

By Representative Diaz-Balart

1                                   A bill to be entitled  
2           An act relating to student financial  
3           assistance; amending s. 231.621, F.S.;  
4           providing for loan repayments under the  
5           Critical Teacher Shortage Student Loan  
6           Forgiveness Program directly to the teacher  
7           under certain circumstances; amending s.  
8           240.209, F.S.; revising language with respect  
9           to student fees; increasing the percentage of  
10          funds from the financial aid fee to be used for  
11          financial aid for certain Florida residents;  
12          providing for an annual report; amending s.  
13          240.271, F.S.; requiring that a minimum  
14          percentage of funds provided in the General  
15          Appropriations Act for fellowship and fee  
16          waivers shall be used only to support graduate  
17          students or upper-division students in certain  
18          disciplines; amending s. 240.35, F.S.; revising  
19          language with respect to student fees;  
20          increasing the percentage of funds from the  
21          financial aid fee to be used for financial aid  
22          for certain Florida residents; reenacting and  
23          amending s. 240.40201, F.S.; revising general  
24          student eligibility requirements for the  
25          Florida Bright Futures Scholarship Program;  
26          revising provisions relating to transmittal of  
27          payments for awards; reenacting and amending s.  
28          240.40202, F.S., relating to the Florida Bright  
29          Futures Scholarship Program; providing a  
30          definition for purposes of eligibility;  
31          revising language with respect to reinstatement

1 applications; reenacting and amending s.  
2 240.40203, F.S.; providing requirements for  
3 renewal, reinstatement, and restoration awards  
4 under the Florida Bright Futures Scholarship  
5 Program; reenacting and amending s. 240.40204,  
6 F.S.; updating obsolete language with respect  
7 to eligible postsecondary education  
8 institutions under the Florida Bright Futures  
9 Scholarship Program; reenacting and amending s.  
10 240.40205, F.S.; revising language with respect  
11 to the Florida Academic Scholars award;  
12 revising provisions relating to the calculation  
13 of awards; including transition language  
14 currently in statute; reenacting and amending  
15 s. 240.40206, F.S.; changing the name of the  
16 Florida Merit Scholars award to the Florida  
17 Medallion Scholars award; revising eligibility  
18 requirements with respect to the award;  
19 revising provisions relating to the calculation  
20 of awards; reenacting and amending s.  
21 240.40207, F.S.; revising eligibility  
22 requirements with respect to the Florida Gold  
23 Seal Vocational Scholars award; revising  
24 provisions relating to the calculation of  
25 awards; providing restrictions on use of the  
26 award; providing for transfer of awards;  
27 including transition language currently in  
28 statute; creating s. 240.40211, F.S.; providing  
29 for Florida Bright Futures Scholarship Program  
30 targeted occupations; providing student awards;  
31 repealing s. 240.40208, F.S., relating to

1 transition language for eligibility for the  
2 Florida Bright Futures Scholarship Program;  
3 repealing s. 240.40209, F.S., relating to the  
4 calculation of awards for Florida Bright  
5 Futures Scholarship recipients attending  
6 nonpublic institutions; repealing s. 240.40242,  
7 F.S., relating to the use of certain  
8 scholarship funds by children of deceased or  
9 disabled veterans; amending s. 240.404, F.S.;  
10 revising language with respect to general  
11 requirements for student eligibility for state  
12 financial aid; reenacting, renumbering, and  
13 amending ss. 240.2985 and 240.6054, F.S.;  
14 revising and combining provisions relating to  
15 ethics in business scholarships; amending s.  
16 240.409, F.S.; revising language with respect  
17 to the Florida Public Student Assistance Grant  
18 Program; amending s. 240.4095, F.S.; revising  
19 language with respect to the Florida Private  
20 Student Assistance Grant Program; amending s.  
21 240.4097, F.S.; revising language with respect  
22 to the Florida Postsecondary Student Assistance  
23 Grant Program; creating s. 240.40975, F.S.;  
24 providing for priority with respect to Florida  
25 student assistance grant programs; amending s.  
26 240.4128, F.S.; revising language with respect  
27 to the minority teacher education scholars  
28 program; requiring participating institutions  
29 to report on eligible students to whom  
30 scholarships are disbursed each academic term;  
31 amending s. 240.437, F.S.; revising language

1 with respect to student financial aid planning  
2 and development; amending s. 240.465, F.S.;  
3 deleting language which prohibits certain  
4 delinquent borrowers from being furnished with  
5 their academic transcripts; reenacting and  
6 amending s. 240.551, F.S.; revising language  
7 with respect to the Florida Prepaid College  
8 Program; revising language with respect to  
9 transfer and refund provisions; creating s.  
10 240.6053, F.S.; providing for academic program  
11 contracts and for funding thereof; amending s.  
12 295.01, F.S., relating to the education of  
13 children of deceased or disabled veterans;  
14 clarifying student eligibility requirements;  
15 amending s. 295.02, F.S.; including  
16 postsecondary education institutions eligible  
17 to participate in the Florida Bright Futures  
18 Scholarship Program among institutions in which  
19 an eligible student may receive an award under  
20 chapter 295, F.S.; providing effective dates.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. Paragraph (c) of subsection (2) of section  
25 231.621, Florida Statutes, is amended to read:

26 231.621 Critical Teacher Shortage Student Loan  
27 Forgiveness Program.--

28 (2) From the funds available, the Department of  
29 Education may make loan principal repayments as follows:

30 (c) All repayments shall be contingent on continued  
31 proof of employment in the designated subject areas in this

1 state and shall be made directly to the holder of the loan or,  
2 in case of a loan being paid in full, directly to the teacher.  
3 The state shall not bear responsibility for the collection of  
4 any interest charges or other remaining balance. In the event  
5 that designated critical teacher shortage subject areas are  
6 changed by the State Board of Education, a teacher shall  
7 continue to be eligible for loan forgiveness as long as he or  
8 she continues to teach in the subject area for which the  
9 original loan repayment was made and otherwise meets all  
10 conditions of eligibility.

11 Section 2. Effective July 1, 2002, paragraph (e) of  
12 subsection (3) of section 240.209, Florida Statutes, is  
13 amended to read:

14 240.209 Board of Regents; powers and duties.--

15 (3) The board shall:

16 (e) Establish student fees.

17 1. By no later than December 1 of each year, the board  
18 shall raise the systemwide standard for resident undergraduate  
19 matriculation and financial aid fees for the subsequent fall  
20 term, up to but no more than 25 percent of the prior year's  
21 cost of undergraduate programs. In implementing this  
22 paragraph, fees charged for graduate, medical, veterinary, and  
23 dental programs may be increased by the Board of Regents in  
24 the same percentage as the increase in fees for resident  
25 undergraduates. However, in the absence of legislative action  
26 to the contrary in an appropriations act, the board may not  
27 approve annual fee increases for resident students in excess  
28 of 10 percent. The sum of nonresident student matriculation  
29 and tuition fees must be sufficient to defray the full cost of  
30 undergraduate education. Graduate, medical, veterinary, and  
31 dental fees charged to nonresidents may be increased by the

1 board in the same percentage as the increase in fees for  
2 nonresident undergraduates. However, in implementing this  
3 policy and in the absence of legislative action to the  
4 contrary in an appropriations act, annual fee increases for  
5 nonresident students may not exceed 25 percent. In the absence  
6 of legislative action to the contrary in the General  
7 Appropriations Act, the fees shall go into effect for the  
8 following fall term.

9           2. When the appropriations act requires a new fee  
10 schedule, the board shall establish a systemwide standard fee  
11 schedule required to produce the total fee revenue established  
12 in the appropriations act based on the product of the assigned  
13 enrollment and the fee schedule. The board may approve the  
14 expenditure of any fee revenues resulting from the product of  
15 the fee schedule adopted pursuant to this section and the  
16 assigned enrollment.

17           3. Upon provision of authority in a General  
18 Appropriations Act to spend revenue raised pursuant to this  
19 section, the board shall approve a university request to  
20 implement a matriculation and out-of-state tuition fee  
21 schedule which is calculated to generate revenue which varies  
22 no more than 10 percent from the standard fee revenues  
23 authorized through an appropriations act. In implementing an  
24 alternative fee schedule, the increase in cost to a student  
25 taking 15 hours in one term shall be limited to 5 percent.  
26 Matriculation and out-of-state tuition fee revenues generated  
27 as a result of this provision are to be expended for  
28 implementing a plan for achieving accountability goals adopted  
29 pursuant to s. 240.214 and for implementing a Board of  
30 Regents-approved plan to contain student costs by reducing the  
31 time necessary for graduation without reducing the quality of

1 instruction. The plans shall be recommended by a  
2 universitywide committee, at least one-half of whom are  
3 students appointed by the student body president. A  
4 chairperson, appointed jointly by the university president and  
5 the student body president, shall vote only in the case of a  
6 tie.

7           4. The board may implement individual university plans  
8 for a differential out-of-state tuition fee for universities  
9 that have a service area that borders another state.

10           5. The board is authorized to collect for financial  
11 aid purposes an amount not to exceed 5 percent of the student  
12 tuition and matriculation fee per credit hour. The revenues  
13 from fees are to remain at each campus and replace existing  
14 financial aid fees. Such funds shall be disbursed to students  
15 as quickly as possible. The board shall specify specific  
16 limits on the percent of the fees collected in a fiscal year  
17 which may be carried forward unexpended to the following  
18 fiscal year. One hundred ~~A minimum of 50~~ percent of funds from  
19 the student financial aid fee shall be used to provide  
20 financial aid based on absolute need to students who are  
21 classified as Florida residents for tuition purposes pursuant  
22 to s. 240.1201. A student who has received an award prior to  
23 July 1, 1984, shall have his or her eligibility assessed on  
24 the same criteria that was used at the time of his or her  
25 original award. Each institution shall submit to the board an  
26 annual report of the revenue collected pursuant to this  
27 subparagraph and a profile of award recipients.

28           6. The board may recommend to the Legislature an  
29 appropriate systemwide standard matriculation and tuition fee  
30 schedule.

31

1           7. The Education and General Student and Other Fees  
2 Trust Fund is hereby created, to be administered by the  
3 Department of Education. Funds shall be credited to the trust  
4 fund from student fee collections and other miscellaneous fees  
5 and receipts. The purpose of the trust fund is to support the  
6 instruction and research missions of the State University  
7 System. Notwithstanding the provisions of s. 216.301, and  
8 pursuant to s. 216.351, any balance in the trust fund at the  
9 end of any fiscal year shall remain in the trust fund and  
10 shall be available for carrying out the purposes of the trust  
11 fund.

12           8. The board is further authorized to establish the  
13 following fees:

14           a. A nonrefundable application fee in an amount not to  
15 exceed \$30.

16           b. An admissions deposit fee for the University of  
17 Florida College of Dentistry in an amount not to exceed \$200.

18           c. An orientation fee in an amount not to exceed \$35.

19           d. A fee for security, access, or identification  
20 cards. The annual fee for such a card may not exceed \$10 per  
21 card. The maximum amount charged for a replacement card may  
22 not exceed \$15.

23           e. Registration fees for audit and zero-hours  
24 registration; a service charge, which may not exceed \$15, for  
25 the payment of tuition in installments; and a  
26 late-registration fee in an amount not less than \$50 nor more  
27 than \$100 to be imposed on students who fail to initiate  
28 registration during the regular registration period.

29           f. A late-payment fee in an amount not less than \$50  
30 nor more than \$100 to be imposed on students who fail to pay  
31 or fail to make appropriate arrangements to pay (by means of

1 installment payment, deferment, or third-party billing)  
2 tuition by the deadline set by each university. Each  
3 university may adopt specific procedures or policies for  
4 waiving the late-payment fee for minor underpayments.

5 g. A fee for miscellaneous health-related charges for  
6 services provided at cost by the university health center  
7 which are not covered by the health fee set under s.  
8 240.235(1).

9 h. Materials and supplies fees to offset the cost of  
10 materials or supplies that are consumed in the course of the  
11 student's instructional activities, excluding the cost of  
12 equipment replacement, repairs, and maintenance.

13 i. Housing rental rates and miscellaneous housing  
14 charges for services provided by the university at the request  
15 of the student.

16 j. A charge representing the reasonable cost of  
17 efforts to collect payment of overdue accounts.

18 k. A service charge on university loans in lieu of  
19 interest and administrative handling charges.

20 l. A fee for off-campus course offerings when the  
21 location results in specific, identifiable increased costs to  
22 the university.

23 m. Library fees and fines, including charges for  
24 damaged and lost library materials, overdue reserve library  
25 books, interlibrary loans, and literature searches.

26 n. Fees relating to duplicating, photocopying,  
27 binding, and microfilming; copyright services; and  
28 standardized testing. These fees may be charged only to those  
29 who receive the services.

30 o. Fees and fines relating to the use, late return,  
31 and loss and damage of facilities and equipment.

1 p. A returned-check fee as authorized by s. 832.07(1)  
2 for unpaid checks returned to the university.

3 q. Traffic and parking fines, charges for parking  
4 decals, and transportation access fees.

5 r. An Educational Research Center for Child  
6 Development fee for child care and services offered by the  
7 center.

8 s. Fees for transcripts and diploma replacement, not  
9 to exceed \$10 per item.

10 Section 3. Effective July 1, 2002, subsection (7) is  
11 added to section 240.271, Florida Statutes, to read:

12 240.271 State University System; funding.--

13 (7) A minimum of 75 percent of the funds provided in  
14 the General Appropriations Act for fellowship and fee waivers  
15 shall be used only to support graduate students or  
16 upper-division students formally admitted to programs in the  
17 following disciplines: computer and information sciences;  
18 engineering; engineering technology; biology sciences/life  
19 sciences; mathematics; physical sciences; and health  
20 professions and related sciences. The State University System  
21 shall report annually to the Legislature the distribution of  
22 fellowships and fee waivers provided, including, but not  
23 limited to, the number of awards, the dollar value of the  
24 awards, student level, student discipline, and the number and  
25 percent of fee-waiver recipients remaining in the state  
26 following graduation who are employed in the field directly  
27 related to the discipline for which the fee waiver was  
28 received.

29 Section 4. Effective July 1, 2002, subsection (11) of  
30 section 240.35, Florida Statutes, is amended to read:

31

1           240.35 Student fees.--Unless otherwise provided, the  
2 provisions of this section apply only to fees charged for  
3 college credit instruction leading to an associate in arts  
4 degree, an associate in applied science degree, or an  
5 associate in science degree and noncollege credit  
6 college-preparatory courses defined in s. 239.105.

7           (11)(a) Each community college is authorized to  
8 establish a separate fee for financial aid purposes in an  
9 additional amount up to, but not to exceed, 5 percent of the  
10 total student tuition or matriculation fees collected. Each  
11 community college may collect up to an additional 2 percent if  
12 the amount generated by the total financial aid fee is less  
13 than \$250,000. If the amount generated is less than \$250,000,  
14 a community college that charges tuition and matriculation  
15 fees at least equal to the average fees established by rule  
16 may transfer from the general current fund to the scholarship  
17 fund an amount equal to the difference between \$250,000 and  
18 the amount generated by the total financial aid fee  
19 assessment. No other transfer from the general current fund to  
20 the loan, endowment, or scholarship fund, by whatever name  
21 known, is authorized.

22           (b) All funds collected under this program shall be  
23 placed in the loan and endowment fund or scholarship fund of  
24 the college, by whatever name known. Such funds shall be  
25 disbursed to students as quickly as possible. An amount not  
26 greater than 40 percent of the fees collected in a fiscal year  
27 may be carried forward unexpended to the following fiscal  
28 year. However, funds collected prior to July 1, 1989, and  
29 placed in an endowment fund may not be considered part of the  
30 balance of funds carried forward unexpended to the following  
31 fiscal year.

