Postsecondary Education & Workforce Subcommittee

January 25, 2024
3:00 PM
Morris Hall (17 HOB)

Meeting Packet

Paul Renner
Speaker

Lauren Melo
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Postsecondary Education & Workforce Subcommittee

Start Date and Time: Thursday, January 25, 2024 03:00 pm

End Date and Time: Thursday, January 25, 2024 06:00 pm

Location: Morris Hall (17 HOB)

Duration: 3.00 hrs

Consideration of the following bill(s):

HB 217 College Campus Facilities in Areas of Critical State Concern by Mooney
HB 465 Postsecondary Education Students by Temple
HB 511 Graduate Program Admissions by Holcomb
CS/HB 707 State University Unexpended Funds by Higher Education Appropriations Subcommittee, Silvers
HB 1137 Employment of Individuals with Disabilities by Redondo
HB 1151 Stanley G. Tate Florida Prepaid College Program by Anderson
HB 1319 Trust Funds/Institute of Food and Agricultural Sciences Relocation and Reconstruction Trust Fund/DOE by Tuck

Consideration of the following proposed committee substitute(s):

PCS for HB 767 -- Resident Status for Tuition Purposes

Consideration of the following proposed committee bill(s):

PCB PEW 24-01 -- Education

To submit an electronic appearance form, and for information about attending or testifying at a committee meeting, please see the "Visiting the House" tab at www.myfloridahouse.gov.

NOTICE FINALIZED on 01/23/2024 4:20PM by Vernon.Andrea

HB 217

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 217 College Campus Facilities in Areas of Critical State Concern
SPONSOR(S): Mooney
TIED BILLS: None **IDEN./SIM. BILLS:** SB 222

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Postsecondary Education & Workforce Subcommittee		Collins	Kiner
2) Education & Employment Committee			

SUMMARY ANALYSIS

The bill maintains the cap of 340 dormitory beds that may be provided for students at a Florida College System (FCS) institution located in a municipality within an area of critical state concern, but expands the categories of non-students that may be housed within such dormitories to include health care workers. Additionally, the bill increases the cap on non-student beds to 50 from 25.

The bill also repeals the prohibition on the use of state funds and tuition and fee revenues for the construction, debt service payments, maintenance, or operation of FCS dormitories located in a municipality designated as an area of critical state concern. Instead, the bill specifies any funds used to construct, maintain, or operate dormitories may not come from state appropriations.

As the College of Florida Keys is the only FCS institution located in a municipality designated as an area of critical state concern, the bill's changes only apply to the College of the Florida Keys.

The bill has an effective date of July 1, 2024.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Areas of Critical State Concern

The Areas of Critical State Concern Program (Program) is intended to protect resources and public facilities of major statewide significance, within designated geographic areas, from uncontrolled development that would cause substantial deterioration of such resources.[1] The designated Areas of Critical State Concern are the Apalachicola Bay Area (Franklin County), Brevard Barrier Island Area (Brevard County), Green Swamp Area (portions of Polk and Lake Counties), the Big Cypress Area (portions of Collier, Miami-Dade, and Monroe Counties), the Florida Keys Area (Monroe County), and the City of Key West Area (Monroe County).[2] Currently, the College of the Florida Keys in Monroe County is the only FCS institution located within a municipality designated as an area of critical state concern.[3]

Florida College System Dormitory Facilities

An FCS institution and its direct-support organization have limited authority to plan and construct facilities and to acquire additional property.[4] Residency opportunities within the FCS are predominately off campus and provided through a third party, often for specific student populations such as international students, student athletes, or specific scholarship recipients.[5] FCS institutions were developed as commuter schools. With 28 institutions and multiple campuses all over the state, colleges were located so students would drive no further than 50 miles to be able to attend college. Historically, two colleges have institution-owned dormitories, Chipola College and Florida Gateway College, which were started in facilities that originally housed World War II bases for servicemen. Chipola College continues to operate a college-owned dormitory for athletes only. Florida Gateway College allows any student to apply for their limited number of beds.

Florida law also authorizes an FCS institution campus within a municipality designated as an area of critical state concern, and having a comprehensive plan and land development regulations containing a building permit allocation system that limits annual growth, to construct dormitories for up to 340 beds for FCS institution students, and an additional 25 beds for employees, educators, and first responders.[6] Such dormitories are exempt from the building permit allocation system and may be constructed up to 60 feet in height if the dormitories are otherwise consistent with the comprehensive plan, the FCS institution has a hurricane evacuation plan that requires all dormitory occupants to be evacuated 48 hours in advance of tropical force winds, and transportation is provided for dormitory occupants during an evacuation.[7]

State funds and tuition and fee revenues may not be used for construction, debt service payments, maintenance, or operation of such dormitories.[8] Additional dormitory beds constructed after July 1,

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[1] *See* 'Areas of Critical State Concern Program,' on Florida Department of Commerce's website at https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern. (last visited November 28, 2023).
[2] Sections 380.05 – 380.0555, F.S.
[3] Section 1013.40(4), F.S.
[4] Section 1013.40, F.S.
[5] Florida College System, *Student Housing in the Florida College System, available at* http://www.fldoe.org/core/fileparse.php/7480/urlt/0082726-faqhousing.pdf.
[6] Section 1013.40(4), F.S. Currently, only the College of the Florida Keys meets this requirement and is able to construct such dormitory facilities.
[7] *Id.*
[8] *Id.*

2016, may not be financed through the issuance of bonds.[9] However, nonpublic entities may issue bonds as part of a public-private partnership between the college and a nonpublic entity.[10]

Currently, the College of the Florida Keys (CFK) is the only college within a municipality designated as an area of critical state concern that meets the requirements specified in law.

The College of the Florida Keys

In 2008, CFK was granted legislative authority to build a dormitory facility with 100 beds, which was subsequently constructed and opened in 2011. Although there has been no further construction of student housing at CFK, the authorized number of beds has increased to 340 beds for FCS students and 25 beds for employees, educators, and first responders.

Effect of the Bill

The bill maintains the cap of 340 beds that may be provided for students in an FCS dormitory located in an area of critical state concern, but expands the categories of non-students that may be housed within such dormitories to include health care workers. Additionally, the bill increases the cap on non-student beds to 50 from 25.

The bill also repeals the prohibition on the use of state funds and tuition and fee revenues for the construction, debt service payments, maintenance, or operation of FCS dormitories located in a municipality designated as an area of critical state concern. Instead, the bill specifies any funds used to construct, maintain, or operate dormitories may not come from state appropriations.

As CFK is the only FCS institution located in a municipality designated as an area of critical state concern, the bill's proposed changes only apply to CFK.

B. SECTION DIRECTORY:

Section 1: Amends s. 1013.40, F.S.; to expand the categories of non-students that may be housed within certain FCS dormitories, increases the cap on non-student beds in such dormitories, and allows state funds, such as tuition and fee revenues to be used for construction, debt service, or operation of such dormitories.

Section 2: Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

[9] *Id.*
[10] *Id.*

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill repeals the prohibition on the use of state funds and tuition and fee revenues for the construction, debt service payments, maintenance, or operation of FCS dormitories located in a municipality designated as an area of critical state concern. Instead, the bill specifies any funds used to construct, maintain, or operate dormitories may not come from state appropriations.

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:

The bill's proposed changes are intended to authorize CFK to use of tuition and fee revenue for the construction, debt service payments, or operation of a new dormitory. However, tuition revenue is intended to cover the cost of instruction. Further, the bill does not specify which fee or fees the revenue of which the college would like to use.

The bill revises language related to the requirement CFK have a hurricane evacuation plan that requires all dormitory occupants to be evacuated 48 hours in advance of tropical force winds. In doing so, the bill substitutes the term, 'tropical storm-force winds' for 'tropical force winds.' It is unclear is this is intended to be a substantive change, or rather, a bill drafting error.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to college campus facilities in areas of critical state concern; amending s. 1013.40, F.S.; revising the number of beds certain Florida College System institutions may provide to certain persons; authorizing such beds to be provided to health care workers; revising which funds may not be used for construction of dormitories; providing an effective date.

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

Section 1. Subsection (4) of section 1013.40, Florida Statutes, is amended to read:

1013.40 Planning and construction of Florida College System institution facilities; property acquisition.—

(4) The campus of a Florida College System institution within a municipality designated as an area of critical state concern, as defined in s. 380.05, and having a comprehensive plan and land development regulations containing a building permit allocation system that limits annual growth, may construct dormitories for up to 340 beds for Florida College System institution students, and an additional 50 ~~25~~ beds for employees, educators, health care workers, and first responders. Such dormitories are exempt from the building permit allocation

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

system and may be constructed up to 60 feet in height if the dormitories are otherwise consistent with the comprehensive plan, the Florida College System institution has a hurricane evacuation plan that requires all dormitory occupants to be evacuated 48 hours in advance of tropical storm-force ~~force~~ winds, and transportation is provided for dormitory occupants during an evacuation. State appropriations ~~funds and tuition and fee revenues~~ may not be used for construction, debt service payments, maintenance, or operation of such dormitories. Additional dormitory beds constructed after July 1, 2016, may not be financed through the issuance of bonds by the Florida College System institution; however, bonds may be issued by nonpublic entities as part of a public-private partnership between the college and a nonpublic entity.

Section 2. This act shall take effect July 1, 2024.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__ (Y/N)
ADOPTED AS AMENDED	__ (Y/N)
ADOPTED W/O OBJECTION	__ (Y/N)
FAILED TO ADOPT	__ (Y/N)
WITHDRAWN	__ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Postsecondary Education & Workforce Subcommittee

Representative Mooney offered the following:

Amendment (with title amendment)

Remove lines 30-34 and insert:

evacuated 48 hours in advance of tropical force winds, and transportation is provided for dormitory occupants during an evacuation. State grant funds and, notwithstanding s. 1009.23(11)(b), capital improvement ~~tuition and~~ fee revenues may ~~not~~ be used for construction, debt service payments, maintenance, or operation of such dormitories.

T I T L E A M E N D M E N T

Remove line 7 and insert:

17 workers; revising which funds may be used for

HB 465

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 465 Postsecondary Education Students
SPONSOR(S): Temple and others
TIED BILLS: None. **IDEN./SIM. BILLS:** SB 470

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Postsecondary Education & Workforce Subcommittee		Wolff	Kiner
2) Higher Education Appropriations Subcommittee			
3) Education & Employment Committee			

SUMMARY ANALYSIS

Current law, at both the Federal and State level, is designed to prevent the provision of material support to designated terror organizations. The bill's purpose is to curtail promotion of these terror organization at Florida's postsecondary institutions.

To this end, the bill defines a "foreign terrorist organization" as an organization designated by the United States Department of State as a foreign organization that engages in or has the capability and intent to engage in terrorist activity and threatens the defense, foreign relations, or economic interests of the United States. The bill specifies that this includes, but is not limited to, Hamas and Palestine Islamic Jihad.

The bill provides that any student at a Florida College System (FCS) or State University System (SUS) institution that promotes a foreign terrorist organization during any term of his or her enrollment is not eligible for in-state tuition and is not eligible for any fee waiver contained in s. 1009.26, F.S., during that term or any subsequent term of enrollment. Additionally, the bill provides that any student at a FCS, SUS, or private postsecondary institution that promotes a foreign terrorist organization during any term of his or her enrollment may not be awarded any institutional or state grants, financial aid, scholarships, or tuition assistance under ch. 1009, F.S., during that term and any subsequent term of enrollment.

The bill requires that a public postsecondary institution must report, through the Student and Exchange Visitor Program of the United States Department of Homeland Security, any student who is attending the institution on an F-1 student visa, if that student promotes any foreign terrorist organization.

The bill has an indeterminate fiscal impact.

The bill has an effective date of July 1, 2024.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Federal and State Anti-terrorism Laws

Two federal material support statutes sit at the heart of the United States (U.S.) Department of Justice's terrorist prosecution efforts.[1] One provision outlaws providing material support for the commission of certain designated offenses that might be committed by terrorists.[2] The other outlaws providing material support to certain designated terrorist organizations.[3] The two sections share a virtually identical definition of the term "material support."[4] Material support excludes medicine and religious materials, but includes:

- currency or monetary instruments or financial securities;
- financial services;
- lodging;
- training;
- expert advice or assistance;
- safehouses;
- false documentation or identification;
- communications equipment, facilities;
- weapons;
- lethal substances;
- explosives;
- personnel; and
- transportation.[5]

Providing material support is only a crime if the known beneficiary is a foreign terrorist organization. That is, the government must show either that (1) the defendant knows that the organization has been designated a foreign terrorist organization or (2) the defendant knows that the organization is or has engaged in "terrorism" or in "terrorist activities."[6]

The process under which the Secretary of State designates an entity a foreign terrorist organization is authorized in the Immigration and Nationality Act.[7] Under the procedure, the Secretary may designate an entity if he finds that it is (A) a foreign organization; (B) that "engages in terrorist activity or terrorism, or retains the capacity and intent to engage in terrorist activity or terrorism"; and (C) "the terrorist activity or terrorism" of the entity "threatens the security of United States nationals or the national security of the United States."[8] An organization may challenge its designation,[9] and the Secretary may revoke the designation.[10] The organization may appeal the Secretary's decision to the United States

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[1] 18 U.S.C. § 2339A and § 2339B; s*ee generally* Congressional Research Service, *Terrorist Material Support: An Overview of 18 U.S.C. § 2339A and § 2339B*, *available at* https://crsreports.congress.gov/product/pdf/R/R41333.
[2] 18 U.S.C. § 2339A.
[3] 18 U.S.C. § 2339B.
[4] 18 U.S.C. § 2339A(b)(1) and 18 U.S.C. § 2339B(g)(4). Section 2339B has a more explicit description of the "personnel" covered by its proscription, which confines the term to those provided to a foreign terrorist organization to direct its activities or to work under its direction or control. 18 U.S.C. § 2339B(h)
[5] 18 U.S.C. § 2339A(b)(1) and 18 U.S.C. § 2339B(g)(4).
[6] 18 U.S.C. § 2339B(a).
[7] 8 U.S.C. § 1189.
[8] 8 U.S.C. § 1189(a)(1).
[9] 8 U.S.C. § 1189(a)(4)(B).
[10] 8 U.S.C. § 1189(a)(6).

Court of Appeals for the District of Columbia.[11] The current list of designated Foreign Terrorist Organizations is available on the Department of State website and it has included HAMAS and the Palestine Islamic Jihad since its inception in October 1997.[12]

HAMAS is the largest and most capable militant group in the palestinian territories and one of the territories' two major political parties. The group is committed to armed resistance against Israel and the creation of an Islamic Palestinian state in Israel's place. HAMAS has been the de facto governing body in the Gaza Strip since 2007, when it ousted the Palestinian Authority from power.[13]

The Palestine Islamic Jihad (PIJ) is a militant group seeking to establish an Islamist Palestinian state that is committed to the destruction of Israel. It is the second-largest militant group in the Gaza Strip and the West Bank. PIJ sometimes operates in coordination with HAMAS, although the groups have had a tense relationship because PIJ occasionally disagrees with HAMAS's strategy for confronting Israel.[14]

In 2017,[15] the Legislature adopted a counter-terrorism statute mirroring the above federal provisions.[16] The statute includes two criminal provisions analogous to the federal law[17] and included substantially similar definitions.[18] The Legislature explicitly stated its intent that these provisions be interpreted in a manner consistent with the federal law[19] and tasked the Florida Department of Law Enforcement with creating guidelines for law enforcement investigations conducted pursuant to the newly created section of law.[20]

International Student Visas

For nonimmigrant students seeking an education in the United States, there are three primary student visa types:

- F-1 Student Visa: for study at an accredited U.S. college or university or to study English at an English language institute;
- J-1 Exchange Visa: for participation in an exchange program, including high school and university study;
- M-1 Student Visa: for non-academic or vocational study or training in the United States.[21]

Valid student visas are required to apply to the Department of Homeland Security for admission into the United States at the port of entry. Students' Form I-20 document (F and M visas) or DS-2019 document (J visas), that are issued by their institution, is what allows them to maintain student status in the United States even if a visa expires during their studies.[22] To issue I-20 or DS-2019 documentation for student visas, U.S. institutions must be certified by the Department of Homeland Security SEVP (Student and

[11] 8 U.S.C. § 1189(c).
[12] Department of State, *Foreign Terrorist Organizations*, https://www.state.gov/foreign-terrorist-organizations/ (last visited Jan 15, 2024).
[13] Office of the Director of National Intelligence, *Foreign Terrorist Organizations HAMAS*, https://www.dni.gov/nctc/ftos/hamas_fto.html (last visited Jan. 14, 2024).
[14] Office of the Director of National Intelligence, *Foreign Terrorist Organizations Palestine Islamic Jihad*, https://www.dni.gov/nctc/ftos/pij_fto.html (last visited Jan. 14, 2024).
[15] Section 4, ch. 2017-37, L.O.F.
[16] Section 775.33, F.S.
[17] Section 775.33(2) and (3), F.S.
[18] Section 775.33(1), F.S.
[19] Section 775.33(7), F.S.
[20] Section 775.33(8), F.S.
[21] Department of State, EducationUSA, *International Student Visas*, https://educationusa.state.gov/foreign-institutions-and-governments/understanding-us-higher-education/international-student (last visited Jan. 16, 2024).
[22] *Id*.

