

Bill No. SB 550

Barcode 671074

CHAMBER ACTION

Senate

House

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The Committee on Education (Wise) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Subsection (5) of section 1009.972, Florida Statutes, is amended to read:

1009.972 Florida Prepaid College Trust Fund.--

(5) Notwithstanding ~~the provisions of~~ chapter 717, funds associated with terminated advance payment contracts pursuant to s. 1009.98(4)(k) and canceled contracts for which no refunds have been claimed shall be retained by the board. The board shall establish procedures for notifying purchasers who subsequently cancel their advance payment contracts of any unclaimed refund and shall establish a time period after which no refund may be claimed by a purchaser who canceled a contract. The board may transfer funds retained from such terminated advance payment contracts and canceled contracts to the Florida Prepaid Tuition Scholarship Program to provide

Bill No. SB 550

Barcode 671074

1 matching funds for prepaid tuition scholarships for  
 2 economically disadvantaged students or students with  
 3 disabilities ~~youth~~ who remain drug free and crime free or for  
 4 a scholarship program that is approved by the board and the  
 5 board of the direct-support organization established under s.  
 6 1009.983.

7 Section 2. Paragraph (a) of subsection (3) and  
 8 paragraph (k) of subsection (4) of section 1009.98, Florida  
 9 Statutes, are amended to read:

10 1009.98 Florida Prepaid College Program.--

11 (3) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE  
 12 COLLEGES AND UNIVERSITIES AND TO CAREER CENTERS.--A qualified  
 13 beneficiary may apply the benefits of an advance payment  
 14 contract toward:

15 (a) An independent college or university that is  
 16 located and chartered in Florida, ~~that is not for profit,~~ that  
 17 is accredited by the Commission on Colleges of the Southern  
 18 Association of Colleges and Schools or the Accrediting Council  
 19 for Independent Colleges and Schools, and that confers degrees  
 20 as defined in s. 1005.02. Any advertisement disseminated by an  
 21 eligible for-profit independent college or university which  
 22 refers to the Florida Prepaid College Program must clearly  
 23 state: "While the benefits of a Florida Prepaid College  
 24 contract may be used at this institution, the Florida Prepaid  
 25 College Board does not endorse any particular college or  
 26 university."

27  
 28 The board shall transfer or cause to be transferred to the  
 29 institution designated by the qualified beneficiary an amount  
 30 not to exceed the redemption value of the advance payment  
 31 contract at a state postsecondary institution. If the cost of

Bill No. SB 550

Barcode 671074

1 registration or housing fees at such institution is less than  
 2 the corresponding fees at a state postsecondary institution,  
 3 the amount transferred may not exceed the actual cost of  
 4 registration and housing fees. A transfer authorized under  
 5 this subsection may not exceed the number of semester credit  
 6 hours or semesters of dormitory residence contracted on behalf  
 7 of a qualified beneficiary. Notwithstanding any other  
 8 provision in this section, an institution must be an "eligible  
 9 educational institution" under s. 529 of the Internal Revenue  
 10 Code to be eligible for the transfer of advance payment  
 11 contract benefits.

12 (4) ADVANCE PAYMENT CONTRACTS.--The board shall  
 13 develop advance payment contracts for registration and may  
 14 develop advance payment contracts for dormitory residence as  
 15 provided in this section. Advance payment contracts shall be  
 16 exempt from chapter 517 and the Florida Insurance Code. Such  
 17 contracts shall include, but not be limited to, the following:

18 (k) The period of time after which advance payment  
 19 contracts that have not been terminated or the benefits used  
 20 shall be considered terminated. Time expended by a qualified  
 21 beneficiary as an active duty member of ~~any of~~ the armed  
 22 services of the United States shall be added to the period of  
 23 time specified by the board. A ~~No~~ purchaser or qualified  
 24 beneficiary whose advance payment contract is terminated  
 25 pursuant to this paragraph is not ~~shall be~~ entitled to a  
 26 refund. Notwithstanding chapter 717, the board shall retain  
 27 any moneys paid by the purchaser for an advance payment  
 28 contract that has been terminated in accordance with this  
 29 paragraph. Such moneys may be transferred to the Florida  
 30 Prepaid Tuition Scholarship Program to provide matching funds  
 31 for prepaid tuition scholarships for economically

Bill No. SB 550

Barcode 671074

1 disadvantaged students or students with disabilities youths  
 2 who remain drug free and crime free or for a scholarship  
 3 program that is approved by the board and the board of the  
 4 direct-support organization established under s. 1009.983.