1           (c) One hundred ~~Up to 25 percent or \$300,000,~~  
2 ~~whichever is greater, of the financial aid fees collected may~~  
3 ~~be used to assist students who demonstrate academic merit; who~~  
4 ~~participate in athletics, public service, cultural arts, and~~  
5 ~~other extracurricular programs as determined by the~~  
6 ~~institution; or who are identified as members of a targeted~~  
7 ~~gender or ethnic minority population. The financial aid fee~~  
8 ~~revenues allocated for athletic scholarships and fee~~  
9 ~~exemptions provided pursuant to subsection (17) for athletes~~  
10 ~~shall be distributed equitably as required by s.~~  
11 ~~228.2001(3)(d). A minimum of 50 percent of the balance of~~  
12 ~~these funds~~ from the student financial aid fee shall be used  
13 to provide financial aid based on absolute need to students  
14 who are classified as Florida residents for tuition purposes  
15 pursuant to s. 240.1201., ~~and the remainder of the funds shall~~  
16 ~~be used for academic merit purposes and other purposes~~  
17 ~~approved by the district boards of trustees. Such other~~  
18 ~~purposes shall include the payment of child care fees for~~  
19 ~~students with financial need. The State Board of Community~~  
20 ~~Colleges shall develop criteria for making financial aid~~  
21 ~~awards. Each college shall report annually to the Department~~  
22 ~~of Education~~ the revenue collected pursuant to this subsection  
23 and a profile of award recipients ~~on the criteria used to make~~  
24 ~~awards, the amount and number of awards for each criterion,~~  
25 ~~and a delineation of the distribution of such awards. Awards~~  
26 ~~which are based on financial need shall be distributed in~~  
27 ~~accordance with a nationally recognized system of need~~  
28 ~~analysis approved by the State Board of Community Colleges. An~~  
29 ~~award for academic merit shall require a minimum overall grade~~  
30 ~~point average of 3.0 on a 4.0 scale or the equivalent for both~~  
31 ~~initial receipt of the award and renewal of the award.~~

1 (d) These funds may not be used for direct or indirect  
2 administrative purposes or salaries.

3 Section 5. Notwithstanding subsection (7) of section 3  
4 of chapter 2000-321, Laws of Florida, section 240.40201,  
5 Florida Statutes, shall not stand repealed on January 7, 2003,  
6 and is reenacted and amended to read:

7 240.40201 Florida Bright Futures Scholarship  
8 Program.--

9 (1) The Florida Bright Futures Scholarship Program is  
10 created to establish a lottery-funded scholarship program to  
11 reward any Florida high school graduate who merits recognition  
12 of high academic achievement and who enrolls in a degree  
13 program, certificate program, or applied technology diploma  
14 program at an eligible Florida public or private postsecondary  
15 education institution within 7 3 years of graduation from high  
16 school. No award shall be provided to a student beyond 7 years  
17 after high school graduation, regardless of the year in which  
18 a student first receives scholarship funding.

19 (2) The Bright Futures Scholarship Program consists of  
20 three types of awards, the Florida Academic Scholarship, the  
21 Florida Medallion ~~Merit~~ Scholarship, and the Florida  
22 ~~Vocational~~ Gold Seal Vocational Scholarship.

23 (3) The Department of Education shall administer the  
24 Bright Futures Scholarship Program according to rules and  
25 procedures established by the Commissioner of Education. A  
26 single application must be sufficient for a student to apply  
27 for any of the three types of awards. The department must  
28 advertise the availability of the scholarship program and must  
29 notify students, teachers, parents, guidance counselors, and  
30 principals or other relevant school administrators of the  
31 criteria and application procedures. The department must begin

1 this process of notification no later than January 1 of each  
2 year.

3 (4) Funding for the Bright Futures Scholarship Program  
4 must be allocated from the Education Enhancement Trust Fund  
5 and must be provided before allocations from that fund are  
6 calculated for disbursement to other educational entities.

7 (a) If funds appropriated are not adequate to provide  
8 the maximum allowable award to each eligible applicant, awards  
9 in all three components of the program must be prorated using  
10 the same percentage reduction.

11 (b) Notwithstanding s. 216.301, if all funds allocated  
12 to the Bright Futures Scholarship Program are not used in any  
13 fiscal year, up to 10 percent of the total allocation may be  
14 carried forward and used for awards in the following year.

15 (5) The department shall issue awards from the  
16 scholarship program annually. ~~Annual awards may be for up to~~  
17 ~~45 semester credit hours or the equivalent. Before the~~  
18 ~~registration period each semester, the department shall~~  
19 ~~transmit payment for each award to the president or director~~  
20 ~~of the postsecondary education institution, or his or her~~  
21 ~~representative, except that the department may withhold~~  
22 ~~payment if the receiving institution fails to report or to~~  
23 ~~make refunds to the department as required in this act.~~

24 (a) ~~Within 30 days after the end of regular~~  
25 ~~registration each semester,~~The educational institution shall  
26 certify to the department the initial or continued eligibility  
27 status of an award recipient as well as the number of credit  
28 hours upon which the calculation of the student's award is to  
29 be based ~~each student who receives an award.~~ Upon receipt of  
30 this information, the department shall transmit payment for  
31 the awards to the president or director of the postsecondary

1 education institution, or his or her representative. An  
2 institution may obtain authorization from an award recipient  
3 in advance to apply the value of the award the student  
4 receives to any balances owed the institution by the student  
5 for educational expenses. Otherwise, such funds shall be  
6 disbursed directly to the award recipient as quickly as  
7 possible.After the end of the drop and add period, an  
8 institution is not required to reevaluate or revise a  
9 student's eligibility status, but must make a refund to the  
10 department if a student who receives an award disbursement  
11 terminates enrollment for any reason during an academic term  
12 and a refund is permitted by the institution's refund policy.

13 (b) An institution that receives funds from the  
14 program shall certify to the department the amount of funds  
15 disbursed to each student and shall remit to the department  
16 any undisbursed advances within 60 days after the end of  
17 regular registration.

18 (c) Each institution that receives moneys through this  
19 program shall prepare an annual report that includes an  
20 independent external audit or an audit prepared by the Office  
21 of the Auditor General. The report shall include an audit of  
22 the institution's administration of the program and a complete  
23 accounting of the moneys for the program. This report must be  
24 submitted to the department annually by March 1. The  
25 department may conduct its own annual audit of an  
26 institution's administration of the program. The department  
27 may request a refund of any moneys overpaid to the institution  
28 for the program. The department may suspend or revoke an  
29 institution's eligibility to receive future moneys for the  
30 program if the department finds that an institution has not  
31 complied with this section. The institution must remit within

1 60 days any refund requested in accordance with this  
2 subsection.

3 (6) A student enrolled in 6 to 8 semester credit hours  
4 may receive up to one-half of the maximum award; a student  
5 enrolled in 9 to 11 credit hours may receive up to  
6 three-fourths of the maximum award; and a student enrolled in  
7 12 or more credit hours may receive up to the full award.

8 (7) A student may receive only one type of award from  
9 the Florida Bright Futures Scholarship Program at a time, but  
10 may transfer from one type of award to another through the  
11 renewal application process, if the student's eligibility  
12 status changes. However, a student is not eligible to transfer  
13 from a Florida Medallion Merit Scholarship or a Florida  
14 ~~Vocational~~ Gold Seal Vocational Scholarship to a Florida  
15 Academic Scholarship. A student who receives an award from the  
16 program may also receive a federal family education loan or a  
17 federal direct loan, and the value of the award must be  
18 considered in the certification or calculation of the  
19 student's loan eligibility.

20 (8) If a recipient transfers from one eligible  
21 institution to another and continues to meet eligibility  
22 requirements, the award must be transferred with the student.

23 (9) A student may use an award for summer term  
24 enrollment if funds are available.

25 (10) Funds from any scholarship within the Florida  
26 Bright Futures Scholarship Program may not be used to pay for  
27 remedial or college-preparatory coursework.

28 Section 6. Notwithstanding subsection (7) of section 3  
29 of chapter 2000-321, Laws of Florida, section 240.40202,  
30 Florida Statutes, shall not stand repealed on January 7, 2003,  
31 and is reenacted and amended to read:

1           240.40202 Florida Bright Futures Scholarship Program;  
2 student eligibility requirements for initial awards.--

3           (1) To be eligible for an initial award from any of  
4 the three types of scholarships under the Florida Bright  
5 Futures Scholarship Program, a student must:

6           (a) Be a Florida resident as defined in s. 240.404 and  
7 rules of the State Board of Education.

8           (b) Earn a standard Florida high school diploma or its  
9 equivalent as described in s. 232.246 or s. 229.814 unless:

10           1. The student is enrolled full time in the early  
11 admission program of an eligible postsecondary education  
12 institution or completes a home education program according to  
13 s. 232.0201; or

14           2. The student earns a high school diploma from a  
15 non-Florida school while living with a parent or guardian who  
16 is on military or public service assignment away from Florida.

17 "Public service assignment," as used in this subparagraph,  
18 means the occupational assignment outside Florida of a person  
19 who is a permanent resident of Florida and who is employed by  
20 the United States Government or the State of Florida, a  
21 condition of which employment is assignment outside Florida.

22           (c) Be accepted by and enroll in an eligible Florida  
23 public or independent postsecondary education institution.

24           (d) Be enrolled for at least 6 semester credit hours  
25 or the equivalent in quarter hours or clock hours.

26           (e) Not have been found guilty of, or have pled ~~plead~~  
27 nolo contendere to or guilty to, a felony charge, unless the  
28 student has been granted clemency by the Governor and Cabinet  
29 sitting as the Executive Office of Clemency.

30           (f) Apply for a scholarship from the program by  
31 December 31 after ~~April 1 of the last semester before~~ high

1 school graduation. There is no application deadline for a  
2 student graduating from a non-Florida school pursuant to  
3 subparagraph (b)2.

4       (2) ~~A student is eligible to accept an initial award~~  
5 ~~for 3 years following high school graduation and to accept a~~  
6 ~~renewal award for 7 years following high school graduation.~~A  
7 student who applies for an award by April 1 and who meets all  
8 other eligibility requirements, but who does not accept his or  
9 her award during the first year of eligibility after high  
10 school graduation, may apply for reinstatement of the award  
11 for use within 7 reapply during subsequent application periods  
12 up to 3 years after high school graduation. Reinstatement  
13 applications must be received by the deadline established by  
14 the Department of Education.

15       (3) For purposes of calculating the grade point  
16 average to be used in determining initial eligibility for a  
17 Florida Bright Futures scholarship, the department shall  
18 assign additional weights to grades earned in the following  
19 courses:

20       (a) Courses identified in the course code directory as  
21 Advanced Placement, pre-International Baccalaureate, or  
22 International Baccalaureate.

23       (b) Courses designated as academic dual enrollment  
24 courses in the statewide course numbering system.

25

26 The department may assign additional weights to courses, other  
27 than those described in paragraphs (a) and (b), that are  
28 identified by the Articulation Coordinating Committee as  
29 containing rigorous academic curriculum and performance  
30 standards. The additional weight assigned to a course pursuant  
31 to this subsection shall not exceed 0.5 per course. The

1 weighted system shall be developed and distributed to all high  
2 schools in the state prior to January 1, 1998. The department  
3 may determine a student's eligibility status during the senior  
4 year before graduation and may inform the student of the award  
5 at that time.

6 (4) A student who wishes to qualify for a particular  
7 award within the Florida Bright Futures Scholarship Program,  
8 but who does not meet all of the requirements for that level  
9 of award, may, nevertheless, receive the award if the  
10 principal of the student's school or the district  
11 superintendent verifies that the deficiency is caused by the  
12 fact that school district personnel provided inaccurate or  
13 incomplete information to the student. The school district  
14 must provide a means for the student to correct the  
15 deficiencies and the student must correct them, either by  
16 completing comparable work at the postsecondary institution or  
17 by completing a directed individualized study program  
18 developed and administered by the school district. If the  
19 student does not complete the requirements by December 31  
20 immediately following high school graduation, the student is  
21 ineligible to participate in the program.

22 Section 7. Notwithstanding subsection (7) of section 3  
23 of chapter 2000-321, Laws of Florida, section 240.40203,  
24 Florida Statutes, shall not stand repealed on January 7, 2003,  
25 and is reenacted and amended to read:

26 240.40203 Florida Bright Futures Scholarship Program;  
27 student eligibility requirements for renewal, reinstatement,  
28 and restoration awards.--

29 ~~(1)~~ To be eligible to receive ~~renew~~ a scholarship from  
30 any of the three types of scholarships under the Florida  
31 Bright Futures Scholarship Program after the first year of

1 eligibility, a student must meet the following requirements  
2 for renewal, reinstatement, or restoration:

3 (1)(a) Renewal applies to students who receive an  
4 award for at least one term during the academic year. For  
5 renewal, a student must complete at least 12 semester credit  
6 hours or the equivalent in the last academic year in which the  
7 student earned a scholarship and:

8 (b) Maintain the cumulative grade point average  
9 required by the scholarship program, except that:

10 (a) If a recipient's grades fall beneath the average  
11 required to renew a Florida Academic Scholarship, but are  
12 sufficient to renew a Florida Medallion Merit Scholarship ~~or a~~  
13 ~~Florida Vocational Gold Seal Scholarship~~, the Department of  
14 Education may grant a renewal to the Florida Medallion  
15 Scholarship Program ~~from one of those other scholarship~~  
16 ~~programs, if the student meets the renewal eligibility~~  
17 ~~requirements; or~~

18 (b) If, upon renewal evaluation, a student fails to  
19 meet the renewal criteria pursuant to this section, credit  
20 hours and grades earned during the following summer term may  
21 be used to satisfy the renewal requirements.~~2. If, at any~~  
22 ~~time during the eligibility period, a student's grades are~~  
23 ~~insufficient to renew the scholarship, the student may restore~~  
24 ~~eligibility by improving the grade point average to the~~  
25 ~~required level. A student is eligible for such a reinstatement~~  
26 ~~only once.~~The Legislature encourages education institutions  
27 to assist students to calculate whether or not it is possible  
28 to raise the grade point average during the summer term. ~~If~~  
29 ~~the institution determines that it is possible, the education~~  
30 ~~institution may so inform the department, which may reserve~~  
31 ~~the student's award if funds are available.~~The renewal,

1 however, must not be granted until the student achieves the  
2 required cumulative grade point average and earns the required  
3 number of hours. If, during the summer term, a student does  
4 not earn ~~is not~~ sufficient hours or to raise the grade point  
5 average to the required renewal level, the student shall not  
6 be eligible for an award ~~student's next opportunity for~~  
7 ~~renewal is the fall semester of the following academic year.~~

8 (2) Reinstatement applies to students who were  
9 eligible but did not receive an award during the previous  
10 academic year or years, and who may apply to reestablish use  
11 of the scholarship. For reinstatement, a student must have  
12 been eligible at the time of the student's most recent Florida  
13 Bright Futures Scholarship eligibility determination. The  
14 student must apply for reinstatement by submitting a  
15 reinstatement application by the deadline established by the  
16 Department of Education.

17 (3) Restoration applies to students who lost  
18 scholarship eligibility as a result of not meeting the renewal  
19 grade point average or number of hours, or both, at a prior  
20 evaluation period. A student may restore eligibility by  
21 meeting the renewal grade point average during a subsequent  
22 renewal evaluation period. A student is eligible to receive  
23 such restoration only once. The student must submit an  
24 application for restoration by the deadline established by the  
25 Department of Education.

26 ~~(2) A student who is enrolled in a program that~~  
27 ~~terminates in an associate degree or a baccalaureate degree~~  
28 ~~may receive an award for a maximum of 110 percent of the~~  
29 ~~number of credit hours required to complete the program. A~~  
30 ~~student who is enrolled in a program that terminates in a~~  
31 ~~technical certificate may receive an award for a maximum of~~

1 ~~110 percent of the credit hours or clock hours required to~~  
2 ~~complete the program up to 90 credit hours. A student who~~  
3 ~~transfers from one of these program levels to another becomes~~  
4 ~~eligible for the higher of the two credit hour limits.~~

5 Section 8. Notwithstanding subsection (7) of section 3  
6 of chapter 2000-321, Laws of Florida, section 240.40204,  
7 Florida Statutes, shall not stand repealed on January 7, 2003,  
8 and is reenacted and amended to read:

9 240.40204 Florida Bright Futures Scholarship Program;  
10 eligible postsecondary education institutions.--A student is  
11 eligible for an award or the renewal, reinstatement, or  
12 restoration of an award from the Florida Bright Futures  
13 Scholarship Program if the student meets the requirements for  
14 the program as described in this act and is enrolled in a  
15 postsecondary education institution that meets the description  
16 in any one of the following subsections:

17 (1) A Florida public university, community college, or  
18 technical center.

