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CS/HB 343, Engrossed 1

2007 Legislature

1 A bill to be entitled
2 An act relating to public postsecondary need-based student
3 financial assistance; amending s. 1009.40, F.S.; requiring
4 state residency for a public postsecondary career
5 education student assistance grant; revising eligibility
6 criteria for the renewal of specified financial aid
7 awards; creating s. 1009.505 F.S.; creating the Florida
8 Public Postsecondary Career Education Student Assistance
9 Grant Program; providing for program administration;
10 defining terms; providing that grants are available to
11 specified students in specified postsecondary career
12 certificate programs; providing for annual grant amounts;
13 providing eligibility criteria for career certificate
14 students; requiring reporting by participating
15 institutions; providing for distribution of appropriated
16 funds; providing for transmittal of grant payments to
17 community college presidents or district school
18 superintendents; providing for period of eligibility;
19 requiring participating institutions to certify amounts
20 disbursed to students; requiring the State Board of
21 Education to adopt rules; providing that the program shall
22 only be implemented to the extent funded and authorized by
23 law; amending s. 1009.77, F.S.; revising the purpose of
24 the Florida Work Experience Program; providing that the
25 program is available to students in specified career
26 education programs and educator preparation institutes;
27 authorizing a participating institution to use up to 100
28 percent of its allocation for student employees within the

ENROLLED

CS/HB 343, Engrossed 1

2007 Legislature

29 institution and to reimburse itself for 100 percent of the
30 student wages; lowering the percentage of student wages
31 that must be reimbursed to employers; providing that
32 participating postsecondary educational institutions must
33 pay for specified preemployment expenses for students
34 employed with public schools; requiring employers to pay
35 specified wages; prescribing student eligibility
36 requirements; providing for distribution of funds;
37 requiring certification of funds disbursed to students;
38 removing provisions that require funds appropriated for
39 the program to be deposited in the State Student Financial
40 Assistance Trust Fund and that specify Chief Financial
41 Officer responsibilities; removing provision that requires
42 program balances to be retained; providing an effective
43 date.

44
45 WHEREAS, the public postsecondary career certificate
46 programs were created by the state to provide affordable access
47 to higher education for Florida's residents, and

48 WHEREAS, students enrolled in public postsecondary career
49 certificate programs have no access to state need-based
50 financial aid and must rely on student loans and scholarships to
51 finance their higher education, and

52 WHEREAS, student debt has escalated at an unprecedented
53 level, causing students to owe large sums of money that often
54 are difficult to repay, especially with compounding interest,
55 and

56 WHEREAS, the State of Florida needs a trained workforce,

ENROLLED

CS/HB 343, Engrossed 1

2007 Legislature

57 | and between 70 percent and 80 percent of jobs for the future
 58 | will require education beyond high school but less than a
 59 | baccalaureate degree, and

60 | WHEREAS, students who are willing to work for their need-
 61 | based financial aid in a field for which they are studying is of
 62 | benefit to the student, the employer, and the state, NOW,
 63 | THEREFORE,

64 |

65 | Be It Enacted by the Legislature of the State of Florida:

66 |

67 | Section 1. Subsection (1) of section 1009.40, Florida
 68 | Statutes, is amended to read:

69 | 1009.40 General requirements for student eligibility for
 70 | state financial aid.--

71 | (1) (a) The general requirements for eligibility of
 72 | students for state financial aid awards consist of the
 73 | following:

74 | 1. Achievement of the academic requirements of and
 75 | acceptance at a state university or community college; a nursing
 76 | diploma school approved by the Florida Board of Nursing; a
 77 | Florida college, university, or community college which is
 78 | accredited by an accrediting agency recognized by the State
 79 | Board of Education; any Florida institution the credits of which
 80 | are acceptable for transfer to state universities; any career
 81 | center; or any private career institution accredited by an
 82 | accrediting agency recognized by the State Board of Education.

