

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

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

52  
 53 Be It Enacted by the Legislature of the State of Florida:  
 54

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

57           295.02 Use of funds; age, etc.—

58           (1) Sums appropriated and expended to carry out the

59 provisions of s. 295.01(1) may ~~shall~~ be used to pay tuition and

60 registration fees, board, and room rent and to buy books and

61 supplies for the children of deceased or disabled veterans or

62 servicemembers, as defined and limited in s. 295.01, s. 295.016,

63 s. 295.017, s. 295.018, s. 295.0185, s. 295.019, or s. 295.0195,

64 or of parents classified as prisoners of war or missing in

65 action, as defined and limited in s. 295.015, who are between

66 the ages of 16 and 22 years and who are in attendance at an

67 eligible postsecondary education ~~a state-supported~~ institution

68 as defined in s. 295.04 ~~of higher learning, including a~~

69 ~~community college or career center~~. Any child having entered

70 upon a course of training or education under the provisions of

71 this chapter, consisting of a course of not more than 4 years,

72 and arriving at the age of 22 years before the completion of

73 such course may continue the course and receive all benefits of

74 the provisions of this chapter until the course is completed.

75           (2) Sums appropriated and expended to carry out the

76 provisions of s. 295.01(2) may ~~shall~~ be used to pay tuition and

77 registration fees, board, and room rent and to buy books and

78 supplies for the spouses of deceased or disabled veterans or

79 servicemembers, as defined and limited in s. 295.01, who are

80 enrolled at an eligible postsecondary education ~~a state-~~

81 ~~supported~~ institution as defined in s. 295.04 ~~of higher~~

82 ~~learning, including a community college or career center~~.

83           (3) Notwithstanding the benefits-disbursement provision in

84 s. 295.04, such funds shall be applicable for up to 110 percent

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

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

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

92 295.04 Appropriation; benefits.-

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

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

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

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

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

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

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

116 1006.72 Licensing electronic library resources.-

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

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

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

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

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

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

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

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

168 1009.22 Workforce education postsecondary student fees.—

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

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

178 (3)

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

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

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

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197 | 1009.534 Florida Academic Scholars award.—

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

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

205 | 1009.535 Florida Medallion Scholars award.—

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

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

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

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

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

224 | 1010.87 Workers' Compensation Administration Trust Fund

225 within the Department of Education.—

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

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

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

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

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

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

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

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

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

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

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

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

271  
 272 Students shall be classified by school districts and community  
 273 colleges as residents or nonresidents for the purpose of  
 274 assessing tuition in workforce education programs. Resident  
 275 status shall be determined in the same manner as resident status  
 276 for tuition purposes pursuant to s. 1009.21.

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

279 1011.83 Financial support of community colleges.—

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

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

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

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

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

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

309 ~~concurrent-use partnerships.~~

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

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

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

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

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

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

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337 1013.79 University Facility Enhancement Challenge Grant  
338 Program.—

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

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

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