19 (2) An independent Florida college or university that  
20 is accredited by an accrediting agency recognized by the  
21 United States Department of Education ~~a member of the~~  
22 ~~Commission on Recognition of Postsecondary Accreditation~~ and  
23 which has operated in the state for at least 3 years.

24 (3) An independent Florida postsecondary education  
25 institution that is licensed by the State Board of Independent  
26 Colleges and Universities and which:

27 (a) Shows evidence of sound financial condition; and

28 (b) Has operated in the state for at least 3 years  
29 without having its approval, accreditation, or license placed  
30 on probation.

31

1           (4) A Florida independent postsecondary education  
2 institution that offers a nursing diploma approved by the  
3 Board of Nursing.

4           (5) A Florida independent postsecondary education  
5 institution that is licensed by the State Board of Nonpublic  
6 Career Education and which:

7           (a) Has a program completion and placement rate of at  
8 least the rate required by the current Florida Statutes, the  
9 Florida Administrative Code, or the Department of Education  
10 for an institution at its level; and

11           (b) Shows evidence of sound financial condition; and  
12 either:

13           1. Is accredited at the institutional level by an  
14 accrediting agency recognized by the United States Department  
15 of Education and has operated in the state for at least 3  
16 years during which there has been no complaint for which  
17 probable cause has been found; or

18           2. Has operated in Florida for 5 years during which  
19 there has been no complaint for which probable cause has been  
20 found.

21           Section 9. Notwithstanding subsection (7) of section 3  
22 of chapter 2000-321, Laws of Florida, section 240.40205,  
23 Florida Statutes, shall not stand repealed on January 7, 2003,  
24 and is reenacted and amended to read:

25           240.40205 Florida Academic Scholars award.--

26           (1) A student is eligible for a Florida Academic  
27 Scholars award if the student meets the general eligibility  
28 requirements for the Florida Bright Futures Scholarship  
29 Program and the student:

30           (a) Has achieved a 3.5 weighted grade point average as  
31 calculated pursuant to s. 240.40202, or its equivalent, in

1 high school courses that are adopted by the Board of Regents  
2 and recommended by the State Board of Community Colleges as  
3 college-preparatory academic courses; and

4 (b) Has attained at least a score of 1270 ~~the score~~  
5 ~~identified by rules of the Department of Education~~ on the  
6 combined verbal and quantitative parts of ~~the Scholastic~~  
7 ~~Aptitude Test, the Scholastic Assessment Test, or the~~  
8 ~~recentered Scholastic Assessment Test of the College Entrance~~  
9 ~~Examination, or an equivalent score on the American College~~  
10 ~~Test Testing Program; or~~

11 (c) Has attended a home education program according to  
12 s. 232.0201 during grades 11 and 12 or has completed the  
13 International Baccalaureate curriculum but failed to earn the  
14 International Baccalaureate Diploma, and has attained at least  
15 a score of 1270 ~~the score identified by rules of the~~  
16 ~~Department of Education~~ on the combined verbal and  
17 quantitative parts of ~~the Scholastic Aptitude Test, the~~  
18 ~~Scholastic Assessment Test, or the recentered Scholastic~~  
19 ~~Assessment Test of the College Entrance Examination, or an~~  
20 equivalent score on the American College Test Testing Program;  
21 or

22 (d) Has been awarded an International Baccalaureate  
23 Diploma from the International Baccalaureate Office; or

24 (e) Has been recognized by the merit or achievement  
25 programs of the National Merit Scholarship Corporation as a  
26 scholar or finalist; or

27 (f) Has been recognized by the National Hispanic  
28 Recognition Program as a scholar recipient.

29  
30 Effective with the 1998-1999 school year, a student must  
31 complete a program of community service work, as approved by

1 the district school board or the administrators of a nonpublic  
2 school, which shall include a minimum of 75 hours of service  
3 work and require the student to identify a social problem that  
4 interests him or her, develop a plan for his or her personal  
5 involvement in addressing the problem, and, through papers or  
6 other presentations, evaluate and reflect upon his or her  
7 experience.

8           (2)(a) A Florida Academic Scholar who is enrolled in a  
9 public postsecondary education institution is eligible for an  
10 award equal to the amount required to pay matriculation and  
11 fees, as defined by the department, and \$600 for  
12 college-related expenses annually. A student who is enrolled  
13 in a nonpublic postsecondary education institution is eligible  
14 for an award equal to the amount that would be required to pay  
15 for the average matriculation and fees of a public  
16 postsecondary education institution at the comparable level,  
17 plus the annual \$600. A student who is enrolled in a program  
18 that terminates in an associate degree or a baccalaureate  
19 degree may receive an award for a maximum of 110 percent of  
20 the number of credit hours required to complete the program.  
21 A student who is enrolled in an undergraduate program that  
22 terminates in the award of a postbaccalaureate degree, or the  
23 simultaneous award of baccalaureate and postbaccalaureate  
24 degrees, may receive an award for a maximum of 132 semester  
25 hours, or the equivalent, at the undergraduate rate. A  
26 student who is enrolled in a program that terminates in a  
27 technical certificate may receive an award for a maximum of  
28 110 percent of the credit hours or clock hours required to  
29 complete the program up to 90 credit hours. A student who  
30 transfers from one of these program levels to another becomes  
31 eligible for the higher of the credit hour limits.

1       (b) Beginning with the 2005-2006 academic year and for  
2 each year thereafter, the Florida Academic Scholars award  
3 amount shall be calculated on the basis of \$120 per semester  
4 credit hour, or the equivalent. The total number of credit  
5 hours for which a student may receive payment shall not exceed  
6 the equivalent of 132 semester credit hours. If an award is  
7 made prior to the end of the drop-add period and the hours on  
8 which the award amount is based exceed the number of hours for  
9 which the student is registered as of the end of the drop-add  
10 period, the award amount for the subsequent term shall be  
11 reduced accordingly.

12       (3) To be eligible for ~~a~~ renewal or restoration award  
13 as a Florida Academic Scholar, a student must meet the  
14 requirements of s. 240.40203 and the ~~maintain the equivalent~~  
15 ~~of a~~ grade point average requirement of 3.0 on a 4.0 scale, or  
16 the equivalent, for all postsecondary education work  
17 attempted. A student may have, ~~with~~ an opportunity for one  
18 restoration reinstatement as provided in this act.

19       (4) In each school district, the Florida Academic  
20 Scholar with the highest academic ranking shall be designated  
21 as an Academic Top Scholar and shall receive an additional  
22 award of \$1,500 for college-related expenses. This award must  
23 be funded from the Florida Bright Futures Scholarship Program.

24       (5) A student who graduated from high school in 1997  
25 or earlier and who was eligible for the Florida Undergraduate  
26 Scholars' Program award pursuant to s. 240.402 is eligible for  
27 a Florida Academic Scholars award.

28       Section 10. Notwithstanding subsection (7) of section  
29 3 of chapter 2000-321, Laws of Florida, section 240.40206,  
30 Florida Statutes, shall not stand repealed on January 7, 2003,  
31 and is reenacted and amended to read:

1           240.40206 Florida Medallion ~~Merit~~ Scholars award.--

2           (1) A student is eligible for a Florida Medallion  
3 ~~Merit~~ Scholars award if the student meets the general  
4 eligibility requirements for the Florida Bright Futures  
5 Scholarship Program and the student:

6           (a) Has achieved a weighted grade point average of 3.0  
7 as calculated pursuant to s. 240.40202, or the equivalent, in  
8 high school courses that are adopted by the Board of Regents  
9 and recommended by the State Board of Community Colleges as  
10 college-preparatory academic courses; and

11           (b) Has attained at least the score identified by  
12 rules of the Department of Education, or a score of at least  
13 1100 for a student who enters the ninth grade in the 2001-2002  
14 school year or thereafter, on the combined verbal and  
15 quantitative parts of ~~the Scholastic Aptitude Test,~~ the  
16 Scholastic Assessment Test, ~~or the recentered Scholastic~~  
17 ~~Assessment Test of the College Entrance Examination,~~ or an  
18 equivalent score on the American College Test Testing Program;  
19 or

20           (c) Has attended a home education program according to  
21 s. 232.0201 during grades 11 and 12 or has completed the  
22 International Baccalaureate curriculum but failed to earn the  
23 International Baccalaureate Diploma, and has attained at least  
24 the score identified by rules of the Department of Education,  
25 or a score of at least 1100 for a student who enters the ninth  
26 grade in the 2001-2002 school year or thereafter, on the  
27 combined verbal and quantitative parts of ~~the Scholastic~~  
28 ~~Aptitude Test,~~ the Scholastic Assessment Test, ~~or the~~  
29 ~~recentered Scholastic Assessment Test of the College Entrance~~  
30 ~~Examination,~~ or an equivalent score on the American College  
31 Test Testing Program; or.

1           (d) Has been recognized by the merit or achievement  
2 programs of the National Merit Scholarship Corporation as a  
3 scholar or finalist, but has not completed a program of  
4 community service as provided in s. 240.40205; or

5           (e) Has been recognized by the National Hispanic  
6 Recognition Program as a scholar, but has not completed a  
7 program of community service as provided in s. 240.40205.

8           (2)(a) A Florida Medallion ~~Merit~~ Scholar is eligible  
9 for an award equal to the amount required to pay 75 percent of  
10 matriculation and fees, as defined by the department, if the  
11 student is enrolled in a public postsecondary education  
12 institution. A student who is enrolled in a nonpublic  
13 postsecondary education institution is eligible for an award  
14 equal to the amount that would be required to pay 75 percent  
15 of the matriculation and fees of a public postsecondary  
16 education institution at the comparable level. A student who  
17 is enrolled in a program that terminates in an associate  
18 degree or a baccalaureate degree may receive an award for a  
19 maximum of 110 percent of the number of credit hours required  
20 to complete the program. A student who is enrolled in an  
21 undergraduate program that terminates in the award of a  
22 postbaccalaureate degree, or the simultaneous award of  
23 baccalaureate and postbaccalaureate degrees, may receive an  
24 award for a maximum of 132 semester hours, or the equivalent,  
25 at the undergraduate rate. A student who is enrolled in a  
26 program that terminates in a technical certificate may receive  
27 an award for a maximum of 110 percent of the credit hours or  
28 clock hours required to complete the program up to 90 credit  
29 hours. A student who transfers from one of these program  
30 levels to another becomes eligible for the higher of the  
31 credit hour limits.

1        (b) Beginning with the 2005-2006 academic year and for  
2 each year thereafter, the Florida Medallion Scholars award  
3 amount shall be calculated on the basis of \$75 per semester  
4 credit hour, or the equivalent. The total number of credit  
5 hours for which a student may receive payment shall not exceed  
6 the equivalent of 132 semester credit hours. If an award is  
7 made prior to the end of the drop-add period and the hours on  
8 which the award amount is based exceed the number of hours for  
9 which the student is registered as of the end of the drop-add  
10 period, the award amount for the subsequent term shall be  
11 reduced accordingly.

12        (3) To be eligible for ~~a~~ renewal or restoration award  
13 as a Florida Medallion Merit Scholar, a student must meet the  
14 requirements of s. 240.40203 and the ~~maintain the equivalent~~  
15 ~~of a~~ grade point average requirement of 2.75 on a 4.0 scale,  
16 or the equivalent, for all postsecondary education work  
17 attempted. A student may have, ~~with~~ an opportunity for  
18 ~~reinstatement~~ one restoration ~~time~~ as provided in this act.

19        Section 11. Notwithstanding subsection (7) of section  
20 3 of chapter 2000-321, Laws of Florida, section 240.40207,  
21 Florida Statutes, shall not stand repealed on January 7, 2003,  
22 and is reenacted and amended to read:

23        240.40207 Florida Gold Seal Vocational Scholars  
24 award.--The Florida Gold Seal Vocational Scholars award is  
25 created within the Florida Bright Futures Scholarship Program  
26 to recognize and reward academic achievement and vocational  
27 preparation by high school students who wish to continue their  
28 education.

29        (1) A student is eligible for a Florida Gold Seal  
30 Vocational Scholars award if the student meets the general

31

- 1 eligibility requirements for the Florida Bright Futures  
2 Scholarship Program and the student:
- 3 (a) Successfully completes ~~the secondary school~~  
4 ~~portion of a sequential program of studies that requires at~~  
5 least three secondary school vocational credits in one program  
6 of study, as identified by the Department of Education.~~taken~~  
7 ~~over at least 2 academic years, and is continued in a planned,~~  
8 ~~related postsecondary education program. If the student's~~  
9 ~~school does not offer such a two-plus-two or tech-prep~~  
10 ~~program, the student must complete a job-preparatory career~~  
11 ~~education program selected by the Workforce Estimating~~  
12 ~~Conference or Workforce Florida, Inc., for its ability to~~  
13 ~~provide high-wage employment in an occupation with high~~  
14 ~~potential for employment opportunities.~~On-the-job training  
15 may not be substituted for any of the three required  
16 vocational credits.
- 17 (b) Demonstrates readiness for postsecondary education  
18 by earning a passing score on the Florida College Entry Level  
19 Placement Test or its equivalent as identified by the  
20 Department of Education.
- 21 (c) Earns a minimum cumulative weighted grade point  
22 average of 3.0, as calculated pursuant to s. 240.40202, on all  
23 subjects required for a standard high school diploma,  
24 excluding elective courses.
- 25 (d) Earns a minimum unweighted grade point average of  
26 3.5 on a 4.0 scale for secondary vocational courses comprising  
27 the vocational program.
- 28 ~~(e) Completes the requirements of a vocational-ready~~  
29 ~~diploma program, as defined by rules of the State Board of~~  
30 ~~Education.~~
- 31

1           (2)(a) A Florida Gold Seal Vocational Scholar is  
2 eligible for an award equal to the amount required to pay 75  
3 percent of matriculation and fees, as defined by the  
4 department, if the student is enrolled in a public  
5 postsecondary education institution. A student who is enrolled  
6 in a nonpublic postsecondary education institution is eligible  
7 for an award equal to the amount that would be required to pay  
8 75 percent of the matriculation and mandatory fees of a public  
9 postsecondary education institution at the comparable level. A  
10 student who is enrolled in a program that terminates in a  
11 technical certificate may receive an award for a maximum of  
12 110 percent of the credit hours or clock hours required to  
13 complete the program up to 90 credit hours.

14           (b) Beginning with the 2005-2006 academic year and for  
15 each year thereafter, the Florida Gold Seal Vocational  
16 Scholars award amount shall be calculated on the basis of \$75  
17 per semester credit hour, or the equivalent. The total number  
18 of credit hours for which a student may receive payment shall  
19 not exceed the equivalent of 90 credit hours. If an award is  
20 made prior to the end of the drop-add period and the hours on  
21 which the award amount is based exceed the number of hours for  
22 which the student is registered as of the end of the drop-add  
23 period, the award amount for the subsequent term shall be  
24 reduced accordingly.

25           (3) To be eligible for ~~a~~ renewal or restoration ~~award~~  
26 as a Florida Gold Seal Vocational Scholar, a student must meet  
27 the requirements of s. 240.40203 and the ~~maintain the~~  
28 ~~equivalent of a~~ grade point average requirement of 2.75 on a  
29 4.0 scale, or the equivalent, for all postsecondary education  
30 work attempted. A student may have, ~~with~~ an opportunity for  
31 ~~reinstatement~~ one restoration ~~time~~ as provided in this act.

1       (4) Beginning with the fall term of 2003, a Florida  
2 Gold Seal Vocational Scholars award may not be used at a  
3 baccalaureate-degree-granting institution unless the award is  
4 a renewal of an initial award issued prior to the fall term of  
5 2003 or as otherwise provided for in this section.