Exchange Visitor Program) (F, M visas) or designated by the Department of State Bureau of Educational and Cultural Affairs (J visas), respectively.[23]

Two separate U.S. government agencies manage international student arrival and status while studying in the United States. The U.S. Department of State is responsible for the initial visa application process and issuance. Once a visa holder arrives in the United States, the U.S. Department of Homeland Security then acts as the responsible agency for granting entry into the country, as well as enforcing immigration regulations that affect international students once they are in the United States.[24]

Institutions are required to comply with regulations issued by the Department of Homeland Security in order to be certified for attendance by nonimmigrant students.[25] Part of this certification process includes recordkeeping and reporting requirements for the institution.[26] Institutions are required to report any change in the students status, within 21 days, including, but not limited to, any disciplinary action taken by the school against the student as a result of the student being convicted of a crime.[27]

Freedom of Speech

The First Amendment of the United States Constitution promotes the free exchange of ideas and information by prohibiting the government from restricting speech or expressive conduct because of the message expressed.[28] Content-based restrictions are presumptively invalid.[29] To justify a content-based regulation of speech, the government must show that the regulation is (1) necessary to serve a compelling state interest, and (2) narrowly drawn to further that interest. Prohibitions on hate speech may not be content based and designed to punish certain viewpoints. For instance, a law that bans only words or expressions derogatory of race, religion, or gender violates the First Amendment.[30] The government may increase applicable criminal penalties for defendants who select a victim based on race or other characteristics.[31] However, during sentencing, a court may generally not take into consideration a defendant's abstract beliefs, however abhorrent.[32]

The Florida Constitution provides analogous protection for the freedom of speech and Florida courts have interpreted Florida's constitutional provisions guaranteeing the freedom of speech in accordance with federal First Amendment jurisprudence.[33]

Florida Postsecondary Tuition and Student Financial Aid

In-state and Out-of-State Tuition

[23] *Id*.
[24] *Id*.
[25] 8 C.F.R. § 214.3.
[26] 8 C.F.R. § 214.3(g).
[27] 8 C.F.R. § 214.3(g)(2)(ii)(D).
[28] *See*, *e.g.*, *Texas v. Johnson*, 491 U.S. 397 (1989); *State v. T.B.D.*, 656 So. 2d 479 (Fla. 1995).
[29] *See*, *e.g.*, *Police Dep't of Chicago v. Mosley*, 408 U.S. 92 (1972).
[30] *R.A.V. v. City of St. Paul, Minn.*, 505 U.S. 377 (1992).
[31] *Wisconsin v. Mitchell*, 508 U.S. 476 (1993); see *T.B.D.*, 656 So. 2d 479 (holding that a Florida statute which prohibited cross burning did not infringe upon First Amendment liberties).
[32] *See generally* Daniel E. Katz, *Speak No Evil, Think No Evil: The Florida Hate Crime Law*, 44 U. Fla. L. Rev. 695 (1992); Susan Gellman, *Sticks and Stones Can Put You in Jail, But Can Words Increase Your Sentence? Constitutional and Policy Dilemmas of Ethnic Intimidation Laws*, 39 U.C.L.A. L. Rev. 333 (1991); Eric D. Rosenberg, Note, *Hate Crimes, Hate Speech and Free Speech – Florida's Bias-Intended Crime Statute*, 17 Nova L. Rev. 597 (1992).
[33] *See Dep't of Educ. v. Lewis*, 416 So. 2d 455, 461 (Fla. 1982).

Under Florida law, 'tuition' is defined as the basic fee charged to a student for instruction provided by a public postsecondary educational institution in the state.[34] A student who is classified as a "resident for tuition purposes" is a student who qualifies for the in-state tuition rate.[35]

The statutory resident undergraduate tuition rate at a state university is $105.07 per credit hour.[36] For baccalaureate degree programs offered at a Florida College System institution, the statutory resident tuition rate is $91.79 per credit hour.[37]

An 'out-of-state fee' is the additional fee for instruction provided by a public postsecondary education institution in the state, and is charged to a student who does not qualify for the in-state tuition rate.[38] Across the State University System, for the 2023-24 academic year, the average out-of-state tuition and out-of-state fees was $570.01, per credit hour.[39] Across the Florida College System, for the 2022-23 academic year, the weighted average of out-of-state fees for lower level credit programs is $240.24, per credit hour.[40] Residents for tuition purposes are charged the statutory rates for tuition while non-residents pay out-of-state fees in addition to tuition, unless these costs are exempted or waived.[41]

Tuition and Fee Waivers

Current law provides a number of mandatory and discretionary tuition and fee waivers. Mandatory fee waivers include, but are not limited to, the following:

- Congressman C.W. "Bill" Young Veteran Tuition Waiver Program;[42]
- Active duty military personnel;[43]
- High-performing out-of-state students who have a Florida resident grandparent,[44]
- Child or spouse of deceased first responder employed by the state or political subdivisions;[45]
- Purple Heart recipients;[46]
- Online Free Seat Program;[47]
- Programs of Strategic Emphasis Waiver;[48] and
- The wrongfully incarcerated.[49]

Discretionary tuition and fee waivers include, but are not limited to, the following:

- Student Intern Supervisors;[50]
- University Employees;[51]
- State Resident Seniors;[52]

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[34] Section 1009.01(1), F.S. Additionally, the definition states that "[a] charge for any other purpose shall not be included within this fee."
[35] Section 1009.21(1)(g), F.S.
[36] Section 1009.24(4)(a), F.S.
[37] Section 1009.23(3)(b), F.S.
[38] Section 1009.01(2), F.S. Adding that "[a] charge for any other purpose shall not be included within this fee."
[39] Florida Board of Governors, *State University System, Tuition and Required Fees, 2023-24*, at 4, *available at* https://www.flbog.edu/wp-content/uploads/2023/07/2023-2024-SUS-Tuition-and-Fees-Report-PDF-1.pdf.
[40] Florida Department of Education, Florida College System, *Reports,* https://www.fldoe.org/accountability/data-sys/CCTCMIS/reports.stml, (link to 2023 Fact Book, worksheet FB 7.9T within the Excel file).
[41] Sections 1009.23(2)(a) and 1009.24(2), F.S.
[42] Section 1009.26(13), F.S.
[43] Section 1009.26(14), F.S.
[44] Section 1009.26(20), F.S.
[45] Section 112.19(3), F.S.
[46] Section 1009.26(8), F.S.
[47] Section 1009.26(19), F.S.
[48] Section 1009.26(18), F.S.
[49] Section 961.06(1)(b), F.S.
[50] Section 1009.26(2), F.S.
[51] Section 1009.26(3), F.S.
[52] Section 1009.26(4), F.S.

- Non-degree Seeking Out-of-State Students;[53]
- Classroom Teachers;[54] and
- Student Athletes.[55]

State Scholarships and Grants

The state offers a number of scholarships and grants for students seeking to further their education at one of Florida's postsecondary institutions, including, but not limited to, the following:

- Benacquisto Scholarship Program;[56]
- Bright Futures Scholarship;[57]
- William L. Boyd, IV, Effective Access to Student Education Program;[58]
- Florida Student Assistance Grant Program;[59]
- First Generation Matching Grant Program;[60] and
- Mary McLeod Bethune Scholarship Program.[61]

Effect of Proposed Changes

The bill defines a "foreign terrorist organization" as an organization designated by the United States Department of State as a foreign organization that engages in or has the capability and intent to engage in terrorist activity and threatens the defense, foreign relations, or economic interests of the United States. The bill specifies that this includes, but is not limited to, Hamas and Palestine Islamic Jihad.

The bill provides that any student at a Florida College System (FCS) or State University System (SUS) institution that promotes a foreign terrorist organization during any term of his or her enrollment is not eligible for in-state tuition and is not eligible for any fee waiver contained in s. 1009.26, F.S., during that term or any subsequent term of enrollment. Additionally, the bill provides that any student at a FCS, SUS, or private postsecondary institution that promotes a foreign terrorist organization during any term of his or her enrollment may not be awarded any institutional or state grants, financial aid, scholarships, or tuition assistance under ch. 1009, F.S., during that term and any subsequent term of enrollment.

The bill requires that a public postsecondary institution must report, through the Student and Exchange Visitor Program of the United States Department of Homeland Security, any student who is attending the institution on an F-1 student visa, if that student promotes any foreign terrorist organization.

B. SECTION DIRECTORY:

Section 1: Amends s. 1006.61, F.S.; requiring public postsecondary educational institutions to report certain student information to the United States Department of Homeland Security; defining the term "foreign terrorist organization."

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[53] Section 1009.26(6), F.S.
[54] Section 1009.26(10), F.S.
[55] Section 1009.26(21), F.S.
[56] Section 1009.893, F.S.; *see* Florida Department of Education, Office of Student Financial Assistance, *Benacquisto Scholarship Program, available at* https://www.floridastudentfinancialaidsg.org/PDF/factsheets/BSP.pdf.
[57] Sections 1009.53-1009.538, F.S.
[58] Sections 1109.521 and 1009.89, F.S.; *see* Florida Department of Education, Office of Student Financial Assistance, *William L. Boyd, IV, Effective Access to Student Education Program, available at* https://www.floridastudentfinancialaidsg.org/PDF/factsheets/EASE.pdf.
[59] Sections 1009.50-1009.52, F.S.; *see* Florida Department of Education, Office of Student Financial Assistance, *Florida Student Assistance Grant Program, available at* https://www.floridastudentfinancialaidsg.org/PDF/factsheets/FSAG.pdf.
[60] Section 1009.701, F.S.; *see* Florida Department of Education, Office of Student Financial Assistance, *First Generation Matching Grant Program, available at* https://www.floridastudentfinancialaidsg.org/PDF/factsheets/FGMG.pdf.
[61] Section 1009.73, F.S.; *see* Florida Department of Education, Office of Student Financial Assistance, *Mary McLeod Bethune Scholarship Program, available at* https://www.floridastudentfinancialaidsg.org/PDF/factsheets/MMB.pdf.

Section 2: Amends s. 1009.01, F.S.; defining the term "foreign terrorist organization."

Section 3: Amends s. 1009.23, F.S.; requiring a Florida College System institution to assess the out-of-state fee for students who promote a foreign terrorist organization.

Section 4: Amends s. 1009.24, F.S.; requiring a state university to assess the out-of-state fee for students who promote a foreign terrorist organization.

Section 5: Amends s. 1009.26, F.S.; providing that students who promote a foreign terrorist organization are ineligible for specified fee waivers.

Section 6: Creates s. 1009.8963, F.S.; providing that students who promote a foreign terrorist organization are ineligible for any institutional or state grants, financial aid, scholarships, or tuition assistance.

Section 7: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill has an indeterminate fiscal impact as it is unclear how its provisions related to student receipt of scholarships, grant, and tuition and fee waivers will impact enrollment.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   None.

2. Other:

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not Applicable.

A bill to be entitled

An act relating to postsecondary education students; amending s. 1006.61, F.S.; requiring public postsecondary educational institutions to report certain student information to the United States Department of Homeland Security; defining the term "foreign terrorist organization"; amending s. 1009.01, F.S.; defining the term "foreign terrorist organization"; amending s. 1009.23, F.S.; requiring a Florida College System institution to assess the out-of-state fee for students who promote a foreign terrorist organization; amending s. 1009.24, F.S.; requiring a state university to assess the out-of-state fee for students who promote a foreign terrorist organization; amending s. 1009.26, F.S.; providing that students who promote a foreign terrorist organization are ineligible for specified fee waivers; creating s. 1009.8963, F.S.; providing that students who promote a foreign terrorist organization are ineligible for any institutional or state grants, financial aid, scholarships, or tuition assistance; providing an effective date.

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

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

Section 1. Subsection (3) is added to section 1006.61, Florida Statutes, to read:

1006.61 Participation by students in disruptive activities at public postsecondary educational institution; penalties.—

(3) A public postsecondary educational institution must report through the Student and Exchange Visitor Program of the United States Department of Homeland Security, pursuant to 8 C.F.R. s. 214.3(g)(2)(ii), information relating to the current status of a student who is attending the institution on an F-1 student visa if that student promotes any foreign terrorist organization. For the purposes of this section, the term "foreign terrorist organization" has the same meaning as in s. 1009.01(4).

Section 2. Subsection (4) is added to section 1009.01, Florida Statutes, to read:

1009.01 Definitions.—The term:

(4) "Foreign terrorist organization" includes those organizations designated by the United States Department of State as a foreign organization that engages in or has the capability and intent to engage in terrorist activity and threatens the defense, foreign relations, or economic interests of the United States. The designation includes, but is not limited to, Hamas and Palestine Islamic Jihad.

Section 3. Subsection (22) is added to section 1009.23, Florida Statutes, to read:

1009.23 Florida College System institution student fees.—

(22) A student who promotes a foreign terrorist organization during any term of his or her enrollment must be assessed the out-of-state fee established in subsections (3) and (4) during that term and any subsequent term of enrollment.

Section 4. Subsection (22) is added to section 1009.24, Florida Statutes, to read:

1009.24 State university student fees.—

(22) A student who promotes a foreign terrorist organization during any term of his or her enrollment must be assessed the out-of-state fee established in subsection (4) during that term and any subsequent term of enrollment.

Section 5. Subsection (22) is added to section 1009.26, Florida Statutes, to read:

1009.26 Fee waivers.—

(22) A student who promotes a foreign terrorist organization during any term of his or her enrollment is ineligible for any fee waiver under this section during that term and any subsequent term of enrollment.

Section 6. Section 1009.8963, Florida Statutes, is created to read:

1009.8963 Prohibition on awarding of scholarships, grants, and other aid.—A student who promotes a foreign terrorist organization during any term of his or her enrollment may not be awarded any institutional or state grants, financial aid,

scholarships, or tuition assistance under this chapter during that term and any subsequent term of enrollment.

Section 7. This act shall take effect July 1, 2024.

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

HB 511

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 511 Graduate Program Admissions
SPONSOR(S): Holcomb
TIED BILLS: None. **IDEN./SIM. BILLS:** CS/SB 494

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Postsecondary Education & Workforce Subcommittee		Blalock	Kiner
2) Local Administration, Federal Affairs & Special Districts Subcommittee			
3) Education & Employment Committee			

SUMMARY ANALYSIS

The bill requires an institution of higher education to waive the Graduate Record Examination (GRE) or Graduate Management Admission Test (GMAT) for a servicemember who applies for admission to a graduate program that requires such examination.

The bill has an indeterminate fiscal impact. *See* Fiscal Comments.

The bill takes effect July 1, 2024.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Graduate Record Examination

The Graduate Record Examination (GRE) is the world's most widely used admissions test for graduate and professional schools.[1] The GRE General Test and GRE Subject Tests are taken by individuals applying to graduate, business, and law programs. For more than 70 years, GRE scores have been used by admissions and fellowship panels at thousands of graduate programs around the world to supplement an applicant's undergraduate grades and other qualifications for graduate study.[2]

The GRE General Test measures verbal reasoning, quantitative reasoning, critical thinking, and analytical writing skills. The test closely aligns with the types of skills that are required for success in today's demanding graduate programs, including business and law.[3]

The GRE Subject Tests measure achievement in specific subject areas and assume undergraduate majors or extensive background in those disciplines. These tests are available in Mathematics, Physics, and Psychology.[4]

The GRE General Test fee is $220. The GRE Subject Test fee is $150.[5]

Graduate Management Admission Test

The Graduate Management Admission Council (GMAC) was established in 1953 to solve a common problem schools faced: the need for a standardized exam to accurately assess a candidate's ability to perform in the rigors of a graduate management degree program. After thorough research and development, the Graduate Management Admission Test (GMAT) exam was created by business schools for business schools. It was specifically designed to assist with the business school admissions process.[6] The GMAT is the most widely used exam for admission to graduate business and management programs.[7]

The GMAT exam is designed to test skills that are highly important to business and management programs. It assesses analytical writing and problem-solving abilities, along with the data sufficiency, logic, and critical reasoning skills that are vital to real-world business and management success. Additionally, the GMAT exam assesses Integrated Reasoning, a section designed to measure a test taker's ability to evaluate information presented in new formats and from multiple sources—skills necessary for management students to succeed in a technologically advanced and data-rich world.[8]

The GMAT Exam fee is $275 if taken at a test center and $300 if taken online.[9]

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[1] ETS, *GRE*, https://www.ets.org/gre.html (last visited Jan. 15, 2024).
[2] ETS, *GRE Information Bulletin* (2023), available at https://www.ets.org/pdfs/gre/gre-info-bulletin.pdf, at 4.
[3] *Id.*
[4] *Id.*
[5] ETS, *GRE Test Takers*, https://www.ets.org/gre/test-takers.html (last visited Jan. 12, 2024).
[6] Graduate Management Admission Council (GMAC), *GMAT History*, https://www.mba.com/exams/gmat-exam/about/gmat-history (last visited Jan. 15, 2024).
[7] GMAC, *GMAT Exam*, https://www.mba.com/exams/gmat-exam (last visited Jan. 15, 2024).
[8] GMAC, *About the GMAT Exam*, https://www.gmac.com/gmat-other-assessments/about-the-gmat-exam (last visited Jan. 15, 2024).
[9] GMAC, *Exam Payment*, https://www.mba.com/exams/gmat-exam/register/exam-payment (last visited Jan. 12, 2024).

