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June 24, 2009

MEMORANDUM

TO: College Vice Presidents for Instructional and Student Affairs

PROM: Dr. Judith Bilsky, The Florida College System 

SUBJECT: REVISED 2009 Legislative Update – Select Bills Signed by the Governor

During the 2009 Session, the Legislature passed several bills into law which will impact college operations. The purpose of this memo is to provide you with a summary of the legislation and the corresponding provisions. Specifically, the Legislature approved and the Governor signed into law:

Senate Bill 1696: Higher Education Funding

o Bright Futures

- Colleges must refund to the state within 30 days after the end of a semester any Bright Futures funds received for courses from which students have withdrawn after the end of the drop and add period. Students must reimburse the institution or make satisfactory arrangements to reimburse the institution before the students can receive a Bright Futures award for any subsequent terms. Institutions and the Florida Department of Education (Department) are responsible for notifying students of the changes to the Bright Futures program. [section (s.) 1009.53, Florida Statutes (F.S.)]
- Students must earn a minimum of 24 semester credit hours or a prorated number of hours if the student was enrolled below full time each academic year to maintain the scholarship. [s. 1009.532, F.S.]
- Students who fail to earn the minimum number of hours necessary to renew the scholarship will lose eligibility for the equivalent of one academic year. A student who does not meet the minimum hour requirement is eligible for a one-time restoration of the Bright Futures award during the next academic year by earning credit for all hours in which he/she was enrolled and meets the grade point average (GPA) required for renewal. [s. 1009.532, F.S.]



- Students who are awarded the Florida Academic Scholars award are no longer eligible for additional funds to cover college-related expenses. [s. 1009.534, F.S.]
- Florida Gold Seal Vocational award recipients are no longer eligible to apply for a Florida Medallion Scholars award. [s. 1009.535, F.S.]
- Bright Futures award amounts will be paid per credit hour per program for the 2009-2010 year. [s. 1009.532, F.S.] The Florida College System 2009-2010 award amounts are as follows:
 - Florida Academic Scholar
 - \$78 per credit for lower division
 - \$87 per credit for upper division
 - Florida Medallion Scholar
 - \$78 per credit for lower division in an associate degree
 - \$65 per credit hour for upper division
 - Gold Seal Vocational
 - \$59 per credit for lower division
 - \$65 per credit hour for upper division

Note: The Office of Student Financial Assistance will issue technical assistance regarding the new provisions.

- **First Generation Matching Grant Program** [s. 1009.701, F.S.]
 - Recipients of the First Generation Matching Grant must meet the eligibility requirements of the Florida Student Assistance Grant as defined in s. 1009.50, F. S.
- **Rosewood Family Scholarship Program** [s. 1009.55, F.S.]
 - Recipients of the scholarship must be direct descendants of the Rosewood families.
- **Ethics in Business Scholarship Program** [s. 1009.76 and 1009.765, F.S.]
 - Repeals the Ethics in Business Scholarship program.
- **Student Financial Assistance Database** [s. 1009.94, F.S.]
 - The database shall include information on students receiving funds provided under specified Florida statutes. Specified programs are to report eligible students to whom financial assistance is disbursed each academic term, the eligibility requirements for recipients, and the aggregate demographics of recipients to the Department.
- **Deferment of Fees** [s. 1009.27, F.S.]
 - Post-9/11 veterans are added as an eligible category for a deferment.
- **Tuition and Fees for Safety and Security** [s. 1009.23, F.S.]
 - Deletes the requirement that a portion of tuition and fees be used for safety and security purposes.
- **Excess Hours for State University Students** [s. 1009.286, F.S.]
 - Colleges within The Florida College System must implement a process for notifying incoming students that they may be charged for credit hours in excess of the baccalaureate degree requirements upon transfer to a state university.
- **Residency for Tuition Purposes** [s. 1009.21, F.S.]
 - "Initial enrollment" and "nonresident for tuition purposes" are defined.
 - Documentation accepted to establish residency for tuition purposes is identified.
 - Specifies standards for reclassification to resident status for tuition purposes.
 - Institutions must establish a residency appeal committee.

Note: The Division is working with the Department's Office of Articulation and the Statewide Residency Committee to ensure State Board Rule and Guidelines are updated according to the new provisions.