6       (5) Upon successful completion of an associate degree  
7 program or 60 hours, an award recipient who meets the renewal  
8 criteria in subsection (3) and enrolls in a baccalaureate  
9 degree program at an eligible postsecondary education  
10 institution is eligible to transfer to the Florida Medallion  
11 Scholars award component of the Florida Bright Futures  
12 Scholarship Program. Other than initial eligibility criteria,  
13 all other requirements of the Florida Medallion Scholars award  
14 shall apply to a student who transfers to that program  
15 pursuant to the provisions of this subsection. The number of  
16 hours for which a student may receive a Florida Medallion  
17 Scholars award shall be calculated by subtracting from the  
18 student's total eligibility pursuant to s. 240.40206(2) the  
19 number of hours for which the student has already received  
20 funding under the Florida Bright Futures Scholarship Program.

21       (6) If a Florida Gold Seal Vocational Scholar received  
22 an initial award prior to the fall term of 2003, and has a  
23 cumulative grade point average of 2.75 in all postsecondary  
24 education work attempted, the Department of Education may  
25 transfer the student to the Florida Medallion Scholars award  
26 component of the Florida Bright Futures Scholarship Program at  
27 any renewal period. Other than initial eligibility criteria,  
28 all other requirements of the Florida Medallion Scholars award  
29 shall apply to a student who transfers to that program  
30 pursuant to the provisions of this subsection. The number of  
31 hours for which a student may receive a Florida Medallion

1 Scholars award shall be calculated by subtracting from the  
2 student's total eligibility pursuant to s. 240.40206(2) the  
3 number of hours for which the student has already received  
4 funding under the Florida Bright Futures Scholarship Program.

5 (7) A student who graduated from high school in 1997  
6 or earlier and who was eligible for the Vocational Gold Seal  
7 Endorsement Scholarship Program award pursuant to s. 240.4021  
8 is eligible for a Florida Gold Seal Vocational Scholars award.

9 ~~(4) A student may earn a Florida Gold Seal Vocational~~  
10 ~~Scholarship for 110 percent of the number of credit hours~~  
11 ~~required to complete the program, up to 90 credit hours or the~~  
12 ~~equivalent. A Florida Gold Seal Scholar who has a cumulative~~  
13 ~~grade point average of 2.75 in all postsecondary education~~  
14 ~~work attempted may apply for a Florida Merit Scholars award at~~  
15 ~~any renewal period. All other provisions of that program~~  
16 ~~apply, and the credit-hour limitation must be calculated by~~  
17 ~~subtracting from the student's total eligibility the number of~~  
18 ~~credit hours the student attempted while earning the Gold Seal~~  
19 ~~Vocational Scholarship.~~

20 Section 12. Section 240.40211, Florida Statutes, is  
21 created to read:

22 240.40211 Florida Bright Futures Scholarship Program  
23 targeted occupations.--

24 (1)(a) Using information provided by the Workforce  
25 Estimating Conference, the Department of Education, in  
26 consultation with the Legislature, shall identify targeted  
27 occupations that are high demand, high wage, and high skill  
28 for which the state's postsecondary education institutions  
29 provide the necessary education and training.

30 (b) The Department of Education shall identify the  
31 specific associate and baccalaureate degree programs,

1 certificate programs, and applied technology diploma programs  
2 that are offered by postsecondary education institutions and  
3 prepare students for employment in the targeted occupations.  
4 The department shall provide such information to the  
5 postsecondary education institutions that participate in the  
6 Florida Bright Futures Scholarship Program.

7 (c) Identification of targeted occupations and degree,  
8 certificate, and diploma programs shall be completed, and  
9 updated annually thereafter, for use in providing awards  
10 pursuant to this section beginning with the 2002-2003 fall  
11 academic term.

12 (2) A Florida Bright Futures Scholarship award  
13 recipient who is enrolled at a community college or an area  
14 vocational center in a program identified pursuant to  
15 paragraph (1)(b) is eligible to receive an additional \$250 per  
16 semester, or the equivalent, for postsecondary education  
17 related expenses.

18 (3) A Florida Bright Futures Scholarship award  
19 recipient who is enrolled at a baccalaureate-degree-granting  
20 institution in the upper division of a program identified  
21 pursuant to paragraph (1)(b) is eligible to receive an  
22 additional \$500 per semester, or the equivalent, for  
23 postsecondary education related expenses.

24 (4) Institutions that participate in the Florida  
25 Bright Futures Scholarship Program and offer a program  
26 identified pursuant to paragraph (1)(b) shall advise their  
27 students of the availability of the awards provided pursuant  
28 to this section.

29 (5) The department shall establish procedures for  
30 institutions to certify to the department the initial and  
31 continued eligibility status of any student who is eligible to

1 receive an award pursuant to this section. A student's  
2 continued enrollment in an eligible program shall be certified  
3 by the institution each academic year.

4 (6) The department shall evaluate this component of  
5 the Florida Bright Futures Scholarship Program from its  
6 inception to determine, of the total number of students who  
7 receive awards pursuant to this section, the number who become  
8 employed in the occupation for which the award was provided.  
9 This evaluation shall be reported on an annual basis to the  
10 Governor and the Legislature.

11 (7) This award component of the Florida Bright Futures  
12 Scholarship Program shall be implemented to the extent funded  
13 in the General Appropriations Act. When funds are not  
14 sufficient to make full awards, the department shall reduce  
15 the amount of each recipient's award pro rata.

16 Section 13. Sections 240.40208, 240.40209, and  
17 240.40242, Florida Statutes, are repealed.

18 Section 14. Subsection (1) of section 240.404, Florida  
19 Statutes, is amended to read:

20 240.404 General requirements for student eligibility  
21 for state financial aid.--

22 (1)(a) The general requirements for eligibility of  
23 students for state financial aid awards consist of the  
24 following:

25 1. Achievement of the academic requirements of and  
26 acceptance at a state university or community college; a  
27 nursing diploma school approved by the Florida Board of  
28 Nursing; a Florida college, university, or community college  
29 which is accredited by an accrediting agency recognized by the  
30 United States Department of Education ~~a member of the~~  
31 ~~Commission on Recognition of Postsecondary Accreditation~~; any

1 Florida institution the credits of which are acceptable for  
2 transfer to state universities; any area technical center; or  
3 any private vocational-technical institution accredited by an  
4 accrediting agency recognized by the United States Department  
5 of Education ~~a member of the Commission on Recognition of~~  
6 ~~Postsecondary Accreditation.~~

7       2.a. Residency in this state for no less than 1 year  
8 preceding the award of aid for a program established pursuant  
9 to s. 240.409, s. 240.4095, s. 240.4097, s. 240.412, s.  
10 240.4125, s. 240.413, s. 240.4987, s. 240.605, or s. 240.606.  
11 Residency in this state must be for purposes other than to  
12 obtain an education. Resident status for purposes of receiving  
13 state financial aid awards shall be determined in the same  
14 manner as resident status for tuition purposes pursuant to s.  
15 240.1201 and rules of the State Board of Education.

16       b. A person who has been properly classified as a  
17 resident by a postsecondary institution for initial receipt of  
18 state-funded student financial assistance and has been  
19 determined eligible to participate in a financial assistance  
20 program may continue to qualify as a resident for state-funded  
21 financial aid programs if he or she maintains continuous  
22 enrollment at the postsecondary institution, with no break in  
23 enrollment greater than 12 consecutive months.

24       3. Submission of certification attesting to the  
25 accuracy, completeness, and correctness of information  
26 provided to demonstrate a student's eligibility to receive  
27 state financial aid awards. Falsification of such information  
28 shall result in the denial of any pending application and  
29 revocation of any award currently held to the extent that no  
30 further payments shall be made. Additionally, students who  
31 knowingly make false statements in order to receive state

1 financial aid awards shall be guilty of a misdemeanor of the  
2 second degree subject to the provisions of s. 837.06 and shall  
3 be required to return all state financial aid awards  
4 wrongfully obtained.

5 (b)1. Eligibility for the renewal of undergraduate  
6 financial aid awards shall be evaluated at the end of the  
7 second semester or third quarter of each academic year. As a  
8 condition for renewal, a student shall:

9 a. Have earned a minimum cumulative grade point  
10 average of 2.0 on a 4.0 scale; and

11 b. Have earned, for full-time study, 12 credits per  
12 term or the equivalent for the number of terms for which aid  
13 was received.

14 2. A student who earns the minimum number of credits  
15 required for renewal, but who fails to meet the minimum 2.0  
16 cumulative grade point average, may be granted a probationary  
17 award for up to the equivalent of 1 academic year and shall be  
18 required to earn a cumulative grade point average of 2.0 on a  
19 4.0 scale by the end of the probationary period to be eligible  
20 for subsequent renewal. A student who receives a probationary  
21 award and who fails to meet the conditions for renewal by the  
22 end of his or her probationary period shall be ineligible to  
23 receive additional awards for the equivalent of 1 academic  
24 year following his or her probationary period. Each such  
25 student may, however, reapply for assistance during a  
26 subsequent application period and may be eligible for an award  
27 if he or she has earned a cumulative grade point average of  
28 2.0 on a 4.0 scale.

29 3. A student who fails to earn the minimum number of  
30 credits required for renewal shall lose his or her eligibility  
31 for renewal for a period equivalent to 1 academic year.

1 However, the student may reapply during a subsequent  
2 application period and may be eligible for an award if he or  
3 she has earned a minimum cumulative grade point average of 2.0  
4 on a 4.0 scale.

5 4. Students who receive state student aid and  
6 subsequently fail to meet state academic progress requirements  
7 due to verifiable illness or other emergencies may be granted  
8 an exception from the academic requirements. Such students  
9 shall make a written appeal to the institution. The appeal  
10 shall include a description and verification of the  
11 circumstances. Verification of illness or other emergencies  
12 may include but not be limited to a physician's statement or  
13 written statement of a parent or college official. The  
14 institution shall recommend exceptions with necessary  
15 documentation to the department. The department may accept or  
16 deny such recommendations for exception from the institution.

17 Section 15. Notwithstanding subsection (7) of section  
18 3 of chapter 2000-321, Laws of Florida, sections 240.2985 and  
19 240.6054, Florida Statutes, shall not stand repealed on  
20 January 7, 2003, and are reenacted, renumbered as section  
21 240.4084, Florida Statutes, and amended to read:

22 (Substantial rewording of sections. See ss.  
23 240.2985 and 240.6054, F.S., for present text.)  
24 240.4084 Ethics in Business Scholarship Program.--The  
25 Ethics in Business Scholarship Program is created to provide  
26 scholarships to students who are enrolled in postsecondary  
27 education institutions and who meet the general requirements  
28 for student eligibility for state financial aid pursuant to s.  
29 240.404. Moneys appropriated and allocated for such  
30 scholarships shall be matched by private donations for the  
31 purpose of providing ethics in business scholarships. The

1 Ethics in Business Scholarship Program shall consist of the  
2 following components:  
3       (1) Moneys appropriated from the Insurance  
4 Commissioner's Regulatory Trust Fund to the Trust Fund for  
5 Major Gifts, pursuant to section 2 of chapter 97-381, Laws of  
6 Florida, shall be allocated to each university foundation on a  
7 matching basis equal to the amount of private funds received  
8 by such foundation for program purposes. Moneys appropriated  
9 and allocated to university foundations for purposes of the  
10 program shall be used to create endowments to provide  
11 scholarships to undergraduate students enrolled in state  
12 institutions of higher learning who register for one or more  
13 credit hours in business ethics courses and who have  
14 demonstrated a commitment to serve the interests of their  
15 community. First priority for award of scholarships shall be  
16 given to students who demonstrate financial need. The Board  
17 of Regents shall administer the provisions of this subsection.  
18       (2) Moneys transferred from the Insurance  
19 Commissioner's Regulatory Trust Fund to the State Student  
20 Financial Assistance Trust Fund, pursuant to section 3 of  
21 chapter 97-381, Laws of Florida, shall be allocated to provide  
22 ethics in business scholarships to students enrolled in public  
23 community colleges and independent postsecondary education  
24 institutions eligible to participate in the William L. Boyd,  
25 IV, Florida Resident Access Grant Program under s. 240.605.  
26 The funds shall be allocated to institutions for scholarships  
27 in the following ratio: two-thirds for community colleges and  
28 one-third for eligible independent institutions. These funds  
29 shall be allocated to institutions that provide an equal  
30 amount of matching funds generated by private donors for the  
31 purpose of providing ethics in business scholarships. The

1 Department of Education shall administer the provisions of  
2 this subsection and may adopt rules for such administration.  
3 Notwithstanding any other provision of law, the State Board of  
4 Administration shall have the authority to invest the funds  
5 appropriated under this subsection.

6  
7 Each institution that receives an allocation of funds shall  
8 submit to the Legislature an annual report of the matching  
9 funds collected and a profile of scholarship award recipients.

10 Section 16. Section 240.409, Florida Statutes, is  
11 amended to read:

12 240.409 Florida Public Student Assistance Grant  
13 Program; eligibility for grants.--

14 (1) There is hereby created a Florida Public Student  
15 Assistance Grant Program. The program shall be administered by  
16 the participating institutions in accordance with rules of the  
17 state board.

18 (2) The department is directed to establish an initial  
19 application deadline for funds administered pursuant to this  
20 section.

21 (3) Using the priorities established in this section  
22 and in s. 240.40975, institutions shall first award funds  
23 administered pursuant to this section to students who meet the  
24 initial application deadline established pursuant to  
25 subsection (2). An institution may, at its discretion, award  
26 any remaining funds from this program to students who apply  
27 after the deadline date and who are otherwise eligible  
28 pursuant to this section.

29 (4)~~(2)~~(a) State student assistance grants through the  
30 program may be made only to full-time degree-seeking students  
31 who meet the general requirements for student eligibility as

1 provided in s. 240.404, except as otherwise provided in this  
2 section. Such grants shall be awarded annually for the amount  
3 of demonstrated unmet need for the cost of education and may  
4 not exceed an amount equal to the average prior academic year  
5 cost of matriculation fees and other registration fees for 30  
6 credit hours at state universities or such other amount as  
7 specified in the General Appropriations Act, to any recipient.  
8 A demonstrated unmet need of less than \$200 shall render the  
9 applicant ineligible for a state student assistance grant.  
10 Recipients of such grants must have been accepted at a state  
11 university or community college authorized by Florida law. No  
12 student may receive an award for more than the equivalent of 9  
13 semesters or 14 quarters of full-time enrollment, except as  
14 otherwise provided in s. 240.404(3).

15 (b) A student applying for a Florida public student  
16 assistance grant shall be required to apply for the Pell  
17 Grant. The Pell Grant entitlement shall be considered when  
18 conducting an assessment of the financial resources available  
19 to each student.

20 ~~(c) Priority in the distribution of grant moneys shall~~  
21 ~~be given to students with the lowest total family resources,~~  
22 ~~in accordance with a nationally recognized system of need~~  
23 ~~analysis.~~ Using the system of need analysis, the department  
24 shall establish a maximum expected family contribution. An  
25 institution may not make a grant from this program to a  
26 student whose expected family contribution exceeds the level  
27 established by the department. An institution may not impose  
28 additional criteria to determine a student's eligibility to  
29 receive a grant award.

30 (d) Each participating institution shall report, to  
31 the department by the established date, the eligible students

1 to whom grant moneys are disbursed each academic term and  
2 indicate whether or not the student met the application  
3 deadline established pursuant to subsection (2). Each  
4 institution shall also report to the department necessary  
5 demographic and eligibility data for such students.

6 (5)~~(3)~~ Based on the unmet financial need of an  
7 eligible applicant, the amount of a Florida public student  
8 assistance grant must be between \$200 and the weighted average  
9 of the cost of matriculation and other registration fees for  
10 30 credit hours at state universities per academic year or the  
11 amount specified in the General Appropriations Act.

12 (6)~~(4)~~(a) The funds appropriated for the Florida  
13 Public Student Assistance Grant shall be distributed to  
14 eligible institutions in accordance with a formula recommended  
15 by the Department of Education's Florida Council of Student  
16 Financial Aid Advisors and reviewed by the Postsecondary  
17 Education Planning Commission, the State Board of Community  
18 Colleges, and the Board of Regents. The formula shall give  
19 priority consideration to ~~consider at least~~ the prior year's  
20 distribution of funds to award recipients who met the  
21 application deadline, the number of full-time eligible  
22 applicants who met the application deadline who did not  
23 receive awards, the standardization of the expected family  
24 contribution, and provisions for unused funds.