Graduate Program Admissions

The State University System of Florida (SUS) offers opportunities for graduate study in over 1,000 academic programs.[10] The Board of Governors has established that it is the responsibility of the universities and university boards of trustees to establish their own standards for graduate school admission.[11] Admission decisions for graduate programs are typically made at the program or department level, in concert with the admission criteria adopted by each university. These criteria are typically published on the university admissions office website.[12]

GRE and GMAT Waivers

As a response to the COVID pandemic, many SUS institutions temporarily waived GRE requirements for the majority of graduate programs' admission criteria. This temporary waiver is still in effect for many of the SUS institutions. For example, Florida Atlantic University will waive the GRE and GMAT scores for all applicants seeking entry to most graduate programs, up to and including the entry term of Spring 2024.[13] Florida State University (FSU) is extending its temporary GRE waiver through Fall 2026 for most Master's and Specialist's programs.[14]

Additionally, some graduate programs offer GRE or GMAT waivers for applicants who fulfill specified criteria, typically involving meeting certain academic, research, or work-related benchmarks. Applicants for the Master of Science in Management program at the University of South Florida (USF) can request a GRE/GMAT waiver if the applicant has 3 years of professional or managerial experience or has earned a bachelor's degree from USF, a Florida preeminent institution, or an Association of American Universities (AAU) school and has a cumulative GPA of 3.5 or higher.[15]

At FSU, for business school master's degree programs, GRE or GMAT scores are accepted but not required. This broader policy follows the university waiving the GMAT requirement for highly qualified applicants with stellar academic backgrounds or significant work experience. The GMAT is still required for those applying for doctoral degrees within the College of Business.[16]

At the University of Florida, for the full-time MBA program, applicants are still required to submit a GMAT or GRE test score, with the GMAT preferred. For a professional MBA program (Executive, Online, South Florida, and Weekend Professional), a GMAT or GRE score is not required, but applicants may submit a score if they feel that doing so will make their application more competitive. If a test score is submitted, the admissions committee will use the score as an additional data point for consideration. An applicant will not be penalized if a test score is not provided or if a submitted test score is below the admissions range. Instead of requiring a test score, the admissions committee will rely on other indicators of ability when reviewing an applicant's file, including, but not limited to, career trajectory and professional success, leadership experience, and previous academic performance. All

[10] State University System of Florida (SUS), *Graduate & Professional Admissions*, https://www.flbog.edu/universities/admissions-transfers/graduate-professional-admissions/ (last visited Jan. 15, 2024).
[11] Board of Governors Regulations 6.001 and 6.003. SUS, *Active Regulations: Chapter 6*, https://www.flbog.edu/regulations/active-regulations/?fwp_chapters=chapter-06 (last visited Jan. 15, 2024).
[12] SUS, *Graduate & Professional Admissions*, https://www.flbog.edu/universities/admissions-transfers/graduate-professional-admissions/ (last visited Jan. 15, 2024).
[13] Florida Atlantic University, Graduate College, *Prospective Graduate Students*, https://www.fau.edu/graduate/admissions/prospective-graduate-students/ (last visited Jan. 15, 2024).
[14] Florida State University (FSU), The Graduate School, *Master's Degree Programs*, https://gradschool.fsu.edu/academics-research/degree-programs/masters-degree-programs (last visited Jan. 15, 2024).
[15] University of South Florida, Muma College of Business, *Application Process*, https://www.usf.edu/business/graduate/ms-management/application-process.aspx (last visited Jan. 15, 2024).
[16] FSU, College of Business, *GMAT Now Optional for All Business Master's Programs*, https://business.fsu.edu/article/gmat-now-optional-all-business-masters-programs (last visited Jan. 15, 2024).

applicants are reviewed holistically and the most competitive applicants showcase strength in all areas.[17]

GRE and GMAT Waivers for Military Applicants

In addition to GRE and GMAT waivers available for all applicants, many universities nationwide provide waivers specifically for military applicants. The universities with GMAT waivers for military applicants recognize that military service provides real-world leadership and decision-making experience that may serve as a better indicator of likely success in an MBA program than a test score. MBA programs require teamwork and collaboration, as does military service.[18] The Ohio State University's Fisher College of Business offers a GMAT/GRE waiver for military candidates and cites the value of "the leadership and diverse perspective veterans and active-military provide."[19]

Waivers exempting military applicants from GRE requirements for graduate program admissions are not as prevalent as GMAT waivers. However, some graduate programs like the Harris School of Public Policy at the University of Chicago provide waivers for applicants who have completed five years of active duty national military service.[20] Similarly, the School of Computing and Information Science at the University of Maine offers a GRE waiver for some graduate degree programs for military members and veterans with five or more years of military experience, provided they meet academic minimums.[21]

Effect of Proposed Changes

The bill requires a Florida College System institution or a state university to waive the GRE or GMAT for servicemembers who apply for admission to a graduate program that requires the examination.

The bill provides definitions, including:

- "Graduate program" means an advanced academic degree program in a specialized field of study, including, but not limited to, a master's or doctoral degree program, which degree is pursued after one has obtained a bachelor's degree.
- "Institution of higher education" means a Florida College System institution or a state university.[22]
- "Servicemember" means any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces.[23]

B. SECTION DIRECTORY:

Section 1: Creates s. 1004.032, F.S.; defining terms; requiring an institution of higher education to waive certain examination requirements for a servicemember who applies for admission to a graduate program that requires such examination.

Section 2: Providing an effective date.

[17] University of Florida, Warrington College of Business, *Apply to UF MBA*, https://warrington.ufl.edu/mba/apply/ (last visited Jan. 15, 2024).
[18] Veterans.com, *GMAT Waivers for Military & Veterans*, https://veteran.com/gmat-waivers/ (last visited Jan. 15, 2024).
[19] The Ohio State University, Fisher College of Business, Graduate Programs, *Military & Veterans*, https://fisher.osu.edu/graduate/military-veterans (last visited Jan. 15, 2024).
[20] The University of Chicago, Harris School of Public Policy, *GRE Requirements and Waivers*, https://harris.uchicago.edu/admissions/blog/gre-requirements-and-waivers (last visited Jan. 15, 2024).
[21] The University of Maine, School of Computing and Information Science, *GRE Waiver Request* (2019), *available at* https://online.umaine.edu/wp-content/uploads/sites/72/2019/11/GREWaiverRequestInSCIS.pdf.
[22] Section 1000.21(5) and (8), F.S. provides a list of all Florida College System institutions and state universities, respectively.
[23] Section 250.01(19), F.S.

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:

   See Fiscal Comments.

2. Expenditures:

   See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

The bill may have an indeterminate positive fiscal impact on servicemembers due to the cost savings associated with the waiver of the GMAT and GRE requirement. This cost savings is estimated at $275-$300 per servicemember applying to a graduate program that requires the GMAT and $220 per servicemember applying to a graduate program that requires the GRE. The bill may have a corresponding indeterminate negative fiscal impact on testing providers of the GMAT and GRE.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   None.

2. Other:

   None

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

A bill to be entitled

An act relating to graduate program admissions; creating s. 1004.032, F.S.; defining terms; requiring an institution of higher education to waive certain examination requirements for a servicemember who applies for admission to a graduate program that requires such examination; providing an effective date.

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

Section 1. Section 1004.032, Florida Statutes, is created to read:

1004.032 Graduate program admission for servicemembers.—

(1) As used in this section, the term:

(a) "GMAT" means the Graduate Management Admission Test.

(b) "Graduate program" means an advanced academic degree program in a specialized field of study, including, but not limited to, a master's or doctoral degree program, which degree is pursued after one has obtained a bachelor's degree.

(c) "GRE" means the Graduate Record Examination.

(d) "Institution of higher education" means a Florida College System institution or a state university as those terms are defined in s. 1000.21(5) and (8), respectively.

(e) "Servicemember" has the same meaning as in s. 250.01.

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

(2) An institution of higher education shall waive the GRE or GMAT requirement for a servicemember who applies for admission to a graduate program that requires such examination.

Section 2. This act shall take effect July 1, 2024.

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

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	_____	

Committee/Subcommittee hearing bill: Postsecondary Education & Workforce Subcommittee

Representative Holcomb offered the following:

Amendment (with title amendment)

Remove lines 22-28 and insert:

(d) "Institution of higher education" means a state university as defined in s. 1000.21(8).

(e) "Servicemember" has the same meaning as in s. 250.01.

(2)(a) An institution of higher education shall waive the GRE or GMAT requirement for a servicemember who applies for admission to a graduate program that requires such examination.

(b) An institution of higher education shall waive the GRE or GMAT requirement for a person who served in the United States Armed Forces, the Florida National Guard, or the United States Reserve Forces and was discharged or released under any

condition other than dishonorable and who applies for admission to a graduate program that requires such examination.

T I T L E A M E N D M E N T

Remove line 5 and insert:
examination requirements for a servicemember or a person who served in the United States Armed Forces, the Florida National Guard, or the United States Reserve Forces and was discharged or released under any condition other than dishonorable and who

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 707 State University Unexpended Funds
SPONSOR(S): Higher Education Appropriations Subcommittee, Silvers
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education Appropriations Subcommittee	11 Y, 0 N, As CS	Stenson	Smith
2) Postsecondary Education & Workforce Subcommittee		Kiner	Kiner
3) Appropriations Committee			

SUMMARY ANALYSIS

Currently, each state university is required to maintain a minimum carry forward balance of at least 7 percent of its state operating budget. If a university retains a state operating fund carry forward balance in excess of 7 percent, it must submit a spending plan for the excess carry forward balance to the Board of Governors (BOG).

The bill allows a state university to carry forward unexpended funds in excess of the 7 percent minimum of its state operating budget and not include those funds in its spending plan submitted to the university's board of trustees and the Board of Governors, if the university does not plan to spend the carry forward funds in the subsequent fiscal year.

The bill has no fiscal impact on state or local government.

The bill has an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

End-of-Year Carry Forward Balances

Currently, each state university is required to maintain a minimum carry forward balance of at least 7 percent of its state operating budget.[1] If a university retains a state operating fund carry forward balance in excess of 7 percent, it must submit a spending plan for the excess carry forward balance to the Board of Governors (BOG) by September 30 each year.[2] The authorized expenditures in the spending plan include:

- Commitment of funds to a public education capital outlay project for which an appropriation has previously been provided that requires additional funds for completion and which is included in the BOG's prioritized list of projects.
- Completion of a renovation, repair, or maintenance project or replacement of a minor facility.
- Completion of a remodeling or infrastructure project, including a project for a developmental research school, if the project is recommended in the educational plant survey.
- Completion of a repair or replacement project necessary due to damage caused by a natural disaster for buildings included in the educational plant survey.
- Operating expenditures that support the university's mission.
- Any purpose specified by the board or in the General Appropriations Act.
- A commitment of funds to a contingency reserve for expenses incurred as a result of a state of emergency declared by the Governor.[3]

A university may spend the minimum carry forward balance of 7 percent if a demonstrated emergency exists and the plan is approved by the university's board of trustees and the Board of Governors.

Florida Auditor General Operational Audit Findings

In a 2022 Operational Audit conducted by the Florida Auditor General, the Auditor reported that inclusion of reserves in excess of 7 percent in a university's carry forward spending plans "may be inappropriate and contrary to State law."[4] The Auditor General also reported that "BOG personnel indicated that the reserves were allowed to be included in education & general carryforward spending plans because universities need a reserve fund as a 'cost of doing business' and had a legitimate need for amounts they could not foresee related to contingencies" and that the reserves are authorized pursuant to law.[5] The Auditor General maintains that the only permitted instance for a reserve in excess of the minimum 7 percent is for expenses incurred as a result of a declared state of emergency.[6]

Effect of the Bill

The bill allows a state university to carry forward unexpended funds in excess of the 7 percent minimum of its state operating budget as an annual reserve balance. Universities would now be permitted to include those funds in their spending plans submitted to the university's board of trustees

[1] Section 1011.45(1), F.S.
[2] Section 1011.45(2), F.S.
[3] Section 1011.45(3), F.S.
[4] State of Florida Auditor General, *Operational Audit, State University System Board of Governors* (Report No. 2023-049, Nov. 2022), https://flauditor.gov/pages/pdf_files/2023-049.pdf (last visited January 22, 2024).
[5] *Id.*
[6] *Id.*

and the Board of Governors, allowing universities to keep a reserve for authorized expenses beyond a declared state of emergency.

B. SECTION DIRECTORY:

Section 1: Amends s. 1011.45, F.S., to allow a state university to include carry forward balance funds in excess of its 7 percent state operating budget as a reserve for authorized expenses in subsequent years.

Section 2: Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 19, 2024, the Higher Education Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment clarifies that carry forward funds in excess of the statutorily required 7% minimum may be retained as an annual reserve balance, and any reserve funds are reported to the Board of Governors.

The analysis is drafted to the committee substitute adopted by the Higher Education Appropriations Subcommittee.

A bill to be entitled

An act relating to state university unexpended funds; amending s. 1011.45, F.S.; authorizing a state university to retain and report an annual reserve balance exceeding a specified amount; authorizing a state university's carry forward spending plan to include a reserve fund to be used for authorized expenses in subsequent years; providing an effective date.

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

Section 1. Subsections (1) and (3) of section 1011.45, Florida Statutes, are amended to read:

1011.45 End of year balance of funds.—Unexpended amounts in any fund in a university current year operating budget shall be carried forward and included as the balance forward for that fund in the approved operating budget for the following year.

(1) Each university shall maintain a minimum carry forward balance of at least 7 percent of its state operating budget; however, a university may retain and report to the Board of Governors an annual reserve balance exceeding that amount. If a university fails to maintain a 7 percent balance in state operating funds, the university shall submit a plan to the Board of Governors to attain the 7 percent balance of state operating

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

funds within the next fiscal year.

(3) A university's carry forward spending plan must include the estimated cost per planned expenditure and a timeline for completion of the expenditure. A carry forward spending plan may include retention of the carry forward balance as a reserve fund to be used for authorized expenses in subsequent years. Authorized expenditures in a carry forward spending plan may include:

(a) Commitment of funds to a public education capital outlay project for which an appropriation has previously been provided that requires additional funds for completion and which is included in the list required by s. 1001.706(12)(d);

(b) Completion of a renovation, repair, or maintenance project that is consistent with s. 1013.64(1) or replacement of a minor facility;

(c) Completion of a remodeling or infrastructure project, including a project for a developmental research school, if such project is survey recommended pursuant to s. 1013.31;

(d) Completion of a repair or replacement project necessary due to damage caused by a natural disaster for buildings included in the inventory required pursuant to s. 1013.31;

(e) Operating expenditures that support the university's mission;

(f) Any purpose specified by the board or in the General

Appropriations Act, including the requirements in s. 1001.706(12)(c) or similar requirements pursuant to Board of Governors regulations; and

(g) A commitment of funds to a contingency reserve for expenses incurred as a result of a state of emergency declared by the Governor pursuant to s. 252.36.

Section 2. This act shall take effect July 1, 2024.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 767 Resident Status for Tuition Purposes
SPONSOR(S): Postsecondary Education & Workforce Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:** SB 62

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Postsecondary Education & Workforce Subcommittee		Kiner	Kiner

SUMMARY ANALYSIS

The PCS provides that an individual who has met the requirements to be classified as a resident for tuition purposes may not lose his or her resident status for tuition purposes solely by reason of incarceration in a state or federal correctional facility in this state.

The PCS's fiscal impact is indeterminate.

The PCS is effective July 1, 2024.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Tuition and Out-of-State Fees

Under Florida law, 'tuition' is defined as the basic fee charged to a student for instruction provided by a public postsecondary educational institution in the state.[1] A student who is classified as a 'resident for tuition purposes' is a student who qualifies for the in-state tuition rate.[2] The resident undergraduate tuition rate for the SUS is currently set in statute at $105.07 per credit hour.[3] For baccalaureate degree programs offered at a Florida College System institution, the statutory resident tuition rate is $91.79 per credit hour.[4]

An 'out-of-state fee' is the additional fee for instruction provided by a public postsecondary education institution in the state, and is charged to a student who does not qualify for the in-state tuition rate.[5] Across the State University System, for the 2023-24 academic year, the average out-of-state tuition and out-of-state fees was $570.01, per credit hour. Across the Florida College System, for the 2022-23 academic year, the weighted average of out-of-state fees for lower level credit programs is $240.24, per credit hour. Residents for tuition purposes are charged the statutory rates for tuition while non-residents pay out-of-state fees in addition to tuition, unless these costs are exempted or waived.

Establishing Residency Status for Tuition Purposes

With respect to tuition and fees at public postsecondary institutions, a legal Florida resident is someone who has maintained his or her residence in the state for the preceding year, has purchased a home which is occupied by him or her as his or her residence, or has established a domicile in this state.[6] To be clear, such residency must be bona fide and not for the sole purpose of enrollment at the institution. If the person is a dependent child, his or her parent (or guardian) must meet this requirement.

Currently, residency must be documented by at least one of the following: voter registration card; driver license/identification card; vehicle registration; proof of homestead exemption or permanent residence; high school transcript (multiple years; diploma earned w/in last 12 months); or proof of permanent employment (30+ hours/week for 12+ months). Additionally, one of the following must also be evidenced: declaration of domicile; professional or occupational license; business incorporation; documentation of family ties; membership in Florida-based charitable or professional organization; any other supporting documentation supporting residency (utility bills, etc.).

[1] s. 1009.01(1), F.S.
[2] s. 1009.21(1)(g), F.S.
[3] s. 1009.24(4)(a), F.S.
[4] s. 1009.23(3)(b), F.S.
[5] s. 1009.01(2), F.S.
[6] s. 1009.21(1)(d), F.S.

Effect of Proposed Changes

The PCS provides that an individual who has met the requirements to be classified as a resident for tuition purposes may not lose his or her resident status for tuition purposes solely by reason of incarceration in a state or federal correctional facility in this state.