83 | 2. Residency in this state for no less than 1 year
 84 | preceding the award of aid for a program established pursuant to

ENROLLED

CS/HB 343, Engrossed 1

2007 Legislature

85 s. 1009.50, s. 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s.
 86 1009.54, s. 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s.
 87 1009.63, s. 1009.68, s. 1009.72, s. 1009.73, s. 1009.76, s.
 88 1009.77, or s. 1009.89. Residency in this state must be for
 89 purposes other than to obtain an education. Resident status for
 90 purposes of receiving state financial aid awards shall be
 91 determined in the same manner as resident status for tuition
 92 purposes pursuant to s. 1009.21 and rules of the State Board of
 93 Education.

94 3. Submission of certification attesting to the accuracy,
 95 completeness, and correctness of information provided to
 96 demonstrate a student's eligibility to receive state financial
 97 aid awards. Falsification of such information shall result in
 98 the denial of any pending application and revocation of any
 99 award currently held to the extent that no further payments
 100 shall be made. Additionally, students who knowingly make false
 101 statements in order to receive state financial aid awards shall
 102 be guilty of a misdemeanor of the second degree subject to the
 103 provisions of s. 837.06 and shall be required to return all
 104 state financial aid awards wrongfully obtained.

105 (b)1. Eligibility for the renewal of undergraduate or
 106 career certificate financial aid awards shall be evaluated at
 107 the end of the second semester or third quarter of each academic
 108 year. As a condition for renewal, a student shall:

109 a. Have earned a minimum cumulative grade point average of
 110 2.0 on a 4.0 scale; and

111 b. Have earned, for undergraduate full-time study, 12
 112 credits per term or the equivalent for the number of terms for

ENROLLED

CS/HB 343, Engrossed 1

2007 Legislature

113 | which aid was received or have earned, for career certificate
 114 | study, at least the equivalent in clock hours of 6 semester
 115 | credit hours per term or the equivalent for the number of terms
 116 | for which aid was received.

117 | 2. A student who earns the minimum number of credits
 118 | required for renewal, but who fails to meet the minimum 2.0
 119 | cumulative grade point average, may be granted a probationary
 120 | award for up to the equivalent of 1 academic year and shall be
 121 | required to earn a cumulative grade point average of 2.0 on a
 122 | 4.0 scale by the end of the probationary period to be eligible
 123 | for subsequent renewal. A student who receives a probationary
 124 | award and who fails to meet the conditions for renewal by the
 125 | end of his or her probationary period shall be ineligible to
 126 | receive additional awards for the equivalent of 1 academic year
 127 | following his or her probationary period. Each such student may,
 128 | however, reapply for assistance during a subsequent application
 129 | period and may be eligible for an award if he or she has earned
 130 | a cumulative grade point average of 2.0 on a 4.0 scale.

131 | 3. A student who fails to earn the minimum number of
 132 | credits required for renewal shall lose his or her eligibility
 133 | for renewal for a period equivalent to 1 academic year. However,
 134 | the student may reapply during a subsequent application period
 135 | and may be eligible for an award if he or she has earned a
 136 | minimum cumulative grade point average of 2.0 on a 4.0 scale.

137 | 4. Students who receive state student aid and subsequently
 138 | fail to meet state academic progress requirements due to
 139 | verifiable illness or other emergencies may be granted an
 140 | exception from the academic requirements. Such students shall

ENROLLED

CS/HB 343, Engrossed 1

2007 Legislature

141 make a written appeal to the institution. The appeal shall
 142 include a description and verification of the circumstances.
 143 Verification of illness or other emergencies may include but not
 144 be limited to a physician's statement or written statement of a
 145 parent or college official. The institution shall recommend
 146 exceptions with necessary documentation to the department. The
 147 department may accept or deny such recommendations for exception
 148 from the institution.

149 Section 2. Section 1009.505, Florida Statutes, is created
 150 to read:

151 1009.505 Florida Public Postsecondary Career Education
 152 Student Assistance Grant Program.--

153 (1) There is created a Florida Public Postsecondary Career
 154 Education Student Assistance Grant Program. The program shall be
 155 administered by the participating institutions in accordance
 156 with rules of the State Board of Education.

157 (2) For purposes of this section, the term:

158 (a) "Average annual cost of tuition and registration fees"
 159 means the average cost for the prior academic year of tuition
 160 and registration fees for the equivalent in clock hours at a
 161 public postsecondary career certificate program of 30 semester
 162 credit hours at a state university.