25 (b) Payment of Florida public student assistance  
26 grants shall be transmitted to the president of the state  
27 university or community college, or to his or her  
28 representative, in advance of the registration period.  
29 Institutions shall notify students of the amount of their  
30 awards.

31

1           (c) The eligibility status of each student to receive  
2 a disbursement shall be determined by each institution as of  
3 the end of its regular registration period, inclusive of a  
4 drop-add period. Institutions shall not be required to  
5 reevaluate a student's eligibility status after this date for  
6 purposes of changing eligibility determinations previously  
7 made.

8           (d) Institutions shall certify to the department the  
9 amount of funds disbursed to each student, shall indicate  
10 whether or not the student met the application deadline  
11 established pursuant to subsection (2), and shall remit to the  
12 department any undisbursed advances by June 1 of each year.

13           ~~(7)(5)~~ Funds appropriated by the Legislature for state  
14 student assistance grants shall be deposited in the State  
15 Student Financial Assistance Trust Fund. Notwithstanding the  
16 provisions of s. 216.301 and pursuant to s. 216.351, any  
17 balance in the trust fund at the end of any fiscal year that  
18 has been allocated to the Florida Public Student Assistance  
19 Grant Program shall remain therein and shall be available for  
20 carrying out the purposes of this section.

21           ~~(8)(6)~~ The State Board of Education shall establish  
22 rules necessary to implement this section.

23           Section 17. Section 240.4095, Florida Statutes, is  
24 amended to read:

25           240.4095 Florida Private Student Assistance Grant  
26 Program; eligibility for grants.--

27           (1) There is hereby created a Florida Private Student  
28 Assistance Grant Program. The program shall be administered by  
29 the participating institutions in accordance with rules of the  
30 state board.

31

1           (2) The department is directed to establish an initial  
2 application deadline for funds administered pursuant to this  
3 section.

4           (3) Using the priorities established in this section  
5 and in s. 240.40975, institutions shall first award funds  
6 administered pursuant to this section to students who met the  
7 initial application deadline established pursuant to  
8 subsection (2). An institution may, at its discretion, award  
9 any remaining funds from this program to students who apply  
10 after the deadline date and who are otherwise eligible  
11 pursuant to this section.

12           (4)(2)(a) Florida private student assistance grants  
13 from the State Student Financial Assistance Trust Fund may be  
14 made only to full-time degree-seeking students who meet the  
15 general requirements for student eligibility as provided in s.  
16 240.404, except as otherwise provided in this section. Such  
17 grants shall be awarded for the amount of demonstrated unmet  
18 need for tuition and fees and may not exceed an amount equal  
19 to the average matriculation and other registration fees for  
20 30 credit hours at state universities plus \$1,000 per academic  
21 year, or as specified in the General Appropriations Act, to  
22 any applicant. A demonstrated unmet need of less than \$200  
23 shall render the applicant ineligible for a Florida private  
24 student assistance grant. Recipients of such grants must have  
25 been accepted at a baccalaureate-degree-granting independent  
26 nonprofit college or university, which is accredited by the  
27 Commission on Colleges of the Southern Association of Colleges  
28 and Schools and which is located in and chartered as a  
29 domestic corporation by the state. No student may receive an  
30 award for more than the equivalent of 9 semesters or 14  
31

1 quarters of full-time enrollment, except as otherwise provided  
2 in s. 240.404(3).

3 (b) A student applying for a Florida private student  
4 assistance grant shall be required to apply for the Pell  
5 Grant. The Pell Grant entitlement shall be considered when  
6 conducting an assessment of the financial resources available  
7 to each student.

8 ~~(c) Priority in the distribution of grant moneys shall~~  
9 ~~be given to students with the lowest total family resources,~~  
10 ~~in accordance with a nationally recognized system of need~~  
11 ~~analysis.~~ Using the system of need analysis, the department  
12 shall establish a maximum expected family contribution. An  
13 institution may not make a grant from this program to a  
14 student whose expected family contribution exceeds the level  
15 established by the department. An institution may not impose  
16 additional criteria to determine a student's eligibility to  
17 receive a grant award.

18 (d) Each participating institution shall report, to  
19 the department by the established date, the eligible students  
20 to whom grant moneys are disbursed each academic term and  
21 indicate whether or not the student met the application  
22 deadline established pursuant to subsection (2). Each  
23 institution shall also report to the department necessary  
24 demographic and eligibility data for such students.

25 ~~(5)(3)~~ Based on the unmet financial need of an  
26 eligible applicant, the amount of a Florida private student  
27 assistance grant must be between \$200 and the average cost of  
28 matriculation and other registration fees for 30 credit hours  
29 at state universities plus \$1,000 per academic year or the  
30 amount specified in the General Appropriations Act.

31

1           ~~(6)(4)~~(a) The funds appropriated for the Florida  
2 Private Student Assistance Grant shall be distributed to  
3 eligible institutions in accordance with a formula recommended  
4 by the Department of Education's Florida Council of Student  
5 Financial Aid Advisors and reviewed by the Postsecondary  
6 Education Planning Commission and the Independent Colleges and  
7 Universities of Florida. The formula shall give priority  
8 consideration to ~~consider at least~~ the prior year's  
9 distribution of funds to award recipients who met the  
10 application deadline, the number of full-time eligible  
11 applicants who met the application deadline who did not  
12 receive awards, the standardization of the expected family  
13 contribution, and provisions for unused funds.

14           (b) Payment of Florida private student assistance  
15 grants shall be transmitted to the president of the college or  
16 university, or to his or her representative, in advance of the  
17 registration period. Institutions shall notify students of the  
18 amount of their awards.

19           (c) The eligibility status of each student to receive  
20 a disbursement shall be determined by each institution as of  
21 the end of its regular registration period, inclusive of a  
22 drop-add period. Institutions shall not be required to  
23 reevaluate a student's eligibility status after this date for  
24 purposes of changing eligibility determinations previously  
25 made.

26           (d) Institutions shall certify to the department the  
27 amount of funds disbursed to each student, shall indicate  
28 whether or not the student met the application deadline  
29 established pursuant to subsection (2), and shall remit to the  
30 department any undisbursed advances by June 1 of each year.

31

1           (e) Each institution that receives moneys through the  
2 Florida Private Student Assistance Grant Program shall cause  
3 to be prepared a biennial report that includes an independent  
4 external audit of the institution's administration of the  
5 program and a complete accounting of moneys in the State  
6 Student Financial Assistance Trust Fund allocated to the  
7 institution for the program. Such report shall be submitted to  
8 the department on or before March 1 every other year. The  
9 department may conduct its own annual or biennial audit of an  
10 institution's administration of the program and its allocated  
11 funds in lieu of the required biennial report and independent  
12 external audit. The department may suspend or revoke an  
13 institution's eligibility to receive future moneys from the  
14 trust fund for the program or request a refund of any moneys  
15 overpaid to the institution through the trust fund for the  
16 program if the department finds that an institution has not  
17 complied with the provisions of this section. Any refund  
18 requested pursuant to this paragraph shall be remitted within  
19 60 days.

20           (7)~~(5)~~ Funds appropriated by the Legislature for  
21 Florida private student assistance grants shall be deposited  
22 in the State Student Financial Assistance Trust Fund.  
23 Notwithstanding the provisions of s. 216.301 and pursuant to  
24 s. 216.351, any balance in the trust fund at the end of any  
25 fiscal year that has been allocated to the Florida Private  
26 Student Assistance Grant Program shall remain therein and  
27 shall be available for carrying out the purposes of this  
28 section and as otherwise provided by law.

29           (8)~~(6)~~ The State Board of Education shall adopt rules  
30 necessary to implement this section.

31

1 Section 18. Section 240.4097, Florida Statutes, is  
2 amended to read:

3 240.4097 Florida Postsecondary Student Assistance  
4 Grant Program; eligibility for grants.--

5 (1) There is hereby created a Florida Postsecondary  
6 Student Assistance Grant Program. The program shall be  
7 administered by the participating institutions in accordance  
8 with rules of the state board.

9 (2) The department is directed to establish an initial  
10 application deadline for funds administered pursuant to this  
11 section.

12 (3) Using the priorities established in this section  
13 and s. 240.40975, institutions shall first award funds  
14 administered pursuant to this section to students who meet the  
15 initial application deadline established pursuant to  
16 subsection (2). An institution may, at its discretion, award  
17 any remaining funds from this program to students who apply  
18 after the deadline date and who are otherwise eligible  
19 pursuant to this section.

20 (4)(2)(a) Florida postsecondary student assistance  
21 grants through the State Student Financial Assistance Trust  
22 Fund may be made only to full-time degree-seeking students who  
23 meet the general requirements for student eligibility as  
24 provided in s. 240.404, except as otherwise provided in this  
25 section. Such grants shall be awarded for the amount of  
26 demonstrated unmet need for tuition and fees and may not  
27 exceed an amount equal to the average prior academic year cost  
28 of matriculation and other registration fees for 30 credit  
29 hours at state universities plus \$1,000 per academic year, or  
30 as specified in the General Appropriations Act, to any  
31 applicant. A demonstrated unmet need of less than \$200 shall

1 render the applicant ineligible for a Florida postsecondary  
2 student assistance grant. Recipients of such grants must have  
3 been accepted at a postsecondary institution that is located  
4 in the state and that is:

- 5 1. A private nursing diploma school approved by the  
6 Florida Board of Nursing; or
- 7 2. An institution either licensed by the State Board  
8 of Independent Colleges and Universities or exempt from  
9 licensure pursuant to s. 246.085(1)(a), excluding those  
10 institutions the students of which are eligible to receive a  
11 Florida private student assistance grant pursuant to s.  
12 240.4095.

13  
14 No student may receive an award for more than the equivalent  
15 of 9 semesters or 14 quarters of full-time enrollment, except  
16 as otherwise provided in s. 240.404(3).

17 (b) A student applying for a Florida postsecondary  
18 student assistance grant shall be required to apply for the  
19 Pell Grant. The Pell Grant entitlement shall be considered  
20 when conducting an assessment of the financial resources  
21 available to each student.

22 ~~(c) Priority in the distribution of grant moneys shall~~  
23 ~~be given to students with the lowest total family resources,~~  
24 ~~in accordance with a nationally recognized system of need~~  
25 ~~analysis.~~ Using the system of need analysis, the department  
26 shall establish a maximum expected family contribution. An  
27 institution may not make a grant from this program to a  
28 student whose expected family contribution exceeds the level  
29 established by the department. An institution may not impose  
30 additional criteria to determine a student's eligibility to  
31 receive a grant award.

1           (d) Each participating institution shall report, to  
2 the department by the established date, the eligible students  
3 to whom grant moneys are disbursed each academic term and  
4 indicate whether or not the student met the application  
5 deadline established pursuant to subsection (2). Each  
6 institution shall also report to the department necessary  
7 demographic and eligibility data for such students.

8           ~~(5)(3)~~ Based on the unmet financial need of an  
9 eligible applicant, the amount of a Florida postsecondary  
10 student assistance grant must be between \$200 and the average  
11 cost of matriculation and other registration fees for 30  
12 credit hours at state universities plus \$1,000 per academic  
13 year or the amount specified in the General Appropriations  
14 Act.

15           ~~(6)(4)~~(a) The funds appropriated for the Florida  
16 Postsecondary Student Assistance Grant shall be distributed to  
17 eligible institutions in accordance with a formula recommended  
18 by the Department of Education's Florida Council of Student  
19 Financial Aid Advisors and reviewed by the Postsecondary  
20 Education Planning Commission and the Florida Association of  
21 Postsecondary Schools and Colleges. The formula shall give  
22 priority consideration to ~~consider at least~~ the prior year's  
23 distribution of funds to award recipients who met the  
24 application deadline, the number of full-time eligible  
25 applicants who met the application deadline who did not  
26 receive awards, the standardization of the expected family  
27 contribution, and provisions for unused funds.

28           (b) Payment of Florida postsecondary student  
29 assistance grants shall be transmitted to the president of the  
30 eligible institution, or to his or her representative, in  
31

1 advance of the registration period. Institutions shall notify  
2 students of the amount of their awards.

3 (c) The eligibility status of each student to receive  
4 a disbursement shall be determined by each institution as of  
5 the end of its regular registration period, inclusive of a  
6 drop-add period. Institutions shall not be required to  
7 reevaluate a student's eligibility status after this date for  
8 purposes of changing eligibility determinations previously  
9 made.

10 (d) Institutions shall certify to the department the  
11 amount of funds disbursed to each student, shall indicate  
12 whether or not the student met the application deadline  
13 established pursuant to subsection (2), and shall remit to the  
14 department any undisbursed advances by June 1 of each year.

15 (e) Each institution that receives moneys through the  
16 Florida Postsecondary Student Assistance Grant Program shall  
17 cause to be prepared a biennial report that includes an  
18 independent external audit of the institution's administration  
19 of the program and a complete accounting of moneys in the  
20 State Student Financial Assistance Trust Fund allocated to the  
21 institution for the program. Such report shall be submitted  
22 to the department on or before March 1 every other year. The  
23 department may conduct its own annual or biennial audit of an  
24 institution's administration of the program and its allocated  
25 funds in lieu of the required biennial report and independent  
26 external audit. The department may suspend or revoke an  
27 institution's eligibility to receive future moneys from the  
28 trust fund for the program or request a refund of any moneys  
29 overpaid to the institution through the trust fund for the  
30 program if the department finds that an institution has not  
31 complied with the provisions of this section. Any refund

1 requested pursuant to this paragraph shall be remitted within  
2 60 days.

3 ~~(7)(5)~~ Any institution that was eligible to receive  
4 state student assistance grants on January 1, 1989, and that  
5 is not eligible to receive grants pursuant to s. 240.4095 is  
6 eligible to receive grants pursuant to this section.

7 ~~(8)(6)~~ Funds appropriated by the Legislature for  
8 Florida postsecondary student assistance grants shall be  
9 deposited in the State Student Financial Assistance Trust  
10 Fund. Notwithstanding the provisions of s. 216.301 and  
11 pursuant to s. 216.351, any balance in the trust fund at the  
12 end of any fiscal year that has been allocated to the Florida  
13 Postsecondary Student Assistance Grant Program shall remain  
14 therein and shall be available for carrying out the purposes  
15 of this section and as otherwise provided by law.

16 ~~(9)(7)~~ The State Board of Education shall adopt rules  
17 necessary to implement this section.

18 Section 19. Section 240.40975, Florida Statutes, is  
19 created to read:

20 240.40975 Florida student assistance grant programs;  
21 priority for receiving grants.--Priority in the distribution  
22 of grants provided pursuant to s. 240.409, s. 240.4095, or s.  
23 240.4097 shall be given to eligible applicants in the  
24 following order:

25 (1) To full-time students with the greatest financial  
26 need as determined by the department.

27 (2) To full-time students with financial need who  
28 graduate from public Florida high schools, who have completed  
29 the high school courses that are adopted by the Board of  
30 Regents and recommended by the State Board of Community  
31 Colleges as college-preparatory academic courses, and who rank

1 in the top 20 percent of their high school graduating class.  
2 Class rank shall be determined by the Department of Education.

3 (3) To other full-time students with financial need.

4 Section 20. Subsection (3) of section 240.4128,  
5 Florida Statutes, is amended to read:

6 240.4128 Minority teacher education scholars  
7 program.--There is created the minority teacher education  
8 scholars program, which is a collaborative performance-based  
9 scholarship program for African-American, Hispanic-American,  
10 Asian-American, and Native American students. The participants  
11 in the program include Florida's public community colleges and  
12 its public and private universities that have teacher  
13 education programs.

14 (3) The total amount appropriated annually for new  
15 scholarships in the program must be divided by \$4,000 and by  
16 the number of participating colleges and universities. Each  
17 participating institution has access to the same number of  
18 scholarships and may award all of them to eligible minority  
19 students. If a college or university does not award all of its  
20 scholarships by the date set by the program administration at  
21 the Florida Fund for Minority Teachers, Inc., the remaining  
22 scholarships must be transferred to another institution that  
23 has eligible students. Each participating institution shall  
24 report to the department, by the established date, the  
25 eligible students to whom scholarships are disbursed each  
26 academic term. Each institution shall also report to the  
27 department necessary demographic and eligibility data for such  
28 students.

