

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1 Representative(s) Mealor offered the following:

2
3 **Amendment (with title amendment)**

4 Remove line(s) 25-71 and insert:

5 Section 2. Subsection (5) of section 1009.972, Florida
6 Statutes, is amended to read:

7 1009.972 Florida Prepaid College Trust Fund.--

8 (5) Notwithstanding ~~the provisions of~~ chapter 717, funds
9 associated with terminated advance payment contracts pursuant to
10 s. 1009.98(4)(k) and canceled contracts for which no refunds
11 have been claimed shall be retained by the board. The board
12 shall establish procedures for notifying purchasers who
13 subsequently cancel their advance payment contracts of any
14 unclaimed refund and shall establish a time period after which
15 no refund may be claimed by a purchaser who canceled a contract.
16 The board may transfer funds retained from such terminated
17 advance payment contracts and canceled contracts to the Florida
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18 Prepaid Tuition Scholarship Program to provide matching funds
19 for prepaid tuition scholarships for economically disadvantaged
20 youth who remain drug free and crime free. In addition, such
21 funds may be used for any other scholarship programs approved by
22 the board under s. 1009.983(8)(b) provided that any matching
23 funds are obtained solely from the private sector.

24 Section 3. Subsection (1), paragraph (a) of subsection
25 (3), and paragraph (k) of subsection (4) of section 1009.98,
26 Florida Statutes, are amended to read:

27 1009.98 Stanley G. Tate Florida Prepaid College Program.--

28 (1) STANLEY G. TATE FLORIDA PREPAID COLLEGE PROGRAM;
29 CREATION.--There is created the Stanley G. Tate a Florida
30 Prepaid College Program to provide a medium through which the
31 cost of registration and dormitory residence may be paid in
32 advance of enrollment in a state postsecondary institution at a
33 rate lower than the projected corresponding cost at the time of
34 actual enrollment. Such payments shall be combined and invested
35 in a manner that yields, at a minimum, sufficient interest to
36 generate the difference between the prepaid amount and the cost
37 of registration and dormitory residence at the time of actual
38 enrollment. Students who enroll in a state postsecondary
39 institution pursuant to this section shall be charged no fees in
40 excess of the terms delineated in the advance payment contract.

41 (3) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE
42 COLLEGES AND UNIVERSITIES AND TO CAREER CENTERS.--A qualified
43 beneficiary may apply the benefits of an advance payment
44 contract toward:

45 (a) An independent college or university that is located
46 and chartered in Florida, ~~that is not for profit,~~ that is
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47 accredited by the Commission on Colleges of the Southern
48 Association of Colleges and Schools or the Accrediting Council
49 for Independent Colleges and Schools, and that confers degrees
50 as defined in s. 1005.02. Any advertisement disseminated by an
51 eligible for-profit independent college or university that
52 references the Stanley G. Tate Florida Prepaid College Program
53 shall clearly state the following: "While the benefits of a
54 Florida Prepaid College contract may be utilized at this
55 institution, the Florida Prepaid College Board does not endorse
56 any particular college or university."

57
58 The board shall transfer or cause to be transferred to the
59 institution designated by the qualified beneficiary an amount
60 not to exceed the redemption value of the advance payment
61 contract at a state postsecondary institution. If the cost of
62 registration or housing fees at such institution is less than
63 the corresponding fees at a state postsecondary institution, the
64 amount transferred may not exceed the actual cost of
65 registration and housing fees. A transfer authorized under this
66 subsection may not exceed the number of semester credit hours or
67 semesters of dormitory residence contracted on behalf of a
68 qualified beneficiary. Notwithstanding any other provision in
69 this section, an institution must be an "eligible educational
70 institution" under s. 529 of the Internal Revenue Code to be
71 eligible for the transfer of advance payment contract benefits.

72 (4) ADVANCE PAYMENT CONTRACTS.--The board shall develop
73 advance payment contracts for registration and may develop
74 advance payment contracts for dormitory residence as provided in
75 this section. Advance payment contracts shall be exempt from
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76 | chapter 517 and the Florida Insurance Code. Such contracts shall
77 | include, but not be limited to, the following:

78 | (k) The period of time after which advance payment
79 | contracts that have not been terminated or the benefits used
80 | shall be considered terminated. Time expended by a qualified
81 | beneficiary as an active duty member of any of the armed
82 | services of the United States shall be added to the period of
83 | time specified by the board. A ~~Ne~~ purchaser or qualified
84 | beneficiary whose advance payment contract is terminated
85 | pursuant to this paragraph is not shall be entitled to a refund.
86 | Notwithstanding chapter 717, the board shall retain any moneys
87 | paid by the purchaser for an advance payment contract that has
88 | been terminated in accordance with this paragraph. Such moneys
89 | may be transferred to the Florida Prepaid Tuition Scholarship
90 | Program to provide matching funds for prepaid tuition
91 | scholarships for economically disadvantaged youths who remain
92 | drug free and crime free. In addition, such funds may be used
93 | for any other scholarship programs approved by the board under
94 | s. 1009.983(8)(b) provided that any matching funds are obtained
95 | solely from the private sector.

96 | Section 4. Subsection (8) is added to section 1009.983,
97 | Florida Statutes, to read:

98 | 1009.983 Direct-support organization; authority.--

99 | (8)(a) The direct-support organization shall administer
100 | the Florida Prepaid Tuition Scholarship Program pursuant to the
101 | provisions of s. 1009.984.

102 | (b) The board may establish and administer additional
103 | scholarship programs supported from escheated funds retained by
104 | the board pursuant to s. 1009.972(5) provided that any matching
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105 funds for such scholarships are obtained solely from the private
106 sector. The board shall develop criteria for approval of
107 additional scholarship programs supported from escheated funds.
108 The direct-support organization's annual report shall include a
109 list of any additional scholarship programs approved by the
110 board pursuant to this subsection, including a description of
111 the programs and the amount of escheated funds utilized to fund
112 the programs.

113

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

115 Remove line(s) 6-13 and insert:

116 An act relating to the Florida Prepaid College Board
117 programs; amending s. 1009.97, F.S.; renaming the Florida
118 Prepaid College Program; amending s. 1009.972, F.S.;
119 authorizing funds in the Florida Prepaid Tuition
120 Scholarship Program to be used for certain approved
121 scholarship programs; amending s. 1009.98, F.S.; deleting
122 a restriction on the types of postsecondary educational
123 institutions to which a qualified beneficiary may apply
124 his or her benefits under the Florida Prepaid College
125 Program; requiring certain advertisements to contain a
126 disclaimer regarding the program; conforming provisions;
127 amending s. 1009.983, F.S.; requiring the direct-support
128 organization of the Florida Prepaid College Board to
129 administer the Florida Prepaid Tuitions Scholarship
130 Program; authorizing the board to establish and administer
131 additional scholarship programs supported from escheated
132 funds retained by the board if the matching funds used for

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133 | the scholarships are obtained from the private sector;
134 | amending s. 732.402,