B. SECTION DIRECTORY:

Section 1: Provides that a person may not lose his or her resident status for tuition purposes due to incarceration

Section 2: 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:

   See fiscal comments.

2. Expenditures:

   See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See fiscal comments.

D. FISCAL COMMENTS:

The PCS's fiscal impact is indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   N/A.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to resident status for tuition purposes; amending s. 1009.21, F.S.; providing that a person may not lose his or her resident status for tuition purposes due to incarceration; providing an effective date.

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

Section 1. Present subsections (4) through (13) of section 1009.21, Florida Statutes, are redesignated as subsections (6) through (15), respectively, new subsection (4) is added to that section, and paragraph (c) of subsection (3) of that section is amended, to read:

1009.21 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition in postsecondary educational programs offered by charter technical career centers or career centers operated by school districts, in Florida College System institutions, and in state universities.

(3)

(c) Each institution of higher education shall affirmatively determine that an applicant who has been granted admission to that institution as a Florida resident meets the

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

residency requirements of this section at the time of initial enrollment. The residency determination must be documented by the submission of written or electronic verification that includes two or more of the documents identified in this paragraph. No single piece of evidence shall be conclusive.

1. The documents must include at least one of the following:

a. A Florida voter's registration card.

b. A Florida driver license.

c. A State of Florida identification card.

d. A Florida vehicle registration.

e. Proof of a permanent home in Florida which is occupied as a primary residence by the individual or by the individual's parent if the individual is a dependent child.

f. Proof of a homestead exemption in Florida.

g. Transcripts from a Florida high school for multiple years if the Florida high school diploma or high school equivalency diploma was earned within the last 12 months.

h. Proof of permanent full-time employment in Florida for at least 30 hours per week for a 12-month period.

2. The documents may include one or more of the following:

a. A declaration of domicile in Florida.

b. A Florida professional or occupational license.

c. Florida incorporation.

d. A document evidencing family ties in Florida.

e. Proof of membership in a Florida-based charitable or professional organization.

f. Any other documentation that supports the student's request for resident status, including, but not limited to, utility bills and proof of 12 consecutive months of payments; a lease agreement and proof of 12 consecutive months of payments; or an official state, federal, or court document evidencing legal ties to Florida.

(4) An individual may not lose his or her resident status for tuition purposes solely by reason of incarceration in a state or federal correctional facility in this state.

Section 2. This act shall take effect July 1, 2024.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1137 Employment of Individuals with Disabilities
SPONSOR(S): Redondo and others
TIED BILLS: None. **IDEN./SIM. BILLS:** SB 832

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Postsecondary Education & Workforce Subcommittee		Wolff	Kiner
2) Education & Employment Committee			

SUMMARY ANALYSIS

In 2016, the Legislature created the Employment First Act (act) which provides legislative findings regarding employment opportunities for individuals with disabilities. The purpose of the act is to prioritize the employment of individuals with disabilities and to change the employment system to better integrate individuals with disabilities into the workforce.

The bill clarifies that under the act the collaborative efforts between the designated agencies must include the collection and sharing of data. Additionally, when identifying accountability measures under the act, the partner agencies must, at a minimum, include systemwide measures to increase the number of individuals working in competitive integrated employment, decrease the number of individuals working in subminimum wage employment, and decrease the number of individuals working in nonintegrated employment settings.

The bill requires the Office of Reimagining Education and Career Help, within the Executive Office of the Governor, to issue an annual statewide report, by December 1 each year, on the implementation of the Employment First Act and progress of the identified accountability measures.

The bill does not appear to have a fiscal impact.

The bill has an effective date of July 1, 2024.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Federal Employment First Initiative

Since 2012, the United States Department of Labor, Office of Disability Employment Policy (ODEP), has promoted Employment First as a national systems-change framework centered on the premise that all individuals, including those individuals with the most significant disabilities, are capable of full participation in Competitive Integrated Employment (CIE) and community life. Under this approach, publicly-financed systems are urged to align policies, regulatory guidance, and reimbursement structures to commit to CIE as the priority option with respect to the use of publicly-financed day and employment services for youth and adults with significant disabilities.[1]

OPEP oversees and operates the Employment First Community of Practice (CoP) Webinar Series, which provides the opportunity to hear from nationally recognized experts on innovative practices being used across the country to advance Employment First. CoP webinars take place on the second Wednesday of each month and topics include:

- Capacity Building, Provider Transformation;
- School-to-Work Transition;
- Employer Engagement; and
- Policy/Funding Alignment.[2]

Additionally, OPEP began the Employment First State Leadership Mentoring Program (EFSLMP) in 2012 in response to state requests for assistance on how to support individuals with significant disabilities in CIE. Over the 13 years it has been active, ODEP has supported 24 states in their strategic efforts to increase CIE for individuals with disabilities, including those with significant disabilities. The EFSLMP inspired selected states to facilitate policy reform and fully implement the Employment First approach with funding alignment, service coordination, and capacity building across state government agencies and external stakeholders which are all vital to promoting CIE options for individuals with significant disabilities.[3]

Governor's Commission on Jobs for Floridians with Disabilities

In 2011, Governor Scott created the Governor's Commission on Jobs for Floridians with Disabilities (commission).[4] The vision of the commission is to "advance job and employment opportunities for Floridians with disabilities in order to help those Floridians achieve greater independence."[5] The commission, which consists of 13 members appointed by the Governor,[6] has three responsibilities:

- Identify and recommend strategies to cultivate job opportunities for persons with disabilities in the state;

[1] Department of Labor, Office of Disability Employment Policy, *Employment First*, https://www.dol.gov/agencies/odep/initiatives/employment-first (last visited Jan. 18, 2024).
[2] *Id*.
[3] *Id*.
[4] Fla. Exec. Order No. 11-161 (2011); Governor's Commission on Jobs for Floridians with Disabilities, http://www.flgov.com/gcjfd/ (last visited Oct. 14, 2015).
[5] Fla. Exec. Order No. 11-161, s. 1 (2011).
[6] *Id*. at s. 4. The commission membership is as follows: two Florida citizens representing individuals with physical or developmental disabilities; four individuals representing the business community who have personal experience in creating private-sector jobs; two individuals representing the state community college system who have experience in education-to-employment transition programs; one individual who has a background in employment recruiting or experience in job training for individuals with disabilities; one representative from the Able Trust; one representative from the Division of Vocational Rehabilitation of DOE; one representative from APD; and one representative from the Agency for Workforce Development.

- Identify barriers in state and local programs that hinder individuals with disabilities from gaining employment and proposing solutions to mitigate those barriers; and
- Develop and leverage state and community resources to advance service delivery.[7]

Each year, on or before July 26, the commission must provide a report to the Governor outlining its accomplishments during the previous 12 months.[8]

Florida's Employment First Initiative

In 2013, Governor Scott issued Executive Order Number 13-284, which ordered that an interagency cooperative agreement (agreement) be created between state agencies and other disability service organizations to ensure a long-term commitment to improving employment for individuals who have a disability.[9] It required certain agencies[10] to develop and implement the agreement with the following objectives:

- Establish a commitment among the agencies' leadership to maximize resources and coordinate with each other to improve employment outcomes for persons with disabilities seeking publicly funded services;
- Develop strategic goals and reasonable benchmarks to assist the agencies in implementing the agreement;
- Identify financing and contracting methods that will prioritize employment among the array of services paid for or provided by agencies;
- Identify ways training opportunities can be better utilized by agency employees and contracted providers to ensure the effectiveness of employment services;
- Ensure collaboration occurs during the development of service plans, including the Individual Plan for Employment, when individuals are served by multiple agencies to achieve their employment goals;
- Promote service innovation; and
- Identify accountability measures to ensure sustainability.[11]

In 2014, a five-year agreement identified as the Employment First Initiative was executed by the following agencies and organizations:

- Agency for Persons with Disabilities (APD);
- The Bureau of Exceptional Education and Student Services of the Department of Education (DOE);
- The Division of Vocational Rehabilitation of DOE;
- The Division of Blind Services of DOE;
- DEO;
- CareerSource Florida, Inc.;
- The Substance Abuse and Mental Health Office of Department of Children and Families (DCF);
- The Florida Developmental Disabilities Council, Inc.; and
- The Florida Association of Rehabilitation Facilitates, Inc.[12]

[7] *Id*. at s. 2.
[8] *Id*. at s. 3.
[9] Fla. Exec. Order No. 13-284, s. 1 (2013).
[10] The following agencies were tasked with developing the agreement: Division of Vocational Rehabilitation of DOE; Division of Blind Services of DOE; Bureau of Exception Education and Student Services of DOE; APD; Mental Health and Substance Abuse Program of DCF; Workforce Florida, Inc.; Florida Developmental Disabilities Council; and other state agencies and disability organizations that wish to participate. Fla. Exec. Order No. 13-284 at s. 4.
[11] *Id*. at s. 3.
[12] Interagency Cooperative Agreement, Employment First Initiative, FLDOE Contract No. IA-556 (2014), *available at* https://apd.myflorida.com/customers/docs/2.Employment%20First%20Interagency%20Cooperative%20Agreement.5.7.14.pdf [hereinafter *Interagency Cooperative Agreement*].

The agreement was executed and became effective on July 1, 2014.[13] It incorporated the objectives from the executive order and established an organizational structure.[14] The agreement established three entities to carry out its required responsibilities: the Employment Partnership Coalition,[15] the State Level Employment First Collaborative Team,[16] and the Grassroots Level Group.[17] The agreement further provided that it will automatically terminate on June 30, 2019, unless it is renewed.[18]

Employment First Act

In 2016, the Legislature created the Employment First Act (act) which provides legislative findings regarding employment opportunities for individuals with disabilities.[19] The purpose of the act is to prioritize the employment of individuals with disabilities and to change the employment system to better integrate individuals with disabilities into the workforce.[20]

To its stated purpose, the act requires the following agencies and organizations to develop and implement an interagency cooperative agreement (agreement) to provide the framework for a long-term commitment to improving employment outcomes for individuals with disabilities:

- The Division of Vocational Rehabilitation of DOE;
- The Division of Blind Services of DOE;
- The Bureau of Exceptional Education and Student Services of DOE;
- APD;
- The Substance Abuse and Mental Health Program of DCF;
- DEO;
- CareerSource Florida, Inc.;
- The Florida Developmental Disabilities Council;
- The Florida Association of Rehabilitation Facilities, Inc.; and
- Other appropriate organizations.[21]

The agreement must identify the roles and responsibilities of these agencies and organizations and the objectives of the agreement, which must include:

- Establishing a commitment by the leadership of the agencies and organizations to maximize resources and coordination to improve employment outcomes for individuals with disabilities who seek publicly funded services;
- Developing strategic goals and benchmarks to assist the agencies and organizations in implementing the agreement;
- Identifying financing and contracting methods that will help to prioritize employment for individuals with disabilities;
- Establishing training methods to better integrate individuals with disabilities into the workforce;
- Ensuring collaborative efforts between multiple agencies to achieve the purposes of the act;
- Promoting service innovations to better assist individuals with disabilities in the workplace; and

[13] *Id.* at s. IV.
[14] *Id*.
[15] The coalition is composed of the leaders of each agency or organization that is a participant in the agreement and charged with overall coordination and implementation of activities required by the agreement, as well as to ensure continuous improvement.
[16] The team is composed of staff assigned by the participating entities and meets on a monthly basis. The team is responsible for identifying the barriers within extant systems and practices and creating potential solutions for those barriers. The team will present recommendations based upon their findings to the coalition.
[17] The group is "composed of self-advocates and local stakeholders representing a cross-section of persons with various disabilities." The group meets quarterly to share information and "ensure the voice of the stakeholders is heard."
[18] *Interagency Cooperative Agreement, supra* note 25 at s. VI.
[19] Section 7, ch. 2016-3, L.O.F., codified at s. 413.80, F.S.
[20] Section 413.80(3), F.S.
[21] Section 413.80(4), F.S.

- Identifying accountability measures to ensure the sustainability of the agreement.[22]

System Review and 2019 Employment First Interagency Cooperative Agreement

In 2018, a comprehensive review of Florida's Employment First system was conducted collaboratively by key stakeholders, including the Florida Department of Education, Division of Vocational Rehabilitation; the Florida Agency for Persons with Disabilities; and the Florida Developmental Disabilities Council, Inc. By fostering collaboration, identifying challenges and disparities within disability employment services, and aligning available workforce with labor market needs, Florida has leveraged its existing infrastructure for disability and employment. The state has devised action plans that address both inter- and intra-agency objectives, ensuring that any Floridian with a disability who seeks employment can achieve economic self-sufficiency. [23]

Utilizing the High-Performing States Model as a framework for transformative actions, state agencies and organizations successfully established a state-level interagency coalition, fostered interagency cooperative agreements, and formulated an interagency plan. The report emphasizes several key elements of Florida's Employment First interagency collaboration:

- Multilevel leadership engagement, including collaborative teams at the local level.
- An extensive review of state policies and practices to pinpoint those that either facilitate or hinder integrated employment.
- Baseline employment outcome data collection for each participating agency or organization.
- A comprehensive set of services and strategies designed to advance the Employment First initiative, including:
    - The Abilities Work Web Portal and Help Desk.
    - The Florida Unique Abilities Partner Program.
    - Local Level Employment First Collaborative Teams.
    - The Department of Financial Services' Financial Literacy Program for Individuals with Developmental Disabilities.
    - Workers' compensation laws that extend coverage to individuals with disabilities participating in state-sponsored on-the-job training.[24]

Following this system review, all of the signatories to the original interagency cooperative agreement plus The Arc of Florida, Inc.,[25] and the Florida Commission for the Transportation of the Disadvantaged[26] entered into the current agreement in 2019.[27] The current agreement remains in effect until June 30, 2024.[28] This agreement serves as the foundational framework for outlining the roles and responsibilities of state agencies and organizations.[29]

The Florida Endowment Foundation for Vocational Rehabilitation (The ABLE Trust)

[22] Section 413.80(5), F.S.
[23] Winsor, Jean E. et al., *Using the High-Performing States Model to Facilitate Employment First in Florida*, 2019, *available at* https://content.iospress.com/download/journal-of-vocational-rehabilitation/jvr191016?id=journal-of-vocational-rehabilitation%2Fjvr191016.
[24] *Id*.
[25] The Arc of Florida is a nonprofit organization whose mission is to improve the quality of life for persons with intellectual and developmental disabilities. The Arc of Florida, *About*, https://www.arcflorida.org/about (last visited Jan. 18, 2024).
[26] The Florida Legislature created the Commission for the Transportation Disadvantaged in 1989. The Commission sets policies and provides direction to its staff in quality assurance and program evaluation, technical assistance, and training, review of policies and procedures, contract management, and financial accountability. The Commission for the Transportation Disadvantaged administers the Transportation Disadvantaged Trust Fund and implements all provisions in Chapter 427.013 F.S. Florida Department of Transportation, Florida Commission for the Transportation of the Disadvantaged, *About Us*, https://www.fdot.gov/ctd/aboutus (last visited Jan. 18, 2024).
[27] Email, Florida Endowment Foundation for Vocational Rehabilitation (Jan. 18, 2024), with attachment, on file with the Postsecondary Education & Workforce Subcommittee.
[28] *Id*.
[29] *Id*.

In 1990, the Legislature recognized the need to encourage public and private support to enhance vocational rehabilitation and employment of Florida's citizens who are disabled by establishing the Florida Endowment Foundation for Vocational Rehabilitation, also known as The ABLE Trust, as a direct support organization for the Division of Vocational Rehabilitation within the DOE. The ABLE Trust is approved by the division to be operating for the benefits and best interest of the state through a contract.[30] A board of directors, appointed by the Governor, oversees the operations of The ABLE Trust and ensures that funds are provided for programs or initiatives which engage in the research, promotion, or aid of job training and counseling for Florida's disabled citizens, and to support the work of the division.[31]

In 2023, the Legislature required the Florida Endowment Foundation for Vocational Rehabilitation to conduct research and issue a report on the systems in Florida that provide services to individuals with disabilities, including autism and intellectual and developmental disabilities.[32] The board was required to, and did, submit the report to the Legislature by December 1, 2023. The report was statutorily required to:

- Identify the current systems for service delivery to persons with disabilities, including operations, services, coordination activities, and structures.
- Identify barriers and obstacles in transportation for persons with disabilities living in the home or receiving community-based services for jobs, medical appointments, and peer-to-peer groups.
- Identify workforce issues related to direct support professionals, behavioral or mental health specialists, health care practitioners, and other individuals who assist with the provision of services to persons with disabilities.
- Examine the best practices for uniform and efficient service delivery and the coordination of and transition among systems, including transitioning out of high school.
- Examine federal and state law and rules that impact or limit supports or services for persons with disabilities.
- Identify systemwide incongruency and inefficiencies in service delivery.
- Identify opportunities for job coaching and community participation supports, including those opportunities for individuals who cannot or choose not to go into the community because of underlying issues.[33]

2023 Maximizing Employment for Persons with Disabilities in Florida Report on Employment First

The final report from the Florida Endowment Foundation for Vocational Rehabilitation concluded that in order to fully maximize the efforts of the Employment First partners, more work must be done to align policies, regulatory guidance, and reimbursement structures to promote and support competitive integrated employment as Florida's priority of publicly funded day and employment services.[34]

Specifically, the report recommended long-term strategic and annual action plans for achieving the specified criteria should be developed, implemented, and measured. Additionally, the report stated that the partners should establish uniform employment outcome data and set targets for improvement and accountability.[35]

Effect of Proposed Changes

The bill clarifies that under the act the collaborative efforts between the designated agencies must include the collection and sharing of data. Additionally, when identifying accountability measures under the act, the partner agencies must, at a minimum, include systemwide measures to increase the

[30] Section 413.615(5)-(6), F.S.
[31] Sections 413.615(4), (8), and (10), F.S.
[32] Section 5, ch. 2023-81, L.O.F.
[33] Section 413.615(10)(a)2., F.S.
[34] Florida Endowment Foundation for Vocation Rehabilitation, *Maximizing Employment for Persons with Disabilities in Florida*, at 30, *available at* https://www.abletrust.org/wp-content/uploads/2023/12/FINAL-REPORT-11.28.2023.pdf.
[35] *Id*.

number of individuals working in CIE, decrease the number of individuals working in subminimum wage employment, and decrease the number of individuals working in nonintegrated employment settings.