29 Section 21. Subsection (6) of section 240.437, Florida  
30 Statutes, is amended to read:

31

1           240.437 Student financial aid planning and  
2 development.--

3           (6) ~~Any Effective July 1, 1992, all new and existing~~  
4 financial assistance programs authorized by state law that are  
5 administered by the Bureau of Student Financial Assistance of  
6 the Department of Education and that under this part which are  
7 not funded for 3 consecutive years after enactment shall stand  
8 repealed. Financial aid programs provided under this part on  
9 July 1, 1992, which lose funding for 3 consecutive years shall  
10 stand repealed. The Bureau Office of Student Financial  
11 Assistance of the Department of Education shall annually  
12 review the legislative appropriation of financial aid to  
13 identify such programs.

14           Section 22. Section 240.465, Florida Statutes, is  
15 amended to read:

16           240.465 Delinquent accounts.--

17           (1) The Department of Education is directed to exert  
18 every lawful and reasonable effort to collect all delinquent  
19 unpaid and uncanceled scholarship loan notes, student loan  
20 notes, and defaulted guaranteed loan notes.

21           (2) The department is authorized to establish a  
22 recovery account into which unpaid and uncanceled scholarship  
23 loan note, student loan note, and defaulted guaranteed loan  
24 note accounts may be transferred.

25           (3) The department is authorized to settle any  
26 delinquent unpaid and uncanceled scholarship loan notes,  
27 student loan notes, and defaulted guaranteed loan notes and to  
28 employ the service of a collection agent when deemed advisable  
29 in collecting delinquent or defaulted accounts. However, no  
30 collection agent may be paid a commission in excess of 35  
31 percent of the amount collected. Any expense incurred by the

1 department in enforcing the collection of a loan note may be  
2 borne by the signer of the note and may be added to the amount  
3 of the principal of such note.

4 (4) The department is authorized to charge off unpaid  
5 and uncanceled scholarship loan notes and student loan notes  
6 which are at least 3 years delinquent and which prove  
7 uncollectible after good faith collection efforts. However, a  
8 delinquent account with a past due balance of \$25 or less may  
9 be charged off as uncollectible when it becomes 6 months past  
10 due and the cost of further collection effort or assignment to  
11 a collection agent would not be warranted.

12 ~~(5) No individual borrower who has been determined to~~  
13 ~~be in default in making legally required scholarship loan,~~  
14 ~~student loan, or guaranteed loan repayments shall be furnished~~  
15 ~~with his or her academic transcripts or other student records~~  
16 ~~until such time as the loan is paid in full or the default~~  
17 ~~status has been removed.~~

18 (5)(6) The department is authorized to charge an  
19 individual borrower who has been determined to be in default  
20 in making legally required loan repayments the maximum  
21 interest rate authorized by law.

22 (6)(7) The State Board of Education shall adopt such  
23 rules as are necessary to regulate the collection, settlement,  
24 and charging off of delinquent unpaid and uncanceled  
25 scholarship loan notes, student loan notes, and defaulted  
26 guaranteed loan notes.

27 Section 23. Notwithstanding subsection (7) of section  
28 3 of chapter 2000-321, Laws of Florida, section 240.551,  
29 Florida Statutes, shall not stand repealed on January 7, 2003,  
30 and is reenacted and amended to read:

31 240.551 Florida Prepaid College Program.--

1           (1) LEGISLATIVE INTENT.--The Legislature recognizes  
2 that educational opportunity at the postsecondary level is a  
3 critical state interest. It further recognizes that  
4 educational opportunity is best ensured through the provision  
5 of postsecondary institutions that are geographically and  
6 financially accessible. Accordingly, it is the intent of the  
7 Legislature that a program be established through which many  
8 of the costs associated with postsecondary attendance may be  
9 paid in advance and fixed at a guaranteed level for the  
10 duration of undergraduate enrollment. It is similarly the  
11 intent of the Legislature to provide a program that fosters  
12 timely financial planning for postsecondary attendance and to  
13 encourage employer participation in such planning through  
14 program contributions on behalf of employees and the  
15 dependents of employees.

16           (2) DEFINITIONS.--

17           (a) "Advance payment contract" means a contract  
18 entered into by the board and a purchaser pursuant to this  
19 section.

20           (b) "Board" means the Florida Prepaid College Board.

21           (c) "Fund" means the Florida Prepaid College Trust  
22 Fund.

23           (d) "Program" means the Florida Prepaid College  
24 Program.

25           (e) "Purchaser" means a person who makes or is  
26 obligated to make advance registration or dormitory residence  
27 payments in accordance with an advance payment contract.

28           (f) "Qualified beneficiary" means:

29           1. A resident of this state at the time a purchaser  
30 enters into an advance payment contract on behalf of the  
31 resident;

1           2. A nonresident who is the child of a noncustodial  
2 parent who is a resident of this state at the time that such  
3 parent enters into an advance payment contract on behalf of  
4 the child; or

5           3. For purposes of advance payment contracts entered  
6 into pursuant to subsection (22), a graduate of an accredited  
7 high school in this state who is a resident of this state at  
8 the time he or she is designated to receive the benefits of  
9 the advance payment contract.

10           (g) "Registration fee" means matriculation fee,  
11 financial aid fee, building fee, and Capital Improvement Trust  
12 Fund fee.

13           (h) "State postsecondary institution" means any  
14 community college identified in s. 240.3031 or university  
15 identified in s. 240.2011.

16           (3) FLORIDA PREPAID COLLEGE PROGRAM; CREATION.--There  
17 is created a Florida Prepaid College Program to provide a  
18 medium through which the cost of registration and dormitory  
19 residence may be paid in advance of enrollment in a state  
20 postsecondary institution at a rate lower than the projected  
21 corresponding cost at the time of actual enrollment. Such  
22 payments shall be combined and invested in a manner that  
23 yields, at a minimum, sufficient interest to generate the  
24 difference between the prepaid amount and the cost of  
25 registration and dormitory residence at the time of actual  
26 enrollment. Students who enroll in a state postsecondary  
27 institution pursuant to this section shall be charged no fees  
28 in excess of the terms delineated in the advance payment  
29 contract.

30           (4) FLORIDA PREPAID COLLEGE TRUST FUND.--There is  
31 created within the State Board of Administration the Florida

1 Prepaid College Trust Fund. The fund shall consist of state  
2 appropriations, moneys acquired from other governmental or  
3 private sources, and moneys remitted in accordance with  
4 advance payment contracts. All funds deposited into the trust  
5 fund may be invested pursuant to s. 215.47. Dividends,  
6 interest, and gains accruing to the trust fund shall increase  
7 the total funds available for the program. Notwithstanding the  
8 provisions of chapter 717, funds associated with terminated  
9 contracts pursuant to subsection (12) and canceled contracts  
10 for which no refunds have been claimed shall increase the  
11 total funds available for the program. However, the board  
12 shall establish procedures for notifying purchasers who  
13 subsequently cancel their contracts of any unclaimed refund  
14 and shall establish a time period after which no refund may be  
15 claimed by a purchaser who canceled a contract. Any balance  
16 contained within the fund at the end of a fiscal year shall  
17 remain therein and shall be available for carrying out the  
18 purposes of the program. In the event that dividends,  
19 interest, and gains exceed the amount necessary for program  
20 administration and disbursements, the board may designate an  
21 additional percentage of the fund to serve as a contingency  
22 fund. Moneys contained within the fund shall be exempt from  
23 the investment requirements of s. 18.10. Any funds of a  
24 direct-support organization created pursuant to subsection  
25 (22) shall be exempt from the provisions of this subsection.

26 (5) PROGRAM ADMINISTRATION.--

27 (a) The Florida Prepaid College Program shall be  
28 administered by the Florida Prepaid College Board as an agency  
29 of the state. The Florida Prepaid College Board is hereby  
30 created as a body corporate with all the powers of a body  
31 corporate for the purposes delineated in this section. For

1 the purposes of s. 6, Art. IV of the State Constitution, the  
2 board shall be assigned to and administratively housed within  
3 the State Board of Administration, but it shall independently  
4 exercise the powers and duties specified in this section.

5 (b) The board shall consist of seven members to be  
6 composed of the Insurance Commissioner and Treasurer, the  
7 Comptroller, the Chancellor of the Board of Regents, the  
8 Executive Director of the State Board of Community Colleges,  
9 and three members appointed by the Governor and subject to  
10 confirmation by the Senate. Each member appointed by the  
11 Governor shall possess knowledge, skill, and experience in the  
12 areas of accounting, actuary, risk management, or investment  
13 management. Each member of the board not appointed by the  
14 Governor may name a designee to serve the board on behalf of  
15 the member; however, any designee so named shall meet the  
16 qualifications required of gubernatorial appointees to the  
17 board. Members appointed by the Governor shall serve terms of  
18 3 years. Any person appointed to fill a vacancy on the board  
19 shall be appointed in a like manner and shall serve for only  
20 the unexpired term. Any member shall be eligible for  
21 reappointment and shall serve until a successor qualifies.  
22 Members of the board shall serve without compensation but  
23 shall be reimbursed for per diem and travel in accordance with  
24 s. 112.061. Each member of the board shall file a full and  
25 public disclosure of his or her financial interests pursuant  
26 to s. 8, Art. II of the State Constitution and corresponding  
27 statute.

28 (c) The board shall annually elect a board member to  
29 serve as chair and a board member to serve as vice chair and  
30 shall designate a secretary-treasurer who need not be a member  
31 of the board. The secretary-treasurer shall keep a record of

1 the proceedings of the board and shall be the custodian of all  
2 printed material filed with or by the board and of its  
3 official seal. Notwithstanding the existence of vacancies on  
4 the board, a majority of the members shall constitute a  
5 quorum. The board shall take no official action in the absence  
6 of a quorum. The board shall meet, at a minimum, on a  
7 quarterly basis at the call of the chair.

8 (6) FLORIDA PREPAID COLLEGE BOARD; DUTIES.--The board  
9 shall:

10 (a) Appoint an executive director to serve as the  
11 chief administrative and operational officer of the board and  
12 to perform other duties assigned to him or her by the board.

13 (b) Administer the fund in a manner that is  
14 sufficiently actuarially sound to defray the obligations of  
15 the program. The board shall annually evaluate or cause to be  
16 evaluated the actuarial soundness of the fund. If the board  
17 perceives a need for additional assets in order to preserve  
18 actuarial soundness, the board may adjust the terms of  
19 subsequent advance payment contracts to ensure such soundness.

20 (c) Establish a comprehensive investment plan for the  
21 purposes of this section with the approval of the State Board  
22 of Administration. The comprehensive investment plan shall  
23 specify the investment policies to be utilized by the board in  
24 its administration of the fund. The board may place assets of  
25 the fund in savings accounts or use the same to purchase fixed  
26 or variable life insurance or annuity contracts, securities,  
27 evidence of indebtedness, or other investment products  
28 pursuant to the comprehensive investment plan and in such  
29 proportions as may be designated or approved under that plan.  
30 Such insurance, annuity, savings, or investment products shall  
31 be underwritten and offered in compliance with the applicable

1 federal and state laws, regulations, and rules by persons who  
2 are duly authorized by applicable federal and state  
3 authorities. Within the comprehensive investment plan, the  
4 board may authorize investment vehicles, or products incident  
5 thereto, as may be available or offered by qualified companies  
6 or persons. A contract purchaser may not direct the investment  
7 of his or her contribution to the trust fund, and a contract  
8 beneficiary may not direct the contribution made on his or her  
9 behalf to the trust fund. Board members and employees of the  
10 board are not prohibited from purchasing advance payment  
11 contracts by virtue of their fiduciary responsibilities as  
12 members of the board or official duties as employees of the  
13 board.

14 (d) Solicit proposals and contract, pursuant to s.  
15 287.057, for the marketing of the Florida Prepaid College  
16 Program. The entity designated pursuant to this paragraph  
17 shall serve as a centralized marketing agent for the program  
18 and shall be solely responsible for the marketing of the  
19 program. Any materials produced for the purpose of marketing  
20 the program shall be submitted to the board for review. No  
21 such materials shall be made available to the public before  
22 the materials are approved by the board. Any educational  
23 institution may distribute marketing materials produced for  
24 the program; however, all such materials shall have been  
25 approved by the board prior to distribution. Neither the state  
26 nor the board shall be liable for misrepresentation of the  
27 program by a marketing agent.

28 (e) Solicit proposals and contract, pursuant to s.  
29 287.057, for a trustee services firm to select and supervise  
30 investment programs on behalf of the board. The goals of the  
31 board in selecting a trustee services firm shall be to obtain

1 the highest standards of professional trustee services, to  
2 allow all qualified firms interested in providing such  
3 services equal consideration, and to provide such services to  
4 the state at no cost and to the purchasers at the lowest cost  
5 possible. The trustee services firm shall agree to meet the  
6 obligations of the board to qualified beneficiaries if moneys  
7 in the fund fail to offset the obligations of the board as a  
8 result of imprudent selection or supervision of investment  
9 programs by such firm. Evaluations of proposals submitted  
10 pursuant to this paragraph shall include, but not be limited  
11 to, the following criteria:

12           1. Adequacy of trustee services for supervision and  
13 management of the program, including current operations and  
14 staff organization and commitment of management to the  
15 proposal.

16           2. Capability to execute program responsibilities  
17 within time and regulatory constraints.

18           3. Past experience in trustee services and current  
19 ability to maintain regular and continuous interactions with  
20 the board, records administrator, and product provider.

21           4. The minimum purchaser participation assumed within  
22 the proposal and any additional requirements of purchasers.

23           5. Adequacy of technical assistance and services  
24 proposed for staff.

25           6. Adequacy of a management system for evaluating and  
26 improving overall trustee services to the program.

27           7. Adequacy of facilities, equipment, and electronic  
28 data processing services.

29           8. Detailed projections of administrative costs,  
30 including the amount and type of insurance coverage, and  
31 detailed projections of total costs.

1           (f) Solicit proposals and contract, pursuant to s.  
2 287.057, for product providers to develop investment  
3 portfolios on behalf of the board to achieve the purposes of  
4 this section. Product providers shall be limited to authorized  
5 insurers as defined in s. 624.09, banks as defined in s.  
6 658.12, associations as defined in s. 665.012, authorized  
7 Securities and Exchange Commission investment advisers, and  
8 investment companies as defined in the Investment Company Act  
9 of 1940. All product providers shall have their principal  
10 place of business and corporate charter located and registered  
11 in the United States. In addition, each product provider shall  
12 agree to meet the obligations of the board to qualified  
13 beneficiaries if moneys in the fund fail to offset the  
14 obligations of the board as a result of imprudent investing by  
15 such provider. Each authorized insurer shall evidence superior  
16 performance overall on an acceptable level of surety in  
17 meeting its obligations to its policyholders and other  
18 contractual obligations. Only qualified public depositories  
19 approved by the Insurance Commissioner and Treasurer shall be  
20 eligible for board consideration. Each investment company  
21 shall provide investment plans as specified within the request  
22 for proposals. The goals of the board in selecting a product  
23 provider company shall be to provide all purchasers with the  
24 most secure, well-diversified, and beneficially administered  
25 postsecondary education expense plan possible, to allow all  
26 qualified firms interested in providing such services equal  
27 consideration, and to provide such services to the state at no  
28 cost and to the purchasers at the lowest cost possible.  
29 Evaluations of proposals submitted pursuant to this paragraph  
30 shall include, but not be limited to, the following criteria:  
31

- 1           1. Fees and other costs charged to purchasers that  
2 affect account values or operational costs related to the  
3 program.
- 4           2. Past and current investment performance, including  
5 investment and interest rate history, guaranteed minimum rates  
6 of interest, consistency of investment performance, and any  
7 terms and conditions under which moneys are held.
- 8           3. Past experience and ability to provide timely and  
9 accurate service in the areas of records administration,  
10 benefit payments, investment management, and complaint  
11 resolution.
- 12           4. Financial history and current financial strength  
13 and capital adequacy to provide products, including operating  
14 procedures and other methods of protecting program assets.
- 15           (7) FLORIDA PREPAID COLLEGE BOARD; POWERS.--The board  
16 shall have the powers necessary or proper to carry out the  
17 provisions of this section, including, but not limited to, the  
18 power to:
- 19           (a) Adopt an official seal and rules.
- 20           (b) Sue and be sued.
- 21           (c) Make and execute contracts and other necessary  
22 instruments.
- 23           (d) Establish agreements or other transactions with  
24 federal, state, and local agencies, including state  
25 universities and community colleges.
- 26           (e) Invest funds not required for immediate  
27 disbursement.
- 28           (f) Appear in its own behalf before boards,  
29 commissions, or other governmental agencies.
- 30           (g) Hold, buy, and sell any instruments, obligations,  
31 securities, and property determined appropriate by the board.

