50, Florida
 157 | Statutes, is amended to read:

158 | 440.50 Workers' Compensation Administration Trust Fund.—

159 | (5) Funds appropriated by an operating appropriation or a
 160 | nonoperating transfer from the Workers' Compensation
 161 | Administration Trust Fund to ~~the Department of Education,~~ the
 162 | Agency for Health Care Administration, the Department of
 163 | Business and Professional Regulation, the Department of
 164 | Management Services, the First District Court of Appeal, and the
 165 | Justice Administrative Commission remaining unencumbered as of
 166 | June 30 or undisbursed as of September 30 each year shall revert
 167 | to the Workers' Compensation Administration Trust Fund.

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Redraft - A

2012

168 Section 10. Except as otherwise expressly provided in this
169 act and except for this section, which shall take effect upon
170 this act becoming a law, this act shall take effect July 1,
171 2012.