The bill requires the Office of Reimagining Education and Career Help, within the Executive Office of the Governor, to issue an annual statewide report, by December 1 each year, on the implementation of the Employment First Act and progress of the identified accountability measures.

B. SECTION DIRECTORY:

Section 1: Amends s. 413.80, F.S.; requiring the collection and sharing of data between multiple agencies for the interagency cooperative agreement; providing requirements for accountability measures; requiring the Office of Reimagining Education and Career Help to issue an annual statewide report by a specified date each year.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   None.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

A bill to be entitled

An act relating to employment of individuals with disabilities; amending s. 413.80, F.S.; requiring the collection and sharing of data between multiple agencies for the interagency cooperative agreement; providing requirements for accountability measures; requiring the Office of Reimagining Education and Career Help to issue an annual statewide report by a specified date each year; providing an effective date.

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

Section 1. Paragraphs (e) and (g) of subsection (5) of section 413.80, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

413.80 Employment First Act.—

(5) ROLES, RESPONSIBILITIES, AND OBJECTIVES.—The interagency cooperative agreement must identify the roles and responsibilities of the state agencies and organizations identified in subsection (4) and the objectives of the interagency cooperative agreement, which must include all of the following:

(e) Ensuring collaborative efforts between multiple agencies to achieve the purposes of this act, including the collection and sharing of data.

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

(g) Identifying accountability measures to ensure the sustainability of this agreement. At a minimum, the accountability measures shall include systemwide measures to increase the number of individuals working in competitive integrated employment, decrease the number of individuals working in subminimum wage employment, and decrease the number of individuals working in nonintegrated employment settings.

(6) ANNUAL REPORT.—The Office of Reimagining Education and Career Help shall issue an annual statewide report by December 1 each year on the implementation of this act and progress of the accountability measures.

Section 2. This act shall take effect July 1, 2024.

HB 1151

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1151 Stanley G. Tate Florida Prepaid College Program
SPONSOR(S): Anderson
TIED BILLS: None. **IDEN./SIM. BILLS:** None.

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Postsecondary Education & Workforce Subcommittee		Dixon	Kiner
2) Education & Employment Committee			

SUMMARY ANALYSIS

The bill transitions the effective period for the amount paid by the Florida Prepaid College Board to state universities on behalf of qualified beneficiaries of advance payment contracts within the Prepaid Florida Program from 2009 -2010 to 2022-2023. Additionally, it extends the applicability of the contracts to those purchased before July 1, 2034.

The bill also removes obsolete language in regards to the differential fee amount paid for the 2012-2013 fiscal year.

The bill does not have a fiscal impact.

The bill has an effective date of July 1, 2024.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Stanley G. Tate Florida Prepaid College Program

Background

The Stanley G. Tate Florida Prepaid College Program (Prepaid Program) was created to assist families to prepay the future cost of college tuition through advance payment contracts (Prepaid Plans).[1] At the time of purchase, Prepaid Plans guarantee the future payment of certain costs associated with attendance at a postsecondary institution.[2] Additionally, the benefits, in some cases, can be utilized at in-state private institutions and at out-of-state public and private colleges and universities that are able to accept Title IV funding (i.e., federal student aid).[3]

The administration of the prepaid program is overseen by the Florida Prepaid College Board (board).[4] In its role as the administrator of the trust fund, the board is responsible for managing it in a financially sound manner, ensuring stability based on actuarial principles.[5] Over the past 30 years, the board has managed the largest and most successful prepaid program among similar initiatives enabling more than 561,000 students to attend college using the prepaid plans.[6]

The Florida Prepaid Program

Families can choose from several plans allowing them to prepay the cost of college tuition, the tuition differential fee, registration fees, and local fees at a price that is less than the expected future cost.

These plans include:[7]

- 4-Year Florida University Plan
- 2 + 2 Florida Plan
- 4-Year Florida College Plan
- 2-Year Florida College Plan
- 1-Year Florida University Plan

Fees Associated with Postsecondary Institutions

The costs associated with attending a postsecondary institution encompass tuition and various fees designed to contribute to the overall operational expenses of the institution.[8] One such fee, known as the tuition differential fee, is charged by 11 of the 12 state universities. The tuition differential fee is intended to promote improvements in the quality of undergraduate education and provide financial aid to undergraduate students who exhibit financial need.[9]

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[1] Section 1009.98(1)-(2), F.S.
[2] *Id.*
[3] Section 1009.98(3), F.S.
[4] Section 1009.971(1), F.S.
[5] Section 1009.971(4)(f), F.S.
[6] Florida Prepaid, *Our History*, https://www.myfloridaprepaid.com/about-us/our-history/ (last visited Jan. 15, 2023).
[7] Florida Prepaid, *Plans and Pricing*, https://www.myfloridaprepaid.com/prepaid-plans/plans-and-pricing/ (last visited Jan. 16, 2024); *see also* Rule 19B-4.001, F.A.C.; Florida Prepaid College Board, Final Master Contract, at s. 4.02-4.07 (2021) *available at* https://www.flrules.org/gateway/reference.asp?No=Ref-13896.
[8] Florida Prepaid, *All About Florida College and State University Fees*, https://www.myfloridaprepaid.com/existing-customers/tuition-and-fees/ (last visited Jan. 16, 2024).
[9] Section 1009.24(16), F.S.; *see also* Final Master Contract, at s. 1.39 and State University System of Florida, *Tuition and Required Fees* (2023-2024), *available at* https://www.flbog.edu/wp-content/uploads/2023/07/2023-2024-SUS-Tuition-and-Fees-Report-PDF-1.pdf.

By statute, for the 2012-2013 fiscal year, the base rate for the tuition differential fee was established at $37.03 per credit hour.[10] In subsequent years, the statute requires this base rate to be adjusted based on the amount assessed for the tuition differential in the preceding year. The adjustments are as follows:[11]

- If the actuarial reserve[12] is less than 5 percent of the expected liabilities of the trust fund, the board pays the state universities 5.5 percent above the base rate for the tuition differential fee in the preceding fiscal year.
- If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board pays the state universities 6 percent above the base rate for the tuition differential fee in the preceding fiscal year.
- If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board pays the state universities 6.5 percent above the base rate for the tuition differential fee in the preceding fiscal year.
- If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board pays the state universities 7 percent above the base rate for the tuition differential fee in the preceding fiscal year.

Qualified beneficiaries of Prepaid Plans purchased before July 1, 2007, are exempt from paying any tuition differential fee.[13]

Effective with the 2009-2010 academic year and thereafter, in addition to the differential fees, other fees are paid by the board to any state university on behalf of a qualified beneficiary of the Prepaid Plan, whose contract was purchased before July 1, 2024. Among these fees are:

- Registration Fee:[14]
  - If the actuarial reserve is less than 5 percent of the expected liabilities of the trust fund, the board will pay the state universities 5.5 percent above the amount assessed for registration fees in the preceding fiscal year.
  - If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6 percent above the amount assessed for registration fees in the preceding fiscal year.
  - If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6.5 percent above the amount assessed for registration fees in the preceding fiscal year.
  - If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 7 percent above the amount assessed for registration fees in the preceding fiscal year, whichever is greater.
- Local Fees: The board is required to pay the state universities 5 percent above the amount assessed for local fees in the preceding fiscal year.[15]

Effect of Proposed Changes

The bill transitions the effective period for the amount paid by the Florida Prepaid College Board to state universities on behalf of qualified beneficiaries of advance payment contracts within the Prepaid Florida Program from 2009-2010 to 2022-2023. Additionally, it extends the applicability of the contracts to those purchased before July 1, 2034.

[10] Section 1009.98(10)(b), F.S.
[11] Section 1009.98(10)(b)2., F.S.
[12] Section 1009.98(10)(a)1. "Actuarial reserve" means the amount by which the expected value of the assets exceeds the expected value of the liabilities of the trust fund.
[13] Section 1009.98(10)(b)5., F.S.
[14] Section 1009.98(10)(b)1., F.S.
[15] Section 1009.98(10)(b)3., F.S.

The bill also removes obsolete language in regards to the differential fee amount paid for the 2012-2013 fiscal year.

B. SECTION DIRECTORY:

Section 1: Amends s. 1009.98, F.S.; revising the definition of the term "tuition differential"; beginning in a specified academic year, revising which advanced contracts certain provisions apply to.

Section 2: Establishes an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   None.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

A bill to be entitled

An act relating to the Stanley G. Tate Florida Prepaid College Program; amending s. 1009.98, F.S.; revising the definition of the term "tuition differential"; beginning in a specified academic year, revising which advanced contracts certain provisions apply to; providing an effective date.

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

Section 1. Paragraphs (a) and (b) of subsection (10) of section 1009.98, Florida Statutes, are amended to read:

1009.98 Stanley G. Tate Florida Prepaid College Program.—

(10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.—

(a) As used in this subsection, the term:

1. "Actuarial reserve" means the amount by which the expected value of the assets exceeds the expected value of the liabilities of the trust fund.

2. "Dormitory fees" means the fees included under advance payment contracts pursuant to paragraph (2)(d).

3. "Fiscal year" means the fiscal year of the state pursuant to s. 215.01.

4. "Local fees" means the fees covered by an advance payment contract provided pursuant to subparagraph (2)(b)2.

5. "Tuition differential" means the fee covered by advance

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

payment contracts sold pursuant to subparagraph (2)(b)3. ~~The base rate for the tuition differential fee for the 2012-2013 fiscal year is established at $37.03 per credit hour. The base rate for the tuition differential in subsequent years is the amount assessed for the tuition differential for the preceding year adjusted pursuant to subparagraph (b)2.~~

(b) Effective with the 2022-2023 ~~2009-2010~~ academic year and thereafter, and notwithstanding s. 1009.24, the amount paid by the board to any state university on behalf of a qualified beneficiary of an advance payment contract whose contract was purchased before July 1, 2034 ~~2024~~, shall be:

1. As to registration fees, if the actuarial reserve is less than 5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 5.5 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6.5 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state

universities 7 percent above the amount assessed for registration fees in the preceding fiscal year, whichever is greater.

2. As to the tuition differential, if the actuarial reserve is less than 5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 5.5 percent above the base rate for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6 percent above the base rate for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6.5 percent above the base rate for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 7 percent above the base rate for the tuition differential fee in the preceding fiscal year.

3. As to local fees, the board shall pay the state universities 5 percent above the amount assessed for local fees in the preceding fiscal year.

4. As to dormitory fees, the board shall pay the state universities 6 percent above the amount assessed for dormitory

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

fees in the preceding fiscal year.

5. Qualified beneficiaries of advance payment contracts purchased before July 1, 2007, are exempt from paying any tuition differential fee.

Section 2. This act shall take effect July 1, 2024.

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	_____

Committee/Subcommittee hearing bill: Postsecondary Education & Workforce Subcommittee

Representative Anderson offered the following:

Amendment (with directory amendment)

Remove lines 54-79 and insert:

2. As to the tuition differential, if the actuarial reserve is less than 5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 5.5 percent above the amount assessed ~~base rate~~ for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6 percent above the amount assessed ~~base rate~~ for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is between 6 percent and 7.5 percent of

the expected liabilities of the trust fund, the board shall pay the state universities 6.5 percent above the amount assessed ~~base rate~~ for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 7 percent above the amount assessed ~~base rate~~ for the tuition differential fee in the preceding fiscal year.

3. As to local fees, the board shall pay the state universities 5 percent above the amount assessed for local fees in the preceding fiscal year.

4. As to dormitory fees, the board shall pay the state universities 6 percent above the amount assessed for dormitory fees in the preceding fiscal year.

5. Qualified beneficiaries of advance payment contracts purchased before July 1, 2007, are exempt from paying any tuition differential fee.

(c) Notwithstanding the amount assessed for registration fees, the tuition differential, or local fees, the amount paid by the board to any state university on behalf of a qualified beneficiary of an advance payment contract purchased before July 1, 2034 ~~July 1, 2024~~, may not exceed 100 percent of the amount charged by the state university for the aggregate sum of those fees.

(d) Notwithstanding the amount assessed for dormitory fees, the amount paid by the board to any state university on behalf of a qualified beneficiary of an advance payment contract purchased before July 1, 2034 ~~July 1, 2024~~, may not exceed 100 percent of the amount charged by the state university for dormitory fees.

(e) Notwithstanding the number of credit hours used by a state university to assess the amount for registration fees, tuition, tuition differential, or local fees, the amount paid by the board to any state university on behalf of a qualified beneficiary of an advance payment contract purchased before July 1, 2034 ~~July 1, 2024~~, may not exceed the number of credit hours taken by that qualified beneficiary at the state university.

(f) The board shall pay state universities the actual amount assessed in accordance with law for registration fees, the tuition differential, local fees, and dormitory fees for advance payment contracts purchased on or after July 1, 2034 ~~July 1, 2024~~.

D I R E C T O R Y A M E N D M E N T

Remove lines 11-12 and insert:

Section 1. Paragraphs (a) through (f) of subsection (10) of section 1009.98, Florida Statutes, are amended to read:

HB 1319

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1319 Trust Funds/Institute of Food and Agricultural Sciences Relocation and Reconstruction Trust Fund/DOE
SPONSOR(S): Tuck
TIED BILLS: None. **IDEN./SIM. BILLS:** SB 1476

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Postsecondary Education & Workforce Subcommittee		Dixon	Kiner
2) Appropriations Committee			
3) Education & Employment Committee			

SUMMARY ANALYSIS

The bill establishes the Institute of Food and Agricultural Sciences Renovations, Relocations, and Construction Trust Fund (trust fund) within the State University System. The trust fund is created to serve as a depository for funds received from the sale, trade, exchange, or disposal of state agricultural research and education real property and improvements that are leased to the University of Florida Board of Trustees (UF BOT) by the Board of Trustees (BOT) of the Internal Improvement Trust Fund and used by the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS).

Pursuant to the bill, the BOT, at the request of the UF BOT, may sell, trade, exchange, or otherwise dispose of state agricultural research and education real property and improvements leased to the UF BOT and used by the UF/IFAS. The BOT must deposit the proceeds from the sale or other disposition into the trust fund to be used:

- By the UF BOT for the upgrade, renovation, and repair of existing properties, the relocation or construction of new agricultural research and education facilities.
- At the request of the UF BOT, by the BOT for the purchase of real property or improvements for the relocation or construction of new agricultural research and education facilities.

The bill requires any such sale to be at fair market value and any trade or exchange shall be for property which has a fair market value equal to or greater than the property traded or exchanged.

The fiscal impact of the bill is indeterminate. *See* Fiscal Comments.

The bill has an effective date of July 1, 2024.

Article III, s. 19(f) of the State Constitution requires every trust fund to be created by a three-fifths vote of the membership of each house of the Legislature in a separate bill for the sole purpose of creating a trust fund. The bill creates a trust fund; thus, it requires a three-fifths vote for final passage.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

University of Florida, Institute of Food and Agricultural Sciences

The University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS) is a federal-state-county partnership dedicated to developing knowledge in agriculture, human and natural resources, and the life sciences. UF/IFAS fulfills the university's land grant mission by working to enhance and sustain the quality of human life through its research facilities, extension services offered in every Florida county, and top-ranked education at the UF College of Agricultural and Life Sciences.[1]

In addition to having extensions services in every Florida county, UF/IFAS includes 12 Research and Education Centers, five Research and Demonstration Sites, and three 4-H camps.[2] In 2022, UF/IFAS reported holding 53,893 acres of land across the state and including 1,287 building. This accounts for 23 percent of all UF state-owned inventory.[3]

Internal Improvement Trust Fund

The state received 500,000 acres of land for internal improvement purposes through an Act of Congress passed on March 3, 1845. A portion of the granted land remains unsold. The funds generated from the sale of the land, both from previous sales and future sales, are considered part of this arrangement. Additionally, swampland or lands subject to overflow was granted to the state by an Act of Congress approved on September 28, 1850. All these lands and the proceeds from their sales were set apart and declared a separate fund known as the Internal Improvement Trust Fund of the state.[4]

All revenues accruing from sources designated by law for deposit in the Internal Improvement Trust Fund must be used for the acquisition, management, administration, protection, and conservation of state-owned lands.[5]

Board of Trustees of the Internal Improvement Trust Fund

The Board of Trustees (BOT) of the Internal Improvement Trust Fund is comprised of four trustees: the Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, and their successors in office. The BOT, as a collegial body, serves as the agency head, with the governor serving as the chair.[6]

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[1] University of Florida, *About UF/IFAS*, https://ifas.ufl.edu/about-us/ (last visited Jan. 19, 2024).
[2] University of Florida, *Public Investment in UF/IFAS Yields Significant Economic Benefit for Florida* (2020), at 4, *available at* https://ifas.ufl.edu/media/ifasufledu/ifas-dark-blue/docs/Admin_IFAS_ROI_2020_Web.pdf.
[3] University of Florida, *Cultivating Florida's Future*, at 8, *available at* https://ifas.ufl.edu/media/ifasufledu/ifas-main-2020/documents/pdf/annual-reports/ADMIN-IFAS-Annual-Report-2022.pdf.
[4] Section 253.01(1)(a), F.S.
[5] Section 253.01(2), F.S.
[6] Section 253.02(1), F.S.; *see also*, Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, *Statement of Agency Organization and Operation*, *available at* https://floridadep.gov/sites/default/files/BOT_Statement_of_Agency_Organization_and_Operation_10.24.19.pdf#:~:text=The%20Board%20of%20Trustees%20of%20the%20Internal%20Improvement,the%20attorney%20general%2C%20and%20the%20commissioner%20of%20agriculture.