1           (h) Require a reasonable length of state residence for  
2 qualified beneficiaries.

3           (i) Restrict the number of participants in the  
4 community college plan, university plan, and dormitory  
5 residence plan, respectively. However, any person denied  
6 participation solely on the basis of such restriction shall be  
7 granted priority for participation during the succeeding year.

8           (j) Segregate contributions and payments to the fund  
9 into various accounts and funds.

10          (k) Contract for necessary goods and services, employ  
11 necessary personnel, and engage the services of private  
12 consultants, actuaries, managers, legal counsel, and auditors  
13 for administrative or technical assistance.

14          (l) Solicit and accept gifts, grants, loans, and other  
15 aids from any source or participate in any other way in any  
16 government program to carry out the purposes of this section.

17          (m) Require and collect administrative fees and  
18 charges in connection with any transaction and impose  
19 reasonable penalties, including default, for delinquent  
20 payments or for entering into an advance payment contract on a  
21 fraudulent basis.

22          (n) Procure insurance against any loss in connection  
23 with the property, assets, and activities of the fund or the  
24 board.

25          (o) Impose reasonable time limits on use of the  
26 tuition benefits provided by the program. However, any such  
27 limitation shall be specified within the advance payment  
28 contract.

29          (p) Delineate the terms and conditions under which  
30 payments may be withdrawn from the fund and impose reasonable  
31 fees and charges for such withdrawal. Such terms and

1 conditions shall be specified within the advance payment  
2 contract.

3 (q) Provide for the receipt of contributions in lump  
4 sums or installment payments.

5 (r) Require that purchasers of advance payment  
6 contracts verify, under oath, any requests for contract  
7 conversions, substitutions, transfers, cancellations, refund  
8 requests, or contract changes of any nature. Verification  
9 shall be accomplished as authorized and provided for in s.  
10 92.525(1)(a).

11 (s) Delegate responsibility for administration of the  
12 comprehensive investment plan required in paragraph (6)(c) to  
13 a person the board determines to be qualified. Such person  
14 shall be compensated by the board. Directly or through such  
15 person, the board may contract with a private corporation or  
16 institution to provide such services as may be a part of the  
17 comprehensive investment plan or as may be deemed necessary or  
18 proper by the board or such person, including, but not limited  
19 to, providing consolidated billing, individual and collective  
20 recordkeeping and accountings, and asset purchase, control,  
21 and safekeeping.

22 (t) Endorse insurance coverage written exclusively for  
23 the purpose of protecting advance payment contracts, and the  
24 purchasers and beneficiaries thereof, which may be issued in  
25 the form of a group life policy and which is exempt from the  
26 provisions of part V of chapter 627.

27 (u) Solicit proposals and contract, pursuant to s.  
28 287.057, for the services of a records administrator. The  
29 goals of the board in selecting a records administrator shall  
30 be to provide all purchasers with the most secure,  
31 well-diversified, and beneficially administered postsecondary

1 education expense plan possible, to allow all qualified firms  
2 interested in providing such services equal consideration, and  
3 to provide such services to the state at no cost and to the  
4 purchasers at the lowest cost possible. Evaluations of  
5 proposals submitted pursuant to this paragraph shall include,  
6 but not be limited to, the following criteria:

7           1. Fees and other costs charged to purchasers that  
8 affect account values or operational costs related to the  
9 program.

10           2. Past experience in records administration and  
11 current ability to provide timely and accurate service in the  
12 areas of records administration, audit and reconciliation,  
13 plan communication, participant service, and complaint  
14 resolution.

15           3. Sufficient staff and computer capability for the  
16 scope and level of service expected by the board.

17           4. Financial history and current financial strength  
18 and capital adequacy to provide administrative services  
19 required by the board.

20           (v) Establish other policies, procedures, and criteria  
21 to implement and administer the provisions of this section.

22           (w) Adopt procedures to govern contract dispute  
23 proceedings between the board and its vendors.

24           (8) QUALIFIED STATE TUITION PROGRAM

25 STATUS.--Notwithstanding any other provision of this section,  
26 the board may adopt rules necessary to enable the program to  
27 retain its status as a "qualified state tuition program" in  
28 order to maintain its tax exempt status or other similar  
29 status of the program, purchasers, and qualified beneficiaries  
30 under the Internal Revenue Code of 1986, as defined in s.  
31 220.03(1). The board shall inform purchasers of changes to the

1 tax or securities status of contracts purchased through the  
2 program.

3 (9) PREPAID COLLEGE PLANS.--At a minimum, the board  
4 shall make advance payment contracts available for two  
5 independent plans to be known as the community college plan  
6 and the university plan. The board may also make advance  
7 payment contracts available for a dormitory residence plan.

8 (a)1. Through the community college plan, the advance  
9 payment contract shall provide prepaid registration fees for a  
10 specified number of undergraduate semester credit hours not to  
11 exceed the average number of hours required for the conference  
12 of an associate degree. The cost of participation in the  
13 community college plan shall be based primarily on the average  
14 current and projected registration fees within the Florida  
15 Community College System and the number of years expected to  
16 elapse between the purchase of the plan on behalf of a  
17 qualified beneficiary and the exercise of the benefits  
18 provided in the plan by such beneficiary. Qualified  
19 beneficiaries shall bear the cost of any laboratory fees  
20 associated with enrollment in specific courses. Each qualified  
21 beneficiary shall be classified as a resident for tuition  
22 purposes, pursuant to s. 240.1201, regardless of his or her  
23 actual legal residence.

24 2. Effective July 1, 1998, the board may provide  
25 advance payment contracts for additional fees delineated in s.  
26 240.35, not to exceed the average number of hours required for  
27 the conference of an associate degree, in conjunction with  
28 advance payment contracts for registration fees. The cost of  
29 purchasing such fees shall be based primarily on the average  
30 current and projected fees within the Florida Community  
31 College System and the number of years expected to elapse

1 between the purchase of the plan on behalf of the beneficiary  
2 and the exercise of benefits provided in the plan by such  
3 beneficiary. Community college plan contracts purchased prior  
4 to July 1, 1998, shall be limited to the payment of  
5 registration fees as defined in subsection (2).

6 (b)1. Through the university plan, the advance payment  
7 contract shall provide prepaid registration fees for a  
8 specified number of undergraduate semester credit hours not to  
9 exceed the average number of hours required for the conference  
10 of a baccalaureate degree. The cost of participation in the  
11 university plan shall be based primarily on the current and  
12 projected registration fees within the State University System  
13 and the number of years expected to elapse between the  
14 purchase of the plan on behalf of a qualified beneficiary and  
15 the exercise of the benefits provided in the plan by such  
16 beneficiary. Qualified beneficiaries shall bear the cost of  
17 any laboratory fees associated with enrollment in specific  
18 courses. Each qualified beneficiary shall be classified as a  
19 resident for tuition purposes pursuant to s. 240.1201,  
20 regardless of his or her actual legal residence.

21 2. Effective July 1, 1998, the board may provide  
22 advance payment contracts for additional fees delineated in s.  
23 240.235(1), for a specified number of undergraduate semester  
24 credit hours not to exceed the average number of hours  
25 required for the conference of a baccalaureate degree, in  
26 conjunction with advance payment contracts for registration  
27 fees. Such contracts shall provide prepaid coverage for the  
28 sum of such fees, to a maximum of 45 percent of the cost of  
29 registration fees. The costs of purchasing such fees shall be  
30 based primarily on the average current and projected cost of  
31 these fees within the State University System and the number

1 of years expected to elapse between the purchase of the plan  
2 on behalf of the qualified beneficiary and the exercise of the  
3 benefits provided in the plan by such beneficiary. University  
4 plan contracts purchased prior to July 1, 1998, shall be  
5 limited to the payment of registration fees as defined in  
6 subsection (2).

7 (c) Through the dormitory residence plan, the advance  
8 payment contract may provide prepaid housing fees for a  
9 maximum of 10 semesters of full-time undergraduate enrollment  
10 in a state university. Dormitory residence plans shall be  
11 purchased in increments of 2 semesters. The cost of  
12 participation in the dormitory residence plan shall be based  
13 primarily on the average current and projected housing fees  
14 within the State University System and the number of years  
15 expected to elapse between the purchase of the plan on behalf  
16 of a qualified beneficiary and the exercise of the benefits  
17 provided in the plan by such beneficiary. Qualified  
18 beneficiaries shall have the highest priority in the  
19 assignment of housing within university residence halls.  
20 Qualified beneficiaries shall bear the cost of any additional  
21 elective charges such as laundry service or long-distance  
22 telephone service. Each state university may specify the  
23 residence halls or other university-held residences eligible  
24 for inclusion in the plan. In addition, any state university  
25 may request immediate termination of a dormitory residence  
26 contract based on a violation or multiple violations of rules  
27 of the residence hall or other university-held residences. In  
28 the event that sufficient housing is not available for all  
29 qualified beneficiaries, the board shall refund the purchaser  
30 or qualified beneficiary an amount equal to the fees charged  
31 for dormitory residence during that semester. If a qualified

1 beneficiary fails to be admitted to a state university or  
2 chooses to attend a community college that operates one or  
3 more dormitories or residency opportunities, or has one or  
4 more dormitories or residency opportunities operated by the  
5 community college direct-support organization, the qualified  
6 beneficiary may transfer or cause to have transferred to the  
7 community college, or community college direct-support  
8 organization, the fees associated with dormitory residence.  
9 Dormitory fees transferred to the community college or  
10 community college direct-support organization may not exceed  
11 the maximum fees charged for state university dormitory  
12 residence for the purposes of this section, or the fees  
13 charged for community college or community college  
14 direct-support organization dormitories or residency  
15 opportunities, whichever is less.

16 (10) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE  
17 COLLEGES AND UNIVERSITIES AND TO AREA TECHNICAL CENTERS.--A  
18 qualified beneficiary may apply the benefits of an advance  
19 payment contract toward:

20 (a) Any eligible independent college or university. An  
21 independent college or university that is located and  
22 chartered in Florida, that is not for profit, that is  
23 accredited by the Commission on Colleges of the Southern  
24 Association of Colleges and Schools or the Accrediting Council  
25 for Independent Colleges and Schools ~~Accrediting Commission of~~  
26 ~~the Association of Independent Colleges and Schools~~, and that  
27 confers degrees as defined in s. 246.021, is eligible for such  
28 application. The board shall transfer, or cause to have  
29 transferred, to the eligible independent college or university  
30 designated by the qualified beneficiary an amount not to  
31 exceed the redemption value of the advance payment contract at

1 ~~within~~ a state postsecondary institution. If the cost of  
2 registration or housing fees at the independent college or  
3 university is less than the corresponding fees at a state  
4 postsecondary institution, the amount transferred shall not  
5 exceed the actual cost of registration or housing fees. A  
6 transfer authorized under this paragraph may not exceed the  
7 number of semester credit hours or semesters of dormitory  
8 residence contracted on behalf of a qualified beneficiary.

9 (b) An eligible out-of-state college or university. An  
10 out-of-state college or university that is not for profit and  
11 is accredited by a regional accrediting association, and that  
12 confers degrees, is eligible for such application. The board  
13 shall transfer, or cause to have transferred, an amount not to  
14 exceed the redemption value of the advance payment contract at  
15 a state postsecondary institution ~~or the original purchase~~  
16 ~~price plus 5 percent compounded interest, whichever is less,~~  
17 ~~after assessment of a reasonable transfer fee.~~ If the cost of  
18 registration or housing fees charged the qualified beneficiary  
19 at the eligible out-of-state college or university is less  
20 than this calculated amount, the amount transferred shall not  
21 exceed the actual cost of registration or housing fees. Any  
22 remaining amount shall be transferred in subsequent semesters  
23 until the transfer value is depleted. A transfer authorized  
24 under this paragraph may not exceed the number of semester  
25 credit hours or semesters of dormitory residence contracted on  
26 behalf of a qualified beneficiary.

27 (c) An applied technology diploma program or  
28 vocational certificate program conducted by a community  
29 college listed in s. 240.3031 or an area technical center  
30 operated by a district school board. The board shall transfer  
31 or cause to be transferred to the community college or area

1 technical center designated by the qualified beneficiary an  
2 amount not to exceed the redemption value of the advance  
3 payment contract within a state postsecondary institution. If  
4 the cost of the fees charged by the college or center, as  
5 authorized in s. 239.117, is less than the corresponding fees  
6 at a state postsecondary institution, the amount transferred  
7 may not exceed the actual cost of the fees. A transfer  
8 authorized under this paragraph may not exceed the number of  
9 semester credit hours contracted on behalf of a qualified  
10 beneficiary.

11

12 Notwithstanding any other provision in this section, an  
13 institution must be an "eligible educational institution"  
14 under s. 529 of the Internal Revenue Code to be eligible for  
15 the transfer of advance payment contract benefits.

16 (11) ADVANCE PAYMENT CONTRACTS; CONTENTS.--The board  
17 shall construct advance payment contracts for registration and  
18 may construct advance payment contracts for dormitory  
19 residence as provided in this section. Advance payment  
20 contracts constructed for the purposes of this section shall  
21 be exempt from chapter 517 and the Florida Insurance Code.  
22 Such contracts shall include, but not be limited to, the  
23 following:

24 (a) The amount of the payment or payments and the  
25 number of payments required from a purchaser on behalf of a  
26 qualified beneficiary.

27 (b) The terms and conditions under which purchasers  
28 shall remit payments, including, but not limited to, the date  
29 or dates upon which each payment shall be due.

30 (c) Provisions for late payment charges and for  
31 default.

- 1           (d) Provisions for penalty fees for withdrawals from  
2 the fund.
- 3           (e) Except for an advance payment contract entered  
4 into pursuant to subsection (22), the name and date of birth  
5 of the qualified beneficiary on whose behalf the contract is  
6 drawn and the terms and conditions under which another person  
7 may be substituted as the qualified beneficiary.
- 8           (f) The name of any person who may terminate the  
9 contract. The terms of the contract shall specify whether the  
10 contract may be terminated by the purchaser, the qualified  
11 beneficiary, a specific designated person, or any combination  
12 of these persons.
- 13           (g) The terms and conditions under which a contract  
14 may be terminated, modified, or converted, the name of the  
15 person entitled to any refund due as a result of termination  
16 of the contract pursuant to such terms and conditions, and the  
17 amount of refund, if any, due to the person so named.
- 18           (h) The number of semester credit hours or semesters  
19 of dormitory residence contracted by the purchaser.
- 20           (i) The state postsecondary system toward which the  
21 contracted credit hours or semesters of dormitory residence  
22 will be applied.
- 23           (j) The assumption of a contractual obligation by the  
24 board to the qualified beneficiary to provide for a specified  
25 number of semester credit hours of undergraduate instruction  
26 at a state postsecondary institution, not to exceed the  
27 average number of credit hours required for the conference of  
28 the degree that corresponds to the plan purchased on behalf of  
29 the qualified beneficiary or to provide for a specified number  
30 of semesters of dormitory residence, not to exceed the number  
31

1 of semesters of full-time enrollment required for the  
2 conference of a baccalaureate degree.

3 (k) Other terms and conditions deemed by the board to  
4 be necessary or proper.