- o **House Bill 685: Educational Duty for Dollars Program (EDD) [S. 1009.26, F.S.]**
 - The State Tuition Exemption Program (STEP) is eliminated.
 - The fee waiver in s. 1009.26 , F. S., for National Guard members is eliminated.
 - In order to be eligible for the EDD program, a National Guard member must be an active drilling member.
 - National Guard members must serve in the National Guard for a period specified in their enlistment contract.
 - College preparatory courses are eligible for funding as part of the EDD program.
 - Active drilling members of the Florida National Guard shall be classified as Florida residents for tuition purposes.

Note: The Division has been in contact with the Florida Department of Military Affairs (DMA) and colleges will continue to bill the DMA for eligible students. EDD recipients are to be classified as Florida residents.

House Bill 509: Relating to Veterans [s. 1009.27, F.S.]

Post-9111 veterans are added as an eligible category for a deferment of tuition and fees in s. 1009.27, F.S.

Senate Bill 1676: Education Funding

- o **College Level Academic Skills Test (CLAST) [s. 1007.25, F.S.]**
 - The CLAST exam is repealed. [s. 1008.29, F.S.]
 - The following are required for awarding of the Associate in Arts:
 - o Meet/exceed minimum score on a standardized examination, established by State Board of Education (SBE) in conjunction with Board of Governors (BOG).
 - o Demonstrate successful remediation of academic deficiencies and achieve a GPA of 2.5 or above in postsecondary-level coursework identified by SBE in conjunction with BOG.
 - Authorizes waivers of the established requirements for students with documented specific learning disabilities and other extenuating circumstances.

Note: See May 29, 2009 Technical Assistance Paper and June 22, 2009 memo from the Division for clarification.

House Bill 1209: Relating to Nursing programs

- The rule making authority of the Florida Board of Nursing is reduced.
- Institutions planning to conduct a nurse licensure program must submit a fee of \$1000.00 to the Florida Department of Health.
- Programs approved through June 30, 2009, are automatically approved.
- All approved programs must submit an annual report to the Florida Board of Nursing to include:
 - o Affidavits certifying compliance and documentation for each program for the prior academic year.
 - Number of applications received, the number of qualified applicants, and the number of students accepted.
 - The number of program graduates, graduate pass rates on the Nursing Licensure Examination, and program retention rates.

The Florida Board of Nursing must publish specified data on its Web site.

House Bill 7121: Postsecondary Distance Learning

- Distance learning is defined as "at least 80% of the direct instruction of the course is delivered utilizing some form of technology when the student and instructor are separated by time, space, or both." Only courses meeting this definition can be assessed the distance learning fee.
- Florida Distance Learning Consortium (FDLC) is established to facilitate collaboration among public postsecondary institutions in distance learning use to increase access, support institutions in the use of technology and build partnerships.
- The FDLC shall submit two plans by March 1, 2010, to the BOG, SBE, Governor, and Legislature addressing the following: 1) the implementation of a streamlined, automated online registration process for undergraduate students admitted to a public postsecondary institution and wishing to enroll in a course in the Florida Education Distance Learning Catalog, and 2) the use of open access textbooks as a method for reducing textbook costs.

House Bill 739, entitled Community College Student Fees, was passed by the Legislature but vetoed by the Governor.

The following bills were passed by the Legislature but have not been signed by the Governor as of the date of this memorandum.

- Senate Bill 2682 - The Florida College System
- House Bill 7117 - Student Education Records – Federal Educational Rights and Privacy act (FERPA)
House Bill 7119 - Education Records (FERPA)

The Division will continue to provide technical assistance for legislation passed during the 2009 session, including the repeal of the College Level Academic Skills Test (CLAST) and changes to Residency for Tuition Purposes. For additional information about legislation passed during the 2009 session, you may access the Florida Department of Education's 2009 *Legislative Review* available at <http://www.fldoe.org/GR/pdf/2009-Legislative-Review-Book.pdf>. If you have questions, please contact Kasongo Butler at: Kasongo.Butler@fldoe.org

JB/aac

- c:
- Dr. John Holdnak, Vice Chancellor for Financial Policy, The Florida College System (FCS)
 - Dr. John Hughes, Associate Vice Chancellor for Evaluation (FCS)
 - Ms. Lisa Cook, Director of Facilities Planning and Budgeting, (FCS)
 - Ms. Julie Alexander, Director of Articulation and Educational Services (FCS)
 - Ms. Judy Green, President, The Foundation for Florida's Community Colleges
 - Ms. Kasongo Butler, Assistant Chancellor (FCS)