The BOT is vested and charged with the acquisition, administration, management, control, supervision, conservation, protection, and disposition of all lands owned by the state or any of its agencies, departments, boards, or commissions, subject to certain exclusions specified in law.[7] In addition, the BOT is granted a comprehensive set of rights and powers, including ownership rights, legal claims, remedies in case of issues, the ability to take legal actions, and control over various matters that are relevant to their responsibilities.[8]

The BOT is not authorized to sell, transfer, or otherwise dispose of any lands the title to which is vested in the BOT except by vote of at least three of the four trustees.[9] Apart from this restriction, the BOT possesses additional authority concerning easements for rights-of-way and submerged tidal lands. This includes the authority to approve easements for the construction and operations of electric transmission and distribution facilities, with the provision to delegate this authority to the Secretary of Environmental Protection. Additionally, the BOT is granted the power to acquire submerged lands through condemnations if it serves a public interest and purpose.[10]

The Florida Department of Environmental Protection's Division of State Lands is Florida's lead agency for environmental management and stewardship, serving as staff to the BOT.[11] The Division of State Lands also provides oversight for the management of activities on more than 12 million acres of public lands, including lakes, rivers and islands. These public lands help ensure all Florida residents and visitors have the opportunity to truly appreciate Florida's unique landscapes.[12]

Trust Funds

A trust fund may be created by law only by the Legislature and only if passed by a three-fifths vote of the membership of each house in a separate bill for that purpose only. Except for trust funds being re-created by the Legislature, each trust fund must be created by statutory language that specifies at least the following:[13]

- The name of the trust fund.
- The agency or branch of state government responsible for administering the trust fund.
- The requirements or purposes that the trust fund is established to meet.
- The sources of moneys to be credited to the trust fund or specific sources of receipts to be deposited in the trust fund.

State trust funds are required to terminate, and are authorized to exist a maximum of four years from the effective date of the act authorizing the initial creation of the trust fund. The legislature may set a shorter time period for which any trust fund is authorized.[14] However, certain trust funds are not subject to the termination provision. Among these are trust funds for institutions under the management of the

[7] Section 253.03(1), F.S. Lands vested in the BOT of the Internal Improvement Trust Fund are: swamp and overflowed lands held by the state; all lands owned by the state by right of its sovereignty; internal improvements lands proper; tidal lands; lands covered by shallow waters of the ocean or gulf, or bays and lagoons, and all lands owned by the state covered in fresh water; all parks, reservations, and lands set aside in the name of the state, excluding certain transportation facilities and corridors; all lands which have accrued, or will accrue, to the state, with certain exceptions for transportation, spoil areas, flood control district, water management district, or navigation district. *Id.*
[8] Section 253.02(1), F.S.
[9] Section 253.02(2)(a), F.S.
[10] Section 253.02(2)(b) and (c), F.S.
[11] Florida Department of Environmental Protection, *Division of State Lands*, https://floridadep.gov/lands (last visited Jan. 18, 2024).
[12] *Id.*
[13] Section 215.3207, F.S.
[14] FLA. CONST. art. III, s. 19(f)(2).

Board of Governors, where such trust funds are for auxiliary enterprises[15] and contracts, grants, and donations[16], as those terms are defined by general law.[17]

Before the regular session of the Legislature preceding the termination date of any trust fund, the agency responsible for the administration of the trust fund and the Governor, for executive branch trust funds, or the Chief Justice, for judicial branch trust funds, must review the purpose and use of the trust fund. Based on this review, a recommendation must be provided to the President of the Senate and the Speaker of the House of Representatives regarding whether the trust fund should be allowed to terminate or if it should be re-created. A recommendation to re-create a trust fund may also include suggested modifications to the purpose, sources of receipts, and allowable expenditures for the trust fund. Recommendations from agencies or the Chief Justice must be made as part of the legislative budget request to the Legislature, and recommendations from the Governor must be made part of the recommended budget presented to the Legislature.[18]

If the decision is made to terminate the trust fund and not immediately re-create it, all cash balances and income of the trust fund are to be deposited into the General Revenue Fund.

The responsible agency or Chief Justice is required to promptly pay any outstanding debts of the trust fund. The Chief Financial Officer must close out and remove the trust fund from various state financial systems, adhering to generally accepted accounting practices related to outstanding warrants, assets, and liabilities. No appropriation or budget amendment is authorized to encumber funds from a trust fund after its termination date or if it is judicially determined to be invalid.[19]

Effect of Proposed Changes

The bill establishes the Institute of Food and Agricultural Sciences Renovations, Relocations, and Construction Trust Fund (trust fund) within the State University System. The trust fund is created to serve as a depository for funds received from the sale, trade, exchange, or disposal of state agricultural research and education real property and improvements that are leased to the University of Florida Board of Trustees (UF BOT) by the Board of Trustees (BOT) of the Internal Improvement Trust Fund and used by the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS).

Pursuant to the bill, the BOT, at the request of the UF BOT, may sell, trade, exchange, or otherwise dispose of state agricultural research and education real property and improvements leased to the UF BOT and used by the UF/IFAS. The BOT must deposit the proceeds from the sale or other disposition into the trust fund to be used:

- By the UF BOT for the upgrade, renovation, and repair of existing properties, the relocation or construction of new agricultural research and education facilities.
- At the request of the UF BOT, by the BOT for the purchase of real property or improvements for the relocation or construction of new agricultural research and education facilities.

The bill requires any such sale to be at fair market value and any trade or exchange shall be for property which has a fair market value equal to or greater than the property traded or exchanged.

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[15] Section 1011.47(1), F.S., provides the term, "auxiliary enterprises" includes "activities that directly or indirectly provide a product or a service, or both, to a university or its students, faculty, or staff and for which a charge is made. These auxiliary enterprises are business activities of a university which require no support from the General Revenue Fund, and include activities such as housing, bookstores, student health services, continuing education programs, food services, college stores, operation of vending machines, specialty shops, day care centers, golf courses, student activities programs, data center operations, and intercollegiate athletics programs."

[16] Section 1011.47(2), F.S., provides the term, "contracts, grants, and donations" includes noneducational and general funding sources in support of research, public services, and training. The term includes grants and donations, sponsored-research contracts, and Department of Education funding for lab schools and other activities for which the funds are deposited outside the State Treasury.

[17] FLA. CONST. art. III, s. 19(f)(3).

[18] Section 215.3206(1), F.S.

[19] Section 215.3206(2), F.S.

B. SECTION DIRECTORY:

Section 1: Creates s. 1004.331, F.S.; creating the Institute of Food and Agricultural Sciences Renovation, Relocation, and Construction Trust Fund for specified purposes; authorizing the Board of Trustees of the Internal Improvement Trust Fund, at the request of the University of Florida Board of Trustees, to sell, trade, exchange, or otherwise dispose of specified real property and improvements; requiring such funds to be deposited into the trust fund for specified purposes; authorizing the Board of Trustees of the Internal Improvement Trust Fund, at the request of the University of Florida Board of Trustees, to purchase real property or improvements for specified facilities; providing requirements for such sales and trades or exchanges.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   The bill has an indeterminate fiscal impact on state revenues. *See* Fiscal Comments.

2. Expenditures:

   The bill has an indeterminate fiscal impact on state revenues. *See* Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill has an indeterminate fiscal impact on state revenues and expenditures. To the extent the bill changes the current process for the sale, trade, exchange, or disposal of state agricultural research and education real property, the entity currently receiving those revenues may be negatively impacted by an indeterminate amount.

The bill will have an indeterminate positive fiscal impact on the University of Florida Institute of Food and Agricultural Sciences that will be able to utilize this revenue source for upgrades to, and renovation and repair of, existing properties and the relocation or construction of new agricultural research and education facilities.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   None.

2. Other:

State trust funds are required to terminate, and are authorized to exist a maximum of four years from the effective date of the act authorizing the initial creation of the trust fund. The legislature may set a shorter time period for which any trust fund is authorized.[20] However, certain trust funds are not subject to the termination provision. Among these are trust funds for institutions under the management of the Board of Governors, where such trust funds are for auxiliary enterprises[21] and contracts, grants, and donations[22], as those terms are defined by general law.[23]

The bill does not contain a termination provision, but the trust fund may meet the requirements of the constitutional exemption for trust funds for institutions under the management of the Board of Governors, where such trust funds are for auxiliary enterprises and contracts, grants, and donations.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not Applicable.

[20] FLA. CONST. art. III, s. 19(f)(2).
[21] Section 1011.47(1), F.S., provides the term, "auxiliary enterprises" includes "activities that directly or indirectly provide a product or a service, or both, to a university or its students, faculty, or staff and for which a charge is made. These auxiliary enterprises are business activities of a university which require no support from the General Revenue Fund, and include activities such as housing, bookstores, student health services, continuing education programs, food services, college stores, operation of vending machines, specialty shops, day care centers, golf courses, student activities programs, data center operations, and intercollegiate athletics programs."
[22] Section 1011.47(2), F.S., provides the term, "contracts, grants, and donations" includes noneducational and general funding sources in support of research, public services, and training. The term includes grants and donations, sponsored-research contracts, and Department of Education funding for lab schools and other activities for which the funds are deposited outside the State Treasury.
[23] FLA. CONST. art. III, s. 19(f)(3).

A bill to be entitled

An act relating to trust funds; creating s. 1004.331, F.S.; creating the Institute of Food and Agricultural Sciences Renovation, Relocation, and Construction Trust Fund for specified purposes; authorizing the Board of Trustees of the Internal Improvement Trust Fund, at the request of the University of Florida Board of Trustees, to sell, trade, exchange, or otherwise dispose of specified real property and improvements; requiring such funds to be deposited into the trust fund for specified purposes; authorizing the Board of Trustees of the Internal Improvement Trust Fund, at the request of the University of Florida Board of Trustees, to purchase real property or improvements for specified facilities; providing requirements for such sales and trades or exchanges; providing an effective date.

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

Section 1. Section 1004.331, Florida Statutes, is created to read:

1004.331 The Institute of Food and Agricultural Sciences Renovation, Relocation, and Construction Trust Fund.—

(1) The Institute of Food and Agricultural Sciences

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

Renovation, Relocation, and Construction Trust Fund is created within the State University System. The trust fund is established for use as a depository for funds received from the sale, trade, exchange, or disposal of state agricultural research and education real property and improvements that are leased to the University of Florida Board of Trustees by the Board of Trustees of the Internal Improvement Trust Fund and used by the University of Florida Institute of Food and Agricultural Sciences.

(2) Notwithstanding any provision of law to the contrary, the Board of Trustees of the Internal Improvement Trust Fund, at the request of the University of Florida Board of Trustees, may sell, trade, exchange, or otherwise dispose of state agricultural research and education real property and improvements leased to the University of Florida Board of Trustees and used by the University of Florida Institute of Food and Agricultural Sciences. The Board of Trustees of the Internal Improvement Trust Fund shall deposit the proceeds from such sale or other disposition into the trust fund to be used by the University of Florida Board of Trustees for the upgrade, renovation, and repair of existing properties, the relocation or construction of new agricultural research and education facilities, and, at the request of the University of Florida Board of Trustees, by the Board of Trustees of the Internal Improvement Trust Fund for the purchase of real property or

improvements for the relocation or construction of new agricultural research and education facilities.

(3) Any such sale shall be at fair market value and any trade or exchange shall be for property which has a fair market value equal to or greater than the property traded or exchanged.

Section 2. This act shall take effect July 1, 2024.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__ (Y/N)
ADOPTED AS AMENDED	__ (Y/N)
ADOPTED W/O OBJECTION	__ (Y/N)
FAILED TO ADOPT	__ (Y/N)
WITHDRAWN	__ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Postsecondary Education & Workforce Subcommittee

Representative Tuck offered the following:

Amendment (with title amendment)

Between lines 55 and 56, insert:

(4) In accordance with s. 19(f)(2), Art. III of the State Constitution, the Institute of Food and Agricultural Sciences Renovation, Relocation, and Construction Trust Fund shall, unless terminated sooner, be terminated on July 1, 2028. Before its scheduled termination, the fund shall be reviewed as provided in s. 215.3206(1) and (2).

T I T L E A M E N D M E N T

Remove line 17 and insert:

trades or exchanges; providing for future review and termination or re-creation of the fund; providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB PEW 24-01 Education
SPONSOR(S): Postsecondary Education & Workforce Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:** SB 7032

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Postsecondary Education & Workforce Subcommittee		Kiner	Kiner

SUMMARY ANALYSIS

The bill creates the Graduation Alternative to Traditional Education (GATE) Program, GATE Scholarship Program, and GATE Student Success Incentive Fund to provide individuals ages16 to 21 who have discontinued school enrollment the opportunity to earn postsecondary course credits at no cost while pursuing the completion of a standard high school diploma or equivalent credential.

The bill provides eligibility criteria and defines the programs and certificates that may be offered. Subject to appropriation, the bill also requires institutions to waive 100 percent of the registration, tuition, laboratory, and examination fees and instructional materials costs after all other federal aid is applied, including Workforce Innovation and Opportunity Act funds. Subject to the eligibility of funds, students participating in the program will also be eligible for a stipend to cover transportation and living expenses through the Open Door Grant.

Subject to appropriation, the bill reimburses institutions for such tuition, fees, and instructional materials costs. Additionally, subject to appropriation, institutions may be eligible for incentive funding based on the number of students who earn a standard high school diploma or equivalent credential and postsecondary industry certification through the program. Programs and certifications must be on the Master Credentials List.

The bill provides several provisions to identify and enroll eligible students. First, when students choose to disenroll from school, the bill requires they be made aware of the GATE program and its opportunities. The bill also requires GED candidates be made aware of the program and eligibility requirements. For those who have been separated for longer periods of time and may engage with a one-stop center, the bill requires they be made aware of adult education generally, and the GATE program specifically.

Additionally, the Department of Education (DOE) will be required to develop and implement a statewide recruitment campaign in conjunction with eligible institutions, local workforce development boards, and other local, regional, or state initiatives that interact with the target population. To provide accountability and assess the overall success of the program, the bill requires DOE to annually report the number and value of registration, tuition, laboratory, and examination fees and instructional materials costs waived and reimbursed; and the number of students who have obtained a standard high school diploma or high school equivalency diploma, completed an applied technology diploma or career certificate, and earned an industry certificate, while participating in the program.

The bill has a fiscal impact. *See* fiscal comments. The bill is effective July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Compulsory Age of Attendance

When a student reaches 16 years of age, he or she is no longer required to attend school if he/she files a formal declaration of intent to terminate school enrollment with the school district.[1] The declaration must be signed by the student and the student's parent.[2]

In signing the declaration, the student must acknowledge that leaving school is likely to reduce earning potential.[3]

The student's school counselor is required to conduct an exit interview with the student to determine reasons for the student's decision and actions that could be taken to keep the student in school.[4] The school counselor is also required to inform the student of opportunities to continue his or her education in a different environment, including, but not limited to, adult education and high school equivalency examination preparation.[5]

High School Graduation in Florida

Florida's High School Graduation Requirements

To earn a standard high school diploma a student must complete 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.[6]

The 24-credit option for a standard high school diploma includes:[7]

- Four credits in English Language Arts (ELA) I, II, III, and IV.
- Four credits in mathematics, including one in Algebra I and one in Geometry.
- Three credits in science, two of which must have a laboratory component and one of which must include Biology I.
- Three credits in social studies including one credit in United States History, one credit in World History, one-half credit in economics, and one-half credit in United States Government.
- One credit in fine or performing arts, speech and debate, or career and technical education.
- One credit in physical education which includes the integration of health.
- Seven and one-half credits in electives.
- One-half credit in personal financial literacy.

All students must pass the statewide, standardized grade 10 ELA assessment, or earn a concordant score, and must pass the statewide, standardized Algebra I end-of-course (EOC) assessment, or earn a comparative score, in order to earn a standard high school diploma.[8]

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[1] s. 1003.21(1)(c), F.S.
[2] *Id.*
[3] *Id.*
[4] *Id.*
[5] *Id.*
[6] s. 1003.4282(1)(a), F.S.
[7] s. 1003.4282(3)(a)-(g), F.S.
[8] s. 1003.4282(3), F.S. A student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) course who takes the respective AP, IB, or AICE assessment and earns a specified score is not required to take the corresponding EOC assessment. Section 1008.22(3)(b)6., F.S.