5 Section 3. Section 1009.984, Florida Statutes, is  
 6 amended to read:

7 1009.984 Florida Prepaid Tuition Scholarship  
 8 Program.--The Florida Prepaid Tuition Scholarship Program is  
 9 established to provide economically disadvantaged students or  
 10 students with disabilities youth with prepaid postsecondary  
 11 tuition scholarships and to provide such scholarships to  
 12 others as approved by the board and the board of the  
 13 direct-support organization established under s. 1009.983. The  
 14 direct-support organization established pursuant to s.  
 15 1009.983 shall administer the program with the assistance and  
 16 cooperation of the Department of Education to:

17 (1) Provide an incentive for economically  
 18 disadvantaged students or students with disabilities youth to  
 19 improve school attendance and academic performance in order to  
 20 graduate and pursue a postsecondary education.

21 (2) Obtain the commitment and involvement of private  
 22 sector entities by virtue of funding matches with a ratio of  
 23 50 percent provided by the private sector and 50 percent  
 24 provided by the state.

25 (3) Purchase prepaid tuition scholarships for  
 26 economically disadvantaged students or students with  
 27 disabilities certified by the Department of Education to the  
 28 direct-support organization who meet ~~minimum economic and~~  
 29 school requirements and remain drug free and crime free.

30 (a) For the purpose of this subsection, "drug free"  
 31 means not being convicted of, or adjudicated delinquent for,

Bill No. SB 550

Barcode 671074

1 any violation of chapter 893 after being designated a  
2 recipient of a Florida prepaid tuition scholarship.

3 (b) For the purpose of this subsection, "crime free"  
4 means not being convicted of, or adjudicated delinquent for,  
5 any felony or first degree misdemeanor as defined in ss.  
6 775.08 and 775.081 after being designated a recipient of a  
7 Florida prepaid tuition scholarship.

8 (4) Purchase prepaid tuition scholarships for students  
9 who are eligible for a scholarship program that is approved by  
10 the board and the board of the direct-support organization  
11 established under s. 1009.983.

12 Section 4. This act shall take effect July 1, 2006.

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

16 And the title is amended as follows:

17 Delete everything before the enacting clause

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19 and insert:

20 A bill to be entitled  
21 An act relating to scholarship programs;  
22 amending s. 1009.972, F.S.; providing for the  
23 Florida Prepaid Tuition Scholarship Program to  
24 be funded with moneys retained from certain  
25 terminated or cancelled contracts under the  
26 Florida Prepaid College Program; extending the  
27 scholarship program to students with  
28 disabilities; authorizing the Florida Prepaid  
29 College Board and Prepaid College Foundation  
30 Board to approve scholarship programs for such  
31 funding; amending s. 1009.98, F.S.; deleting a

Bill No. SB 550

Barcode 671074

1 restriction on the types of postsecondary  
2 educational institutions in which a qualified  
3 beneficiary may use his or her benefits under  
4 the Florida Prepaid College Program; requiring  
5 certain advertisements to contain a disclaimer  
6 regarding the program; conforming provisions to  
7 changes made by the act; extending the  
8 scholarship program to students with  
9 disabilities; amending s. 1009.984, F.S.;  
10 expanding the Florida Prepaid Tuition  
11 Scholarship Program to provide scholarships to  
12 students with disabilities and students  
13 approved by the Florida Prepaid College Board  
14 and the Prepaid College Foundation Board;  
15 providing an effective date.

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