

By Senator Lee

23-941-98

See HB

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 section 240.404, Florida Statutes,  
8 any 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  
13 section 893.03, Florida Statutes, shall, as of the date of  
14 conviction, be denied state funds for any state financial aid  
15 award, 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 section 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 section 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 section 775.082 or  
18 section 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 section 893.03, Florida Statutes,  
24 under the supervision of the department pursuant to a sentence  
25 of 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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LEGISLATIVE 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.