Students who earn the required credits to graduate, but fail to pass the required assessments or achieve a 2.0 grade point average (GPA) are awarded a certificate of completion in a form prescribed by the State Board of Education (SBE). In the 2021-2022 graduation cohort, 5,818 students earned a certificate of completion.[9]

High School Equivalency Diploma Program

The high school equivalency diploma offers students who are no longer enrolled in high school an opportunity to earn a high school diploma by successfully passing the standard GED tests. To be eligible for the high school equivalency diploma program students must meet the following criteria:[10]

- At least 16 years old and currently enrolled in a prekindergarten-12 program.
- Enrolled in and attending high school courses that meet high school graduation requirements.
- In jeopardy of not graduating with their kindergarten cohort because they are overage for grade, behind in credits, or have a low GPA.
- Assessed at a seventh grade reading level or higher at the time of selection as documented by the Test of Adult Basic Education (TABE) reading component or other assessment to determine grade level proficiency.

Each school district is required to offer and administer the high school equivalency diploma examinations and the subject area examination to candidates.[11] A candidate for a high school equivalency diploma must be at least 18 years of age on the date of the examination, except that in extraordinary circumstances, as provided for in rules of the district school board of the district in which the candidate resides or attends school, a candidate may take the examination after reaching the age of 16.[12] School districts may not require a student who has reached the age of 16 to take any course before taking the examination unless the student fails to achieve a passing score on the GED practice test.[13]

As seen in the tables below, the number of students enrolling in GED programs at both school districts and college in the Florida College System (FCS) has increased since the 2020-21 school year.[14]

Students enrolled in a School District GED program

[9] Florida Department of Education, *Florida's High School Cohort 2021-22 Graduation Rate,* https://www.fldoe.org/core/fileparse.php/7584/urlt/GradRates2122.pdf, (last visited Jan. 9, 2023).
[10] Rule 6A-6.0212, F.A.C
[11] s. 1003.435(3), F.S.
[12] s. 1003.435(4), F.S.
[13] *Id.*
[14] Data provided by Florida Department of Education.

School Year	Number of Students enrolled in a GED program	Number Students enrolled in a GED program who are 21 years of age or less
2020-2021	5,256	2,851
2021-2022	7,499	4,123
2022-2023	8,888	5,330

Students enrolled in an FCS GED program		
School Year	**Number of Students enrolled in a GED program**	**Number Students enrolled in a GED program who are 21 years of age or less**
2020-2021	780	353
2021-2022	1,034	525
2022-2023	1,166	552

Existing Initiatives in Adult Secondary and Career Education

Workforce Innovation and Opportunity Act of 2014

In 2014, Congress passed the Workforce Innovation and Opportunity Act (WIOA), which superseded the Workforce Investment Act of 1998.[15] WIOA requires each state to develop a single, unified plan for aligning workforce services through the identification and evaluation of core workforce programs.[16]

WIOA identifies four core programs that coordinate and complement each other to ensure job seekers have access to needed resources.[17] The core programs are:

- Adult, Dislocated Worker and Youth Programs;
- Adult Education and Literacy Activities;
- Employment Services under the Wagner-Peyser Act;[18] and
- Vocational Rehabilitation Services.[19]

In Fiscal Year 2021-2022, CareerSource Florida allocated $245 million in funding[20] and assisted 86,503 job seekers in obtaining employment.[21]

WIOA includes funding to provide adult education and literacy activities for individuals who are at least 16 years of age, not enrolled in secondary school, and do not have a secondary school diploma or its recognized equivalent.[22] Adult education and family literacy activities include programs, activities, and services that include adult education, literacy, workplace adult education and literacy activities, family literacy activities, English language acquisition activities, integrated English literacy and civics

[15] Workforce Innovation and Opportunity Act, 29 U.S.C. s. 3101 et seq. (2014).
[16] *See* 29 U.S.C. s. 3112(a).
[17] *See* 29 U.S.C. s. 3102(13).
[18] *See* 29 U.S.C. s. 49 et seq.
[19] *See* 29 U.S.C. s. 720 et. seq.
[20] CareerSource Florida, *Strategic Policy and Performance Council Meeting* (Feb. 16, 2022), *available at* https://careersourceflorida.com/wp-content/uploads/2022/08/2022-02-16-Closer-Look-Fed_Funding_State_Board_Initiatives.pdf, at 5.
[21] CareerSource Florida, *CareerSource Florida Celebrates 2022 Workforce Development Accomplishments*, https://careersourceflorida.com/2022/12/29/careersource-florida-celebrates-2022-workforce-development-accomplishments/ (last visited Mar. 11, 2023).
[22] 29 U.S.C. s. 3272(4).

education, workforce preparation activities, or integrated education and training.[23] The estimated award for Fiscal Year 2023 for basic adult education and family literacy activities in Florida is $40,506,044.[24]

WIOA also provides funds to local workforce boards to provide youth workforce investment activities that provide:[25]

- Activities leading to the attainment of a secondary school diploma or its recognized equivalent, or a recognized postsecondary credential;
- Preparation for postsecondary educational and training opportunities;
- Strong linkages between academic instruction and occupational education that lead to the attainment of recognized postsecondary credentials;
- Preparation for unsubsidized employment opportunities, in appropriate cases; and
- Effective connections to employers, including small employers, in in-demand industry sectors and occupations of the local and regional labor markets.

Florida's allotment for youth workforce investment activities under WIOA is $39,224,930 for the 2023 Program Year.[26]

Perkins V

The Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act (Perkins V), assists states and outlying areas in expanding and improving career and technical education (CTE) in secondary schools, technical schools, and community colleges.[27] The term "career and technical education" means organized educational activities that:[28]

- Offer a sequence of courses that provides individuals with rigorous academic content and relevant technical knowledge and skills needed to prepare for further education and careers.
- Include competency-based, work-based, or other applied learning that supports the development of academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, employability skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual.
- To the extent practicable, coordinate between secondary and postsecondary education programs through programs of study that provide postsecondary credit or advanced standing.
- May include career exploration at the high school level or as early as the middle grades.

Florida received $82,363,333 under Perkins V for Fiscal Year 2023.

Florida Workforce Education

"Workforce education" is adult general education or career education and may consist of a continuing workforce education course or a program of study leading to an occupational completion point, a career certificate, an applied technology diploma, a career degree, or a registered apprenticeship certificate of completion.

At the postsecondary level, the terms "workforce education" and "workforce education program" include:[29]

- Adult general education programs designed to improve the employability skills of the state's workforce.[30]

[23] 29 U.S.C. s. 3272(2).
[24] USDOE, Office of Career, Technical, and Adult Education, *FY_2023_State_Grant_Allocations_Memo*, *available at* https://aefla.ed.gov/state-grants at 2.
[25] 29 U.S.C. s. 3164(c)(1)(C).
[26] USDOL, ETA, *WIOA Youth Activities State Allotments* (2023), *available at* https://www.dol.gov/sites/dolgov/files/ETA/budget/pdfs/23you%24.pdf.
[27] 20 U.S.C. s. 2301 et seq.
[28] 20 U.S.C. s. 2302(5).
[29] s. 1011.80(1), F.S.
[30] s. 1011.80(1), F.S.

- Career certificate programs, which are defined as a course of study that leads to one completion point.[31]
- Applied technology diploma programs.
- Continuing workforce education courses.
- Degree career education programs.
- Apprenticeship and preapprenticeship programs.

Adult Education programs in Florida were established to encourage the provision of educational services that will enable adults to acquire:[32]

- The basic skills necessary to attain basic and functional literacy.
- A high school diploma or successfully complete the high school equivalency examination.
- An educational foundation that will enable them to become more employable, productive, and self-sufficient citizens.

The major program areas are Adult Basic Education Adult High School and GED® Preparation, and English for Speakers of Other Languages (ESOL). These programs emphasize basic skills such as reading, writing, math, and English language competency. Adult education programs also help adult learners gain the knowledge and skills they need to enter and succeed in postsecondary education.[33]

"Adult secondary education" is a course through which a person receives high school credit that leads to the award of a high school diploma or a course of instruction through which a student prepares to take the high school equivalency examination.[34]

An "applied technology diploma program" (ATD) is a course of study that is part of a technical degree program, is less than 60 credit hours, and leads to employment in a specific occupation.[35] An ATD program may consist of either technical credit or college credit. A public school district may offer an ATD program only as technical credit, with college credit awarded to a student upon articulation to an FCS institution. Statewide articulation among public schools and FCS institutions is guaranteed.[36]

To qualify for admission to an ATD program, a student must:[37]

- Have a high school diploma, a high school equivalency diploma, or a certificate of completion; or
- Submit a signed affidavit by the student's parent or legal guardian attesting that the student has completed a home education program that satisfies school attendance requirements.[38]

A "career certificate program" is a course of study that leads to at least one occupational completion point.[39] An "occupational completion point" means the occupational competencies that qualify a person to enter an occupation that is linked to a career and technical program.[40] The career certificate program may also confer credit that may articulate with a diploma or career degree education program.[41] The DOE has established 29 statewide articulation agreements for career certificate programs to career degree education programs.[42]

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[31] s. 1004.02(20), F.S.
[32] s. 1004.93(1)(a), F.S.
[33] Florida Department of Education, *Adult Education*, https://www.fldoe.org/academics/career-adult-edu/adult-edu/, (last visited Jan. 10, 2024).
[34] s. 1004.02(4), F.S.
[35] s. 1004.02(7), F.S.
[36] s. 1007.23(5), F.S.
[37] Rule 6A-10.024(7), F.A.C.
[38] s. 1002.41, F.S.
[39] s. 1004.02(20), F.S.
[40] s. 1004.02(21), F.S.
[41] s. 1004.02(20), F.S.
[42] Florida Department of Education, *Statewide Articulation Agreements: Statewide Career Pathways*, https://www.fldoe.org/academics/career-adult-edu/career-technical-edu-agreements/psav-to-aas-as-degree.stml (last visited Jan. 10, 2024).

CAPE Industry Certification Funding List

The State Board of Education is required to adopt, at least annually, based on recommendations by the Commissioner of Education, the CAPE Industry Certification Funding List that assigns additional full-time equivalent membership to certifications identified in the Master Credentials List that meet a statewide, regional, or local demand.[43]

Certifications included on the CAPE Industry Certification Funding List:[44]

- Require at least 150 hours of instruction and
- Can be earned in middle and high school.
- Usually require passage of a subject area examination and some combination of work experience, educational attainment, or on-the-job training.

Funds for Operation of Workforce Education Programs

State funding for workforce education programs is calculated based on weighted student enrollment and program costs, minus tuition and fee revenues, and including various supplemental cost factors.[45]

Annual performance funding distributions to district school boards and state colleges are based on student attainment of the credentials included in the CAPE Industry Certification Funding List.[46] Performance funding for industry certifications for school district workforce education programs is contingent upon specific appropriation in the General Appropriations Act.[47]

Each district school board or FCS institution is provided $1,000 for each industry certification earned by a workforce education student, or prorated if funds are insufficient to fully fund the calculated total award.[48]

Workforce Education Tuition and Fees

For programs leading to a career certificate or an ATD, the standard tuition is $2.33 per contact hour for residents.[49] A block tuition of $45 per half year or $30 per term is assessed for students enrolled in adult general education, which includes adult secondary education programs.[50] Each district school board and FCS institution may adopt tuition that is within the range of five percent below to five percent above the standard tuition.[51] Institutions may also adopt student financial aid,[52] capital improvement,[53] and technology fees[54] for students that are not enrolled in adult general education programs. The student financial aid fee is capped at 10 percent of tuition, while the capital improvement and technology fees are capped at 5 percent of tuition.[55]

Florida College System institution boards of trustees and district school boards are also authorized to establish fee schedules for the following user fees and fines: laboratory fees; parking fees and fines;

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[43] s. 1008.44(1), F.S.
[44] Rule 6A-6.0576(5)-(6), F.S.
[45] s. 1011.80(6)(b), F.S. Continuing workforce education programs provided by district school boards or Florida College System institutions must be fully supported by fees. Section 1011.80(6)(a), F.S. For fee-exempt students (e.g., students in an apprenticeship program), state funding is 100 percent of the average cost of instruction. Section 1011.80(6)(c), F.S.
[46] s. 1008.44(2), F.S.
[47] s. 1011.80(7)(b), F.S.
[48] s. 1011.80(7)(b)2. and 1011.81(2)(b), F.S.
[49] s. 1009.22, F.S.
[50] s. 1009.22(3)(c), F.S.
[51] s. 1009.22(3)(d), F.S. Florida Department of Education, *State Funding for Districts: 2023-24 District Workforce Education Tuition and Fees (Attachment)*, *available at* https://www.fldoe.org/core/fileparse.php/7529/urlt/2023-24-Workforce-Education-Tuition-and-Fees-Attachment.pdf at 1.
[52] s. 1009.22(6), F.S.
[53] s. 1009.22(7), F.S.
[54] s. 1009.22(8), F.S.
[55] s. 1009.22(6)-(8), F.S.

library fees and fines; fees and fines relating to facilities and equipment use or damage; access or identification card fees; duplicating, photocopying, binding, or microfilming fees; standardized testing fees; diploma replacement fees; transcript fees; application fees; graduation fees; and late fees related to registration and payment. Such user fees and fines may not exceed the cost of the services provided and may only be charged to persons receiving the service.[56]

The total tuition and fee estimate for district career centers for postsecondary certificate and adult general education programs in the 2023-24 fiscal year is $40,152, 198.[57]

Workforce Education Funding for Co-enrollment

School districts and FCS institutions are permitted to allow students currently enrolled in high school to co-enroll in their Adult High School program.[58] A student who is coenrolled in a K-12 education program and an adult education program may be reported for purposes of funding in an adult education program. If a student is coenrolled in core curricula courses for credit recovery or dropout prevention purposes and does not have a pattern of excessive absenteeism or habitual truancy or a history of disruptive behavior in school, the student may be reported for funding for up to two courses per year. Such a student is exempt from the payment of the block tuition for adult general education programs. The Department of Education is required to develop a list of courses to be designated as core curricula courses for the purposes of coenrollment.[59]

State Financial Aid and Grants

The general requirements for eligibility of students for state financial aid awards and tuition assistance grants consist of the following:[60]

- Achievement of the academic requirements of and acceptance at a state university or state college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college or university which is accredited by an accrediting agency recognized by the SBE; a Florida institution the credits of which are acceptable for transfer to state universities; a career center; or a private career institution accredited by an accrediting agency recognized by the SBE.
- Residency in this state for no less than one year preceding the award of aid or a tuition assistance grant.[61] Residency in this state must be for purposes other than to obtain an education.
- Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards or tuition assistance grants.

Open Door Grant Program

The Open Door Grant Program is a financial aid program for students of a state college or career center to incentivize current and future workers to enroll in an adult education integrated education and training program or a workforce education program on the Master Credentials List that leads to a credential, certificate, or degree.

In order to be eligible for the Open Door Grant Program, a student must:

- Be a resident of Florida for tuition purposes and attest to the accuracy, completeness, and correctness of information provided to demonstrate the student's eligibility to receive state financial aid awards or tuition assistance grants;

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[56] s. 1009.22(10), F.S.
[57] Florida Department of Education, *2023-24 District Workforce Education Funding Summary*, *available at* https://www.fldoe.org/core/fileparse.php/7529/urlt/2324-wf-fundingsummary.pdf at 32.
[58] Florida Department of Education, *Memorandum: 2022-23 Adult High School Co-Enrollment Program Eligible Course List* (July 12, 2022), *available at* https://www.fldoe.org/core/fileparse.php/7671/urlt/2223-AdultHighCoEnroll-Memo.pdf.
[59] s. 1011.80(10), F.S.
[60] s. 1009.40(1)(a), F.S.
[61] The residency requirement is specific to awards under ss. 1009.50, 1009.505, 1009.51, 1009.52, 1009.53, 1009.60, 1009.62, 1009.72, 1009.73, 1009.75, 1009.77, 1009.89, and 1009.894, F.S.

- Be enrolled in an integrated education and training program, career certificate, applied technology diploma, continuing workforce education, associate's degree, or apprenticeship and preapprenticeship programs included on the Master Credentials List or lead to a certification on the Master Credentials list;
- Be enrolled at a school district postsecondary technical career center, a state college, or a charter technical career center.

A student is eligible to receive an award equal to the amount needed to cover 100 percent of the cost for the eligible workforce education program after all other federal and state financial aid and any other private or public financial assistance is applied. These costs may include tuition and fees, exam or assessment costs, books, or related materials. Additionally, a student is eligible to receive a stipend up to $1,500 per academic year to cover other educational expenses related to cost of attendance. The awards are subject to availability of funding and stipend amounts may be specified in the General Appropriations Act.

Effect of Proposed Changes

The bill creates the Graduation Alternative to Traditional Education (GATE) Program, GATE Scholarship Program, and GATE Student Success Incentive Fund to provide individuals between the ages of 16 and 21 who have discontinued enrollment the opportunity to earn postsecondary course credits at no cost to the student while pursuing the completion of a standard high school diploma or equivalent credential.

GATE Program

The bill provides eligibility criteria for students to enroll in the GATE Program and defines the career education programs and certificates that may be offered through the program. The bill specifies that a student must:

- Not have earned a standard high school diploma or a high school equivalency diploma.
- Be a resident of this state for tuition purposes.
- Be 16 to 21 years of age at the time of initial enrollment.
- Select the adult secondary education program and career education program of his or her choice at the time of admission to the GATE program, provided the program is included on the Master Credential List. The student may not change the requested pathway after enrollment.
- Maintain a 2.0 grade point average (GPA) for career and technical education coursework.
- Complete the adult secondary education program and the career education program within three years unless the institution determines that an extension is warranted due to extenuating circumstances.

The bill defines a "career education program" as an applied technology diploma program or a career certificate program and defines an "institution" as a school district career center, a charter technical career center, or a Florida College System institution.

