

By Representative Putnam

1 A bill to be entitled
2 An act relating to postsecondary education;
3 creating the "Drug-Free Postsecondary Education
4 Act"; providing definitions; requiring
5 suspension for a specified period by a public
6 educational institution of a student convicted
7 of any offense involving the sale, manufacture,
8 distribution, possession, use, or trafficking
9 of a controlled substance listed in Schedule I,
10 II, or III of s. 893.03, F.S.; providing for
11 forfeiture by the student of certain academic
12 credit otherwise earned or earnable; requiring
13 the public educational institution to revoke
14 credit under certain circumstances; requiring
15 denial for a specified period of state
16 financial aid to a student of a nonpublic
17 educational institution who is convicted of any
18 offense involving the sale, manufacture,
19 distribution, possession, use, or trafficking
20 of a controlled substance listed in Schedule I,
21 II, or III of s. 893.03, F.S.; requiring the
22 nonpublic educational institution to agree to
23 comply with the provisions for denial of
24 financial aid in order to be eligible to have
25 its students receive certain state funds;
26 requiring any applicant for state financial aid
27 to state in the application whether he or she
28 has been convicted of the offense of sale,
29 manufacture, distribution, possession, use, or
30 trafficking of a controlled substance listed in
31 Schedule I, II, or III of s. 893.03, F.S.;

1 providing for construction; prohibiting failure
2 to disclose information of such conviction or
3 making a false statement regarding such
4 information on the application for state
5 financial aid; providing penalties; requiring
6 the Department of Corrections to provide a list
7 no less often than quarterly of all persons
8 convicted of such offenses who are under the
9 supervision of the department pursuant to a
10 sentence of probation or community control;
11 providing for severability; providing an
12 effective date.

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

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16 Section 1. SHORT TITLE.--This act shall be known and
17 may be cited as the "Drug-Free Postsecondary Education Act."

18 Section 2. DEFINITIONS.--As used in this act, the
19 term:

20 (1) "Convicted" or "conviction" refers to a plea of
21 guilty, a finding of guilty by a court of competent
22 jurisdiction, or the acceptance of a plea of nolo contendere
23 upon which an adjudication of guilt is based, irrespective of
24 pendency or availability of any appeal or application for
25 collateral relief.

26 (2) "Date of conviction" means the date that the trial
27 court determines guilt and enters judgment thereon or the date
28 on which the court accepts a plea of nolo contendere.

29 (3) "Nonpublic educational institution" means any
30 postsecondary educational institution not established,
31 operated, or governed by this state.

1 (4) "Public educational institution" means any
2 community college, college, university, or other institution
3 of higher learning under the management and control of the
4 Board of Regents of the University System or the State Board
5 of Community Colleges.

6 (5) "Student" means any person who is enrolled as a
7 student in courses for academic credit on a full-time,
8 part-time, temporary, or intermittent basis in any public or
9 nonpublic educational institution.

10 Section 3. SUSPENSION FROM A PUBLIC EDUCATIONAL
11 INSTITUTION.--

12 (1) Any student of a public educational institution
13 who is convicted, under the laws of this state, the United
14 States, or any other state, of any offense involving the sale,
15 manufacture, distribution, possession, use, or trafficking of
16 a controlled substance listed in Schedule I, II, or III of s.
17 893.03, Florida Statutes, shall, as of the date of conviction,
18 be suspended from the public educational institution in which
19 such person is enrolled.

20 (2) Except for cases in which the institution has
21 previously taken disciplinary action against a student for the
22 same offense, such suspension shall be effective as of the
23 date of conviction, even though the educational institution
24 may not complete all administrative actions necessary to
25 implement such suspension until a later date. Except for
26 cases in which the institution has already imposed
27 disciplinary sanctions for the same offense, such suspension
28 shall continue through the end of the term, quarter, semester,
29 or other similar period for which the student was enrolled as
30 of the date of conviction. The student shall forfeit any
31 right to any academic credit otherwise earned or earnable for

1 such term, quarter, semester, or other similar period; and the
2 educational institution shall subsequently revoke any such
3 academic credit which is granted prior to the completion of
4 administrative actions necessary to implement such suspension.