163 (b) "Half-time" means the equivalent in clock hours at a
 164 public postsecondary career certificate program of 6 semester
 165 credit hours at a community college.

166 (c) "Public postsecondary career certificate program"
 167 means a postsecondary program that consists of 450 or more clock
 168 hours, is offered by a community college authorized by Florida

ENROLLED

CS/HB 343, Engrossed 1

2007 Legislature

169 law or by a career center operated by a district school board
170 under s. 1001.44, and terminates in a career certificate.

171 (3) (a) Student assistance grants through the program may
172 be made only to certificate-seeking students enrolled at least
173 half-time in a public postsecondary career certificate program
174 who meet the general requirements for student eligibility as
175 provided in s. 1009.40, except as otherwise provided in this
176 section. The grants shall be awarded annually to any recipient
177 for the amount of demonstrated unmet need for the cost of
178 education and may not exceed the average annual cost of tuition
179 and registration fees or such other amount as specified in the
180 General Appropriations Act. A demonstrated unmet need of less
181 than \$200 shall render the applicant ineligible for a grant
182 under this section. Recipients of the grants must have been
183 accepted at a community college authorized by Florida law or a
184 career center operated by a district school board under s.
185 1001.44. A student is eligible for the award for 110 percent of
186 the number of clock hours required to complete the program in
187 which enrolled.

188 (b) A student applying for a Florida public postsecondary
189 career education student assistance grant shall be required to
190 apply for the Pell Grant. A Pell Grant entitlement shall be
191 considered when conducting an assessment of the financial
192 resources available to each student; however, a Pell Grant
193 entitlement shall not be required as a condition of receiving a
194 grant under this section.

195 (c) Each participating institution shall report, to the
196 department by the established date, the eligible students to

ENROLLED

CS/HB 343, Engrossed 1

2007 Legislature

197 whom grant moneys are disbursed each academic term. Each
 198 institution shall also report to the department necessary
 199 demographic and eligibility data for such students.

200 (4) (a) The funds appropriated for the Florida Public
 201 Postsecondary Career Education Student Assistance Grant Program
 202 shall be distributed to eligible community colleges and district
 203 school boards in accordance with a formula approved by the
 204 department.

205 (b) Payment of Florida public postsecondary career
 206 education student assistance grants shall be transmitted to the
 207 president of the community college or to the district school
 208 superintendent, or to the designee thereof, in advance of the
 209 registration period. Institutions shall notify students of the
 210 amount of their awards.

211 (c) The eligibility status of each student to receive a
 212 disbursement shall be determined by each institution as of the
 213 end of its regular registration period, inclusive of a drop-add
 214 period. Institutions shall not be required to reevaluate a
 215 student's eligibility status after this date for purposes of
 216 changing eligibility determinations previously made.

217 (d) Participating institutions shall certify to the
 218 department the amount of funds disbursed to each student and
 219 shall remit to the department any undisbursed advances by June 1
 220 of each year.

221 (5) The State Board of Education shall establish rules
 222 necessary to implement this section.

223 (6) This section shall be implemented only to the extent
 224 specifically funded and authorized by law.

ENROLLED

CS/HB 343, Engrossed 1

2007 Legislature

225 Section 3. Section 1009.77, Florida Statutes, is amended
 226 to read:

227 1009.77 Florida Work Experience Program.--

228 (1) There is established the Florida Work Experience
 229 Program to be administered by the Department of Education. The
 230 purpose of the program is to introduce eligible students to work
 231 experience that will complement and reinforce their educational
 232 program and career goals and provide a self-help student aid
 233 program that reduces student loan indebtedness. Additionally,
 234 the program's opportunities for employment at a student's school
 235 will serve as a retention tool because students employed on
 236 campus are more likely to complete their postsecondary
 237 education. The ~~Such~~ program shall be available to:

238 (a) Any student attending a state university or community
 239 college authorized by Florida law; ~~or~~

240 (b) Any student attending a nonprofit Florida
 241 postsecondary education institution that is eligible to
 242 participate in either of the student assistance grant programs
 243 established in ss. 1009.51 and 1009.52;

244 (c) Any postsecondary student attending a career center
 245 operated by a district school board under s. 1001.44; or

246 (d) Any student attending an educator preparation
 247 institute established under s. 1004.85. Such student may
 248 participate in this program despite having previously earned a
 249 baccalaureate degree.