Subject to appropriation, the bill also requires institutions to waive 100 percent of the registration, tuition, laboratory, and examination fees and instructional materials costs after all other federal aid is applied, including Workforce Innovation and Opportunity Act funds. Subject to the eligibility of funds, students participating in the program will also be eligible for a stipend to cover transportation and living expenses through the Open Door Grant.

The bill provides several provisions to engage eligible students. First, when students choose to disenroll from school, the bill requires they be made aware of the GATE program and the opportunities it offers. The bill also requires GED candidates be made aware of the program and its eligibility requirements. For those who have been separated for longer periods of time and may engage with a one-stop center, the bill requires they be made aware of adult education generally, and the GATE program specifically.

Additionally, the Department of Education will be required to develop and implement a statewide recruitment campaign in conjunction with eligible institutions, local workforce development boards, and other local, regional, or state initiatives that interact with the target population.

To provide accountability and assess the overall success of the program, the bill requires the Department of Education to annually report the number and value of registration, tuition, laboratory, and examination fees and instructional materials costs waived and reimbursed; and the number of students who have obtained a standard high school diploma or high school equivalency diploma, completed an applied technology diploma or career certificate, and earned an industry certificate, while participating in the program.

The bill requires the State Board of Education to adopt rules to implement the GATE Program.

GATE Scholarship Program

The bill creates the GATE Scholarship Program to reimburse eligible institutions for registration, tuition, laboratory, and examination fees and related instructional materials costs for students enrolled in the GATE Program. The bill requires the GATE Scholarship Program to reimburse career centers and Florida College System institutions at their respective in-state resident tuition rates.

Each participating institution is required to report to the DOE all students enrolled in the GATE Program during the fall, spring, or summer terms within 30 days after the end of regular registration. For each eligible student, the institution is required to report the total reimbursable expenses by category, which the DOE must consider in determining an institution's GATE Scholarship Program award. The bill requires the DOE to reimburse each participating institution no later than 30 days after the institution has reported enrollment for that term.

The bill provides that reimbursements from the GATE Scholarship Program are contingent upon an annual appropriation in the General Appropriations Act (GAA). If the statewide reimbursement amount is greater than the appropriation, the institutional reimbursement amounts must be prorated among the institutions that have timely reported eligible students.

The bill requires the State Board of Education to adopt rules to implement the GATE Scholarship Program.

GATE Student Success Incentive Fund

The bill creates the GATE Program Student Success Incentive fund to reward school districts and Florida College System institutions for the documented success of students participating in the GATE Program. Subject to legislative appropriation, each participating institution may receive an allocation based on the performance of students in its GATE Program according to the following metrics:

- The number of students obtaining a standard high school diploma or high school equivalency diploma while participating in the program.
- The number of postsecondary industry certifications or other program completion credentials included on the Master Credential List earned by students participating in the program. Eligible industry certifications must be identified on the CAPE Industry Certification Funding List.

School districts and institutions may only receive incentive funds if the student obtains both a high school diploma or high school equivalency diploma and an industry certification or program completion credential.

Funds for the Operation of Workforce Programs

The bill increases from two to four the number of courses that may be reported for funding for a student who is coenrolled in a K-12 education program and adult education program. The bill also removes the requirement that the courses funded must be core curricula.

B. SECTION DIRECTORY:

Section 1: Amends s. 445.009, F.S., clarifying the services for which the one-stop delivery system is intended to provide access to include additional specified services.

Section 2: Amends s. 1003.21, F.S., requiring a student's certified school counselor or other school personnel to inform the student of opportunities in specified programs, including, but not limited to, adult education, high school equivalency examination preparation, and the Graduation Alternative to Traditional Education Program; requiring district school boards to notify all candidates for the high school equivalency diploma of adult secondary and postsecondary education options.

Section 3: Amends s. 1003.435, F.S., requiring district school boards to notify all candidates for the high school equivalency diploma of adult secondary and postsecondary education options.

Section 4: Creates s. 1004.933, F.S., defining the terms "career education program" and "institution"; establishing the Graduation Alternative to Traditional Education (GATE) Program; providing the purpose of the program; requiring institutions to waive payments for registration, tuition, laboratory, and examination fees for students enrolled in the program after all other federal aid is applied; providing eligibility requirements; prohibiting an institution from imposing additional eligibility requirements; requiring the State Board of Education to adopt rules

Section 5: Creates s. 1009.711, F.S., creating the GATE Scholarship Program; requiring the Department of Education to administer the program; requiring the program to reimburse eligible institutions for student costs; requiring participating institutions to report to the department all students enrolled in the program; providing that reimbursements are contingent on legislative appropriations and may be prorated in the event that total reimbursements owed exceed available funds; requiring the state board to adopt rules

Section 6: Amending s. 1011.80, F.S., revising the number of courses certain students may be reported for relating to funding purposes; providing that such courses do not have to be core curricula courses; deleting a requirement for the department to develop a list of courses to be designated as core curricula courses.

Section 7: Creates s. 1011.804, F.S., creating the GATE Program Student Success Incentive Fund; defining the term "institution"; providing that, subject to the appropriation of funds by the Legislature, each participating institution must receive an allocation based on the performance of students in its GATE program according to specified metrics.

Section 8: Provides an effective date of July 1, 2024.

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:

See fiscal comments.

2. Expenditures:

See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See fiscal comments.

D. FISCAL COMMENTS:

The bill's fiscal impact is indeterminate due to the unknown number of individuals who qualify for and will choose to enroll in the GATE program. However, during the 2022-2023 academic year, there were 5,882 students who were 21 years of age or younger enrolled in GED programs at career centers or state colleges. This figure does not include the number of individuals not currently enrolled in an adult secondary education program or career education program who may learn of the GATE Program as a result of the statewide recruitment campaign or one of the bill's other provisions to identify and engage eligible students.

Programs included in the GATE Program have the following costs: adult education tuition & fees ($90/student); career education program tuition & fees ($2.33/hour); lab equipment ($1,000/per student); and instructional materials ($500/student). Subject to legislative appropriation, the bill also requires institutions to waive 100 percent of the tuition costs after all other federal aid is applied, including Workforce Innovation and Opportunity Act funds. Subject to appropriation, institutions may receive a reimbursement for the amount of costs waived. Subject to the eligibility of funds, students participating in the program will also be eligible for a stipend to cover transportation and living expenses through the Open Door Grant.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The State Board of Education is required to adopt rules to implement the bill's provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to education; amending s. 445.009, F.S.; clarifying the services for which the one-stop delivery system is intended to provide access to include additional specified services; amending s. 1003.21, F.S., requiring a student's certified school counselor or other school personnel to inform the student of opportunities in specified programs, including, but not limited to, adult education, high school equivalency examination preparation, and the Graduation Alternative to Traditional Education Program; requiring district school boards to notify all candidates for the high school equivalency diploma of adult secondary and postsecondary education options; amending s. 1003.435, F.S.; requiring district school boards to notify all candidates for the high school equivalency diploma of adult secondary and postsecondary education options; creating s. 1004.933, F.S.; defining the terms "career education program" and "institution"; establishing the Graduation Alternative to Traditional Education (GATE) Program; providing the purpose of the program; requiring institutions to waive payments for registration, tuition, laboratory, and examination fees for students enrolled in the program after all

other federal aid is applied; providing eligibility requirements; prohibiting an institution from imposing additional eligibility requirements; requiring the State Board of Education to adopt rules; creating s. 1009.711, F.S.; creating the GATE Scholarship Program; requiring the Department of Education to administer the program; requiring the program to reimburse eligible institutions for student costs; requiring participating institutions to report to the department all students enrolled in the program; providing that reimbursements are contingent on legislative appropriations and may be prorated in the event that total reimbursements owed exceed available funds; requiring the state board to adopt rules; amending s. 1011.80, F.S.; revising the number of courses certain students may be reported for relating to funding purposes; providing that such courses do not have to be core curricula courses; deleting a requirement for the department to develop a list of courses to be designated as core curricula courses; creating s. 1011.804, F.S.; creating the GATE Program Student Success Incentive Fund; defining the term "institution"; providing that, subject to the appropriation of funds by the Legislature, each participating institution must receive an allocation

based on the performance of students in its GATE program according to specified metrics; providing an effective date.

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

Section 1. Paragraph (g) of subsection (1) of section 445.009, Florida Statutes, is amended to read:

445.009 One-stop delivery system.—

(1) The one-stop delivery system is the state's primary customer-service strategy for offering every Floridian access, through service sites or telephone or computer networks, to the following services:

(g) Adult education, ~~and~~ basic skills training, integrated education and training, and the Graduation Alternative to Traditional Education Program under s. 1004.933.

Section 2. Paragraph (c) of subsection (1) of section 1003.21, Florida Statutes, is amended to read:

1003.21 School attendance.—

(1)

(c) A student who attains the age of 16 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age if the student files a formal declaration of intent to terminate school enrollment with the district school board. Public school

students who have attained the age of 16 years and who have not graduated are subject to compulsory school attendance until the formal declaration of intent is filed with the district school board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the student and the student's parent. The school district shall notify the student's parent of receipt of the student's declaration of intent to terminate school enrollment. The student's certified school counselor or other school personnel shall conduct an exit interview with the student to determine the reasons for the student's decision to terminate school enrollment and actions that could be taken to keep the student in school. The student's certified school counselor or other school personnel shall inform the student of opportunities to continue his or her education in a different environment, including, but not limited to, adult education, ~~and~~ high school equivalency examination preparation, and the Graduation Alternative to Traditional Education Program under s. 1004.933. Additionally, the student shall complete a survey in a format prescribed by the Department of Education to provide data on student reasons for terminating enrollment and actions taken by schools to keep students enrolled.

Section 3. Subsection (3) of section 1003.435, Florida Statutes, is amended to read:

1003.435 High school equivalency diploma program.—

(3) Each district school board shall:

(a) Offer and administer the high school equivalency diploma examinations and the subject area examinations to all candidates pursuant to rules of the State Board of Education.

(b) Notify each candidate of adult secondary and postsecondary education options available in or near the district, including the Graduation Alternative to Traditional Education Program under s. 1004.933. The candidate must also be informed of the eligibility requirements and any minimum academic requirements for each available option.

Section 4. Section 1004.933, Florida Statutes, is created to read:

1004.933 Graduation Alternative to Traditional Education (GATE) Program.—

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

(a) "Career education program" means an applied technology diploma program as defined in s. 1004.02(7) or a career certificate program as defined in s. 1004.02(20).

(b) "Institution" means a school district career center established under s. 1001.44, a charter technical career center established under s. 1002.34, or a Florida College System institution identified in s. 1000.21.

(2) ESTABLISHMENT; PURPOSE.—The Graduation Alternative to Traditional Education (GATE) Program is created within the Department of Education for the following purposes:

(a) Assisting students who may have challenges in completing the requirements for a standard high school diploma in a traditional setting.

(b) Creating an alternative education pathway that supports this state's commitment to educational accessibility for all students by providing additional opportunities for students 16 to 21 years of age who have discontinued enrollment in traditional high school programs.

(c) Increasing the number of students who successfully earn a high school credential in this state.

(d) Increasing the number of students in career education programs.

(3) PAYMENT WAIVER; ELIGIBILITY.—

(a) Notwithstanding s.445.009(8)(d) and subject to appropriation, an institution shall waive 100 percent of the registration, tuition, laboratory, and examination fees after all other federal aid is applied for a student participating in the GATE Program, including Workforce Innovation and Opportunity Act funds. Instructional materials assigned for use under the GATE program must be made available to GATE Program students free of charge. An institution may not require payment by students of instructional material costs eligible for reimbursement under s. 1009.711.

(b) To be eligible for participation in the GATE Program, a student may not have earned a standard high school diploma

pursuant to s. 1003.4282 or a high school equivalency diploma pursuant to s. 1003.435 before enrolling in the GATE Program and must:

1. Be a resident of this state as defined under s. 1009.21;

2. Be 16 to 21 years of age at the time of initial enrollment;

4. Select the adult secondary education program and career education program of his or her choice at the time of admission to the GATE Program, provided the program is included on the Master Credential List under s. 445.004(4). The student may not change the requested pathway after enrollment;

5. Maintain a 2.0 GPA for career and technical education coursework; and

6. Notwithstanding s. 1003.435(4), complete the programs under subparagraph 2. within 3 years after initial enrollment unless the institution determines that an extension is warranted due to extenuating circumstances.

(c) Subject to the availability of funds, a student that meets the requirements of paragraph (b) and is enrolled in the GATE program is eligible to receive the stipend specified in s. 1009.895(3).

(d) An institution may not impose additional criteria to determine a student's eligibility to receive a waiver under this section.

(4) STUDENT SUPPORT.-In addition to administering the GATE Program, the Department of Education shall perform the following duties:

(a) Develop and implement a statewide recruitment campaign in conjunction with eligible institutions, local workforce development boards, and other local, regional, or state initiatives that interact with the target population.

(b) Connect prospective students directly to eligible institutions.

(c) Provide access to online career planning tools.

(5) REPORTING.-Beginning October 1, 2025, and each October 1 thereafter, the Department of Education shall submit a report to the Governor, President of the Senate and the Speaker of the House on the number and value of registration, tuition, laboratory, and examination fees and instructional materials costs waived and reimbursed, by institution; the number of students who have obtained a standard high school diploma or high school equivalency diploma while participating in the GATE Program; the number of students completing an applied technology diploma or career certificate while participating in the GATE Program; and the number of students who have earned an industry certificate on the CAPE Industry Certification Funding List while participating in the program. The reporting period shall cover the previous academic year.

(6) RULES.—The State Board of Education shall adopt rules

to implement this section.

Section 5. Section 1009.711, Florida Statutes, is created to read:

1009.711 GATE Scholarship Program.—

(1) The GATE Scholarship Program is created to financially support institutions participating in the GATE Program established pursuant to s. 1004.933.

(2) The Department of Education shall administer the GATE Program in accordance with rules adopted by the State Board of Education pursuant to subsection (6).

(3) The program shall reimburse eligible institutions for registration, tuition, laboratory, and examination fees and related instructional materials costs for students enrolled in the GATE Program. School district career centers and Florida College System institutions must be reimbursed at the in-state resident tuition rate established in s. 1009.22(3)(c).

(4) Each participating institution shall report to the department all students enrolled in the GATE Program during the fall, spring, or summer terms within 30 days after the end of regular registration. For each eligible student, the institution shall report the total reimbursable expenses by category, which the department must consider in determining an institution's award under this section. The department shall reimburse each participating institution no later than 30 days after the institution has reported enrollment for that term.

(5) Reimbursements from the GATE Scholarship Program are contingent upon an annual appropriation in the General Appropriations Act. If the statewide reimbursement amount is greater than the appropriation, the institutional reimbursement amounts specified in subsection (3) must be prorated among the institutions that have timely reported eligible students to the department.

(6) The State Board of Education shall adopt rules to implement this section.

Section 6. Subsection (10) of section 1011.80, Florida Statutes, is amended to read:

1011.80 Funds for operation of workforce education programs.—

(10) A high school student dually enrolled under s. 1007.271 in a workforce education program operated by a Florida College System institution or school district career center generates the amount calculated for workforce education funding, including any payment of performance funding, and the proportional share of full-time equivalent enrollment generated through the Florida Education Finance Program for the student's enrollment in a high school. If a high school student is dually enrolled in a Florida College System institution program, including a program conducted at a high school, the Florida College System institution earns the funds generated for workforce education funding, and the school district earns the

proportional share of full-time equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a career center operated by the same district as the district in which the student attends high school, that district earns the funds generated for workforce education funding and also earns the proportional share of full-time equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a workforce education program provided by a career center operated by a different school district, the funds must be divided between the two school districts proportionally from the two funding sources. A student may not be reported for funding in a dual enrollment workforce education program unless the student has completed the basic skills assessment pursuant to s. 1004.91. A student who is coenrolled in a K-12 education program and an adult education program may be reported for purposes of funding in an adult education program. If a student is coenrolled in ~~core curricula~~ courses for credit recovery or dropout prevention purposes and does not have a pattern of excessive absenteeism or habitual truancy or a history of disruptive behavior in school, the student may be reported for funding for up to four ~~two~~ courses per year. Such a student is exempt from the payment of the block tuition for adult general education programs provided in s. 1009.22(3)(c). ~~The Department of Education shall develop a list of courses to be designated as core curricula courses for the purposes of~~

~~coenrollment.~~

Section 7. Section 1011.804, Florida Statutes, is created to read:

1011.804 GATE Program Student Success Incentive Fund.—

(1) A GATE Program Student Success Incentive Fund is created to reward school districts and institutions for the documented success of students participating in the GATE Program established under s. 1004.933.

(2) As used in this section, the term "institution" means a school district career center established under s. 1001.44, a charter technical career center established under s. 1002.34, or a Florida College System institution identified in s. 1000.21 which offers the GATE Program pursuant to s. 1004.933.

(3) Subject to legislative appropriation, each participating institution must receive an allocation based on the performance of students in its GATE Program according to the following metrics:

(a) The number of students obtaining a standard high school diploma or high school equivalency diploma while participating in the program; and

(b) The number of postsecondary industry certifications or other program completion credentials included on the Master Credential List under s. 445.004(4) earned by students participating in the program. Eligible industry certifications must be identified on the CAPE Industry Certification Funding

List approved by the State Board of Education under s. 1008.44.

(c) In order for a school district or an institution to receive an allocation for a student under this section, the student must meet or exceed the metrics for both paragraphs (a) and (b).

Section 8. This act shall take effect July 1, 2024.