5 (12) DURATION OF BENEFITS; ADVANCE PAYMENT

6 CONTRACT.--An advance payment contract may provide that  
7 contracts which have not been terminated or the benefits  
8 exercised within a specified period of time shall be  
9 considered terminated. Time expended by a qualified  
10 beneficiary as an active duty member of any of the armed  
11 services of the United States shall be added to the period of  
12 time specified pursuant to this subsection. No purchaser or  
13 qualified beneficiary whose advance payment contract is  
14 terminated pursuant to this subsection shall be entitled to a  
15 refund. The board shall retain any moneys paid by the  
16 purchaser for an advance payment contract that has been  
17 terminated in accordance with this subsection. Such moneys  
18 retained by the board are exempt from chapter 717, and such  
19 retained moneys must be used by the board to further the  
20 purposes of this section.

21 (13) REFUNDS.--

22 (a) Except as provided in paragraphs (b) and (c), no  
23 refund shall exceed the amount paid into the fund by the  
24 purchaser.

25 (b) If the beneficiary is awarded a scholarship, the  
26 terms of which cover the benefits included in the advance  
27 payment contracts, moneys paid for the purchase of the advance  
28 payment contracts shall be refunded ~~returned~~ to the purchaser  
29 in semester installments coinciding with the matriculation by  
30 the beneficiary in an amount which, in total, does not exceed  
31 the redemption value of the advance payment contract at a

1 ~~state postsecondary institution amounts of either the original~~  
2 ~~purchase price plus 5 percent compounded interest, or the~~  
3 ~~current rates at state postsecondary institutions, whichever~~  
4 ~~is less.~~

5 (c) In the event of the death or total disability of  
6 the beneficiary, moneys paid for the purchase of advance  
7 payment contracts shall be refunded ~~returned~~ to the purchaser  
8 in an amount not to exceed the redemption value of the advance  
9 payment contract at a state postsecondary institution together  
10 ~~with 5 percent compounded interest, or the current rates at~~  
11 ~~state postsecondary institutions, whichever is less.~~

12 (d) If an advance payment contract is converted from  
13 one registration plan to a plan of lesser value, the amount  
14 refunded shall not exceed the difference between the amount  
15 paid for the original contract and the amount that would have  
16 been paid for the contract to which the plan is converted had  
17 the converted plan been purchased under the same payment plan  
18 at the time the original advance payment contract was  
19 executed.

20 (e) No refund shall be authorized through an advance  
21 payment contract for any school year partially attended but  
22 not completed. For purposes of this section, a school year  
23 partially attended but not completed shall mean any one  
24 semester whereby the student is still enrolled at the  
25 conclusion of the official drop-add period, but withdraws  
26 before the end of such semester. If a beneficiary does not  
27 complete a community college plan or university plan for  
28 reasons other than specified in paragraph (c), the purchaser  
29 shall receive a refund of the amount paid into the fund for  
30 the remaining unattended years of the advance payment contract  
31 pursuant to rules promulgated by the board.

1           (14) CONFIDENTIALITY OF ACCOUNT  
2 INFORMATION.--Information that identifies the purchasers or  
3 beneficiaries of any plan promulgated under this section and  
4 their advance payment account activities is exempt from the  
5 provisions of s. 119.07(1). However, the board may authorize  
6 the program's records administrator to release such  
7 information to a community college, college, or university in  
8 which a beneficiary may enroll or is enrolled. Community  
9 colleges, colleges, and universities shall maintain such  
10 information as exempt from the provisions of s. 119.07(1).  
11           (15) OBLIGATIONS OF BOARD; PAYMENT.--The state shall  
12 agree to meet the obligations of the board to qualified  
13 beneficiaries if moneys in the fund fail to offset the  
14 obligations of the board. The Legislature shall appropriate to  
15 the Florida Prepaid College Trust Fund the amount necessary to  
16 meet the obligations of the board to qualified beneficiaries.  
17           (16) ASSETS OF THE FUND; EXPENDITURE PRIORITY.--The  
18 assets of the fund shall be maintained, invested, and expended  
19 solely for the purposes of this section and shall not be  
20 loaned, transferred, or otherwise used by the state for any  
21 purpose other than the purposes of this section. This  
22 subsection shall not be construed to prohibit the board from  
23 investing in, by purchase or otherwise, bonds, notes, or other  
24 obligations of the state or an agency or instrumentality of  
25 the state. Unless otherwise specified by the board, assets of  
26 the fund shall be expended in the following order of priority:  
27           (a) To make payments to state postsecondary  
28 institutions on behalf of qualified beneficiaries.  
29           (b) To make refunds upon termination of advance  
30 payment contracts.  
31

1           (c) To pay the costs of program administration and  
2 operations.

3           (17) EXEMPTION FROM CLAIMS OF CREDITORS.--Moneys paid  
4 into or out of the fund by or on behalf of a purchaser or  
5 qualified beneficiary of an advance payment contract made  
6 under this section, which contract has not been terminated,  
7 are exempt, as provided by s. 222.22, from all claims of  
8 creditors of the purchaser or the beneficiary. Neither moneys  
9 paid into the program nor benefits accrued through the program  
10 may be pledged for the purpose of securing a loan.

11           (18) PAYROLL DEDUCTION AUTHORITY.--The state or any  
12 state agency, county, municipality, or other political  
13 subdivision may, by contract or collective bargaining  
14 agreement, agree with any employee to remit payments toward  
15 advance payment contracts through payroll deductions made by  
16 the appropriate officer or officers of the state, state  
17 agency, county, municipality, or political subdivision. Such  
18 payments shall be held and administered in accordance with  
19 this section.

20           (19) DISCLAIMER.--Nothing in this section shall be  
21 construed as a promise or guarantee that a qualified  
22 beneficiary will be admitted to a state postsecondary  
23 institution or to a particular state postsecondary  
24 institution, will be allowed to continue enrollment at a state  
25 postsecondary institution after admission, or will be  
26 graduated from a state postsecondary institution.

27           (20) PROGRAM TERMINATION.--In the event that the state  
28 determines the program to be financially infeasible, the state  
29 may discontinue the provision of the program. Any qualified  
30 beneficiary who has been accepted by and is enrolled or is  
31 within 5 years of enrollment in an eligible independent

1 college or university or state postsecondary institution shall  
2 be entitled to exercise the complete benefits for which he or  
3 she has contracted. All other contract holders shall receive a  
4 refund of the amount paid in and an additional amount in the  
5 nature of interest at a rate that corresponds, at a minimum,  
6 to the prevailing interest rates for savings accounts provided  
7 by banks and savings and loan associations.

8 (21) ANNUAL REPORT.--The board shall annually prepare  
9 or cause to be prepared a report setting forth in appropriate  
10 detail an accounting of the fund and a description of the  
11 financial condition of the program at the close of each fiscal  
12 year. Such report shall be submitted to the President of the  
13 Senate, the Speaker of the House of Representatives, and  
14 members of the State Board of Education on or before March 31  
15 each year. In addition, the board shall make the report  
16 available to purchasers of advance payment contracts. The  
17 board shall provide to the Board of Regents and the State  
18 Board of Community Colleges, by March 31 each year, complete  
19 advance payment contract sales information, including  
20 projected postsecondary enrollments of qualified  
21 beneficiaries. The accounts of the fund shall be subject to  
22 annual audits by the Auditor General or his or her designee.

23 (22) DIRECT-SUPPORT ORGANIZATION; AUTHORITY.--

24 (a) The board may establish a direct-support  
25 organization which is:

26 1. A Florida corporation, not for profit, incorporated  
27 under the provisions of chapter 617 and approved by the  
28 Secretary of State.

29 2. Organized and operated exclusively to receive,  
30 hold, invest, and administer property and to make expenditures  
31 to or for the benefit of the program.

1           3. An organization which the board, after review, has  
2 certified to be operating in a manner consistent with the  
3 goals of the program and in the best interests of the state.  
4 Unless so certified, the organization may not use the name of  
5 the program.

6           (b) The direct-support organization shall operate  
7 under written contract with the board. The contract must  
8 provide for:

9           1. Approval of the articles of incorporation and  
10 bylaws of the direct-support organization by the board.

11           2. Submission of an annual budget for the approval of  
12 the board. The budget must comply with rules adopted by the  
13 board.

14           3. An annual financial and compliance audit of its  
15 financial accounts and records by an independent certified  
16 public accountant in accordance with rules adopted by the  
17 board.

18           4. Certification by the board that the direct-support  
19 organization is complying with the terms of the contract and  
20 in a manner consistent with the goals and purposes of the  
21 board and in the best interest of the state. Such  
22 certification must be made annually and reported in the  
23 official minutes of a meeting of the board.

24           5. The reversion to the board, or to the state if the  
25 board ceases to exist, of moneys and property held in trust by  
26 the direct-support organization for the benefit of the board  
27 or program if the direct-support organization is no longer  
28 approved to operate for the board or if the board ceases to  
29 exist.

30  
31

1           6. The fiscal year of the direct-support organization,  
2 which must begin July 1 of each year and end June 30 of the  
3 following year.

4           7. The disclosure of material provisions of the  
5 contract and of the distinction between the board and the  
6 direct-support organization to donors of gifts, contributions,  
7 or bequests, and such disclosure on all promotional and  
8 fundraising publications.

9           (c) An annual financial and compliance audit of the  
10 financial accounts and records of the direct-support  
11 organization must be performed by an independent certified  
12 public accountant. The audit must be submitted to the board  
13 for review and approval. Upon approval, the board shall  
14 certify the audit report to the Auditor General for review.  
15 The board and Auditor General shall have the authority to  
16 require and receive from the organization or its independent  
17 auditor any detail or supplemental data relative to the  
18 operation of the organization.

19           (d) The identity of donors who desire to remain  
20 anonymous shall be confidential and exempt from the provisions  
21 of s. 119.07(1) and s. 24(a), Art. I of the State  
22 Constitution, and such anonymity shall be maintained in the  
23 auditor's report. Information received by the organization  
24 that is otherwise confidential or exempt by law shall retain  
25 such status. Any sensitive, personal information regarding  
26 contract beneficiaries, including their identities, is exempt  
27 from the provisions of s. 119.07(1) and s. 24(a), Art. I of  
28 the State Constitution.

29           (e) The chair and the executive director of the board  
30 shall be directors of the direct-support organization and  
31

1 shall jointly name three other individuals to serve as  
2 directors of the organization.

3 (f) The board may authorize the direct-support  
4 organization established in this subsection to use program  
5 property, except money, and use facilities and personal  
6 services subject to the provisions of this section. If the  
7 direct-support organization does not provide equal employment  
8 opportunities to all persons regardless of race, color,  
9 religion, sex, age, or national origin, it may not use the  
10 property, facilities, or personal services of the board. For  
11 the purposes of this subsection, the term "personal services"  
12 includes full-time personnel and part-time personnel as well  
13 as payroll processing as prescribed by rule of the board. The  
14 board shall adopt rules prescribing the procedures by which  
15 the direct-support organization is governed and any conditions  
16 with which such a direct-support organization must comply to  
17 use property, facilities, or personal services of the board.

18 (g) The board may invest funds of the direct-support  
19 organization which have been allocated for the purchase of  
20 advance payment contracts for scholarships with receipts for  
21 advance payment contracts.

22 Section 24. Section 240.6053, Florida Statutes, is  
23 created to read:

24 240.6053 Academic program contracts.--

25 (1) Academic program contracts with independent  
26 institutions recommended by the Postsecondary Education  
27 Planning Commission pursuant to s. 240.147(4), and approved by  
28 the State Board of Education pursuant to s. 229.053(2), shall  
29 be administered by the Department of Education.

30 (2) Funding for such contracts shall be based on the  
31 average cost to the state to provide similar programs in the

1 State University System or an amount specified in the General  
2 Appropriations Act.

3 (3) Priority for academic program contract support  
4 shall be given to students with demonstrated financial need.  
5 To be eligible for such support, a student shall meet the  
6 general requirements for student eligibility for state  
7 financial aid pursuant to s. 240.404.

8 (4) The tuition and fees assessed students supported  
9 through an academic program contract shall not exceed the  
10 amount required to pay the average matriculation and fees for  
11 a comparable program at a state university.

12 (5) The amount an institution receives per student for  
13 funding pursuant to this section, plus the tuition and fees  
14 paid by the student, plus the value of the Florida Resident  
15 Access Grant received by the student shall not exceed the full  
16 cost per student to the state of a similar program in the  
17 State University System.

18 (6) Institutions receiving support pursuant to this  
19 section shall annually submit to the department data on  
20 performance measures, including, but not limited to, degrees  
21 granted, graduation rates, licensure or certification rates of  
22 graduates where applicable, and employment in Florida.

23 Section 25. Section 295.01, Florida Statutes, is  
24 amended to read:

25 295.01 Children of deceased or disabled veterans;  
26 education.--

27 (1) It is hereby declared to be the policy of the  
28 state to provide educational opportunity at state expense for  
29 dependent children either of whose parents was a resident of  
30 the state at the time such parent entered the Armed Forces,  
31 had been a bona fide resident of the state for 5 years

1 preceding the child's application for benefits under this  
2 section, and who:

3 (a) Died in that service or from injuries sustained or  
4 disease contracted during a period of wartime service as  
5 defined in s. 1.01(14) or has died since or may hereafter die  
6 from diseases or disability resulting from such war service;7  
7 or

8 (b) Participated during a period of wartime service,  
9 as provided for in this chapter, and has been:

10 1. Determined by the United States Department of  
11 Veterans Affairs or its predecessor to have a  
12 service-connected 100-percent total and permanent disability  
13 rating for compensation;7

14 2. Determined to have a service-connected total and  
15 permanent disability rating of 100 percent and is in receipt  
16 of disability retirement pay from any branch of the United  
17 States Armed Services;7or

18 3. Issued a valid identification card by the  
19 Department of Veterans' Affairs in accordance with s. 295.17.7

20  
21 ~~when the parents of such children have been bona fide~~  
22 ~~residents of the state for 5 years next preceding their~~  
23 ~~application for the benefits hereof, and subject to the rules,~~  
24 ~~restrictions, and limitations hereof.~~

25 (2) The provisions of ss. 240.404, 295.03, 295.04, and  
26 295.05 shall apply.

27 (3) The State Board of Education shall adopt rules for  
28 administering this section.

29 Section 26. Section 295.02, Florida Statutes, is  
30 amended to read:

31 295.02 Use of funds; age, etc.--

1           (1) All sums appropriated and expended under this  
2 chapter shall be used to pay tuition and registration fees as  
3 defined by the Department of Education, board, and room rent  
4 and to buy books and supplies for the children of:

5           (a) Deceased or disabled veterans or service members,  
6 as defined and limited in s. 295.01, s. 295.016, s. 295.017,  
7 s. 295.018, s. 295.019, or s. 295.0195; or, ~~or of~~

8           (b) Parents classified as prisoners of war or missing  
9 in action, as defined and limited in s. 295.015., ~~who are~~

10           (2) Such children must be between the ages of 16 and  
11 22 years and ~~who are~~ in attendance at:

12           (a) A state-supported institution of higher learning,  
13 including a community college or vocational-technical school;  
14 or-

15           (b) A postsecondary education institution eligible to  
16 participate in the Florida Bright Futures Scholarship Program.  
17 A student attending an eligible independent postsecondary  
18 education institution may receive an award equivalent to the  
19 average matriculation and fees calculated for full-time  
20 attendance at a public postsecondary education institution at  
21 the comparable level.

22  
23 Any child having entered upon a course of training or  
24 education under the provisions of this chapter, consisting of  
25 a course of not more than 4 years, and arriving at the age of  
26 22 years before the completion of such course may continue the  
27 course and receive all benefits of the provisions of this  
28 chapter until the course is completed.

29           (3) The Department of Education shall administer this  
30 educational program subject to rules ~~regulations~~ of the State

31

1 Board of Education ~~department~~. The state board is authorized  
2 to adopt rules to implement the provisions of this program.

3 Section 27. Except as otherwise provided herein, this  
4 act shall take effect July 1, 2001.

5  
6 \*\*\*\*\*

7 HOUSE SUMMARY

8 Revises provisions of law governing financial aid. See  
9 bill for details.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31