5 Section 4. SUSPENSION OF STATE FINANCIAL AID USED TO
6 ATTEND A NONPUBLIC EDUCATIONAL INSTITUTION.--

7 (1) Notwithstanding s. 240.404, Florida Statutes, any
8 student of a nonpublic educational institution who is
9 convicted, under the laws of this state, the United States, or
10 any other state, of any offense involving the sale,
11 manufacture, distribution, possession, use, or trafficking of
12 a controlled substance listed in Schedule I, II, or III of s.
13 893.03, Florida Statutes, shall, as of the date of conviction,
14 be denied state funds for any state financial aid award,
15 including, but not limited to, the Florida Gold Seal
16 Vocational Scholars award, the Florida Academic Scholars
17 award, and the Florida Merit Scholars award.

18 (2) Such denial of a state financial aid award shall
19 be effective as of the first day of the term, quarter,
20 semester, or other similar period for which the student is
21 enrolled immediately following the date of conviction, and
22 shall continue through the end of such term, quarter,
23 semester, or other similar period for which the student was
24 enrolled.

25 (3) Any nonpublic educational institution operating
26 within this state that receives state funds shall agree to
27 comply with this section in order to be eligible for its
28 students to receive state funds through scholarships, grants,
29 or loan programs.

30 Section 5. RIGHT OF EDUCATIONAL INSTITUTION TO ENFORCE
31 ADDITIONAL SANCTIONS.--The suspension sanctions and sanctions

1 involving denial of state funds as prescribed in this act are
2 intended as minimum sanctions, and nothing in this act shall
3 be construed to prohibit any educational institution from
4 establishing and implementing additional or more stringent
5 sanctions for felony offenses and other conduct involving the
6 unlawful sale, manufacture, distribution, possession, use, or
7 trafficking of a controlled substance listed in Schedule I,
8 II, or III of s. 893.03, Florida Statutes.

9 Section 6. Any applicant for state financial aid shall
10 state in the application for financial aid whether he or she
11 has been convicted of the sale, manufacture, distribution,
12 possession, use, or trafficking of a controlled substance
13 listed in Schedule I, II, or III of s. 893.03, Florida
14 Statutes. Any person failing to disclose such information, or
15 making a false statement regarding such information in an
16 application for state financial aid, commits a misdemeanor of
17 the first degree, punishable as provided in s. 775.082 or
18 775.083, Florida Statutes.

19 Section 7. Upon request the Department of Corrections
20 shall, at least quarterly, provide a list of all persons
21 convicted of the sale, manufacture, distribution, possession,
22 use, or trafficking of a controlled substance listed in
23 Schedule I, II, or III of s. 893.03, Florida Statutes, under
24 the supervision of the department pursuant to a sentence of
25 probation or community control.

26 Section 8. This act shall take effect July 1 of the
27 year in which enacted, and shall apply to offenses committed
28 on or after that date.

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HOUSE SUMMARY

Creates the "Drug-Free Postsecondary Education Act."
 Requires suspension for a specified period by a public
 educational institution of a student convicted of any
 offense involving the sale, manufacture, distribution,
 possession, use, or trafficking of a controlled substance
 listed in Schedule I, II, or III of s. 893.03, F.S.
 Requires the public educational institution to revoke
 credit under certain circumstances. Requires denial for
 a specified period of state funds for financial aid to a
 student of a nonpublic educational institution who is
 convicted of any specified offense involving such a
 controlled substance. Requires the nonpublic educational
 institution to agree to comply with the provisions for
 denial of financial aid in order to be eligible to have
 its students receive certain state funds. Requires any
 applicant for state financial aid to state in the
 application whether he or she has been convicted of such
 offense. Prohibits failing to disclose information of
 such conviction or making a false statement regarding
 such information on the application for state financial
 aid. Provides penalties. Requires the Department of
 Corrections to provide a list upon request of all persons
 convicted of such offenses who are under the supervision
 of the department pursuant to a sentence of probation or
 community control.