250 (2) (a) A participating institution may use up to 100 ~~25~~
 251 percent of its program allocation for student employment within
 252 the institution.

ENROLLED

CS/HB 343, Engrossed 1

2007 Legislature

253 (b) A participating institution may use up to 10 percent
 254 of its program allocation for program administration.

255 (3) Each participating institution is authorized to enter
 256 into contractual agreements with private or public employers for
 257 the purpose of establishing a Florida work experience program.

258 (4) The participating postsecondary educational
 259 institution shall be responsible for reimbursing employers for
 260 student wages from its program allocation ~~moneys it receives~~
 261 ~~from the trust fund pursuant to subsection (8)~~. Public
 262 elementary or secondary school employers or postsecondary
 263 institution employers shall be reimbursed for 100 percent of the
 264 student's wages by the participating institution. All other
 265 employers may ~~shall~~ be reimbursed for up to 70 percent of the
 266 student's wages. When a college or university employs a student
 267 on campus through this program, other student financial aid
 268 funds may not be used to fund the institution's ~~30 percent~~
 269 portion of the student's wages.

270 (5) The employer is responsible for furnishing the full
 271 cost of any mandatory benefits. Such benefits may not be
 272 considered part of the ~~30 percent~~ wage requirement total for
 273 matching purposes.

274 (6) Each participating postsecondary educational
 275 institution is responsible for furnishing the full cost of all
 276 preemployment requirements, including, but not limited to,
 277 background screenings and tuberculosis testing, that are
 278 necessary for a student to be employed by a public elementary or
 279 secondary school employer. Expenditures under this subsection
 280 shall be paid from the funds received by the participating

ENROLLED

CS/HB 343, Engrossed 1

2007 Legislature

281 postsecondary educational institution.

282 (7) The employer is responsible for paying no less than
 283 the federal minimum wage established under the Fair Labor
 284 Standards Act or the state minimum wage established under s. 24,
 285 Art. X of the State Constitution and s. 448.110, whichever is
 286 greater. Employers are encouraged to pay students a competitive
 287 wage to increase student participation in this program.

288 (8)~~(6)~~ A student is eligible to participate in the Florida
 289 Work Experience Program if the student:

290 (a) Is enrolled:

291 1. At an eligible college or university as no less than a
 292 half-time undergraduate student in good standing;

293 2. In an eligible postsecondary career certificate program
 294 as no less than a half-time student in good standing. Eligible
 295 programs must be approved by the Department of Education and
 296 must consist of no less than 450 clock hours of instruction.
 297 Such programs must be offered by a career center operated by a
 298 district school board under s. 1001.44 or by a community
 299 college; or

300 3. At an educator preparation institute established under
 301 s. 1004.85 as no less than a half-time student in good standing.

302
 303 However, a student may be employed during the break between two
 304 consecutive terms or employed, although not enrolled, during a
 305 term if the student was enrolled at least half time during the
 306 preceding term and preregisters as no less than a half-time
 307 student for the subsequent academic term. A student who attends
 308 an institution that does not provide preregistration shall

ENROLLED

CS/HB 343, Engrossed 1

2007 Legislature

309 provide documentation of intent to enroll as no less than a
 310 half-time student for the subsequent academic term.

311 (b) Meets the general requirements for student eligibility
 312 as provided in s. 1009.40, except as otherwise provided in this
 313 section.

314 (c) Demonstrates financial need.

315 (d) Maintains the equivalent of a 2.0 cumulative grade
 316 point average of a 2.0 on a 4.0 scale ~~for all college work.~~

317 ~~(9)-(7)~~ The State Board of Education shall adopt ~~prescribe~~
 318 ~~such~~ rules for the program as are necessary for its
 319 administration, for the determination of eligibility and
 320 selection of institutions to receive funds for students, to
 321 ensure the proper expenditure of funds, and to provide an
 322 equitable distribution of funds between students at public and
 323 independent colleges and universities and career centers
 324 operated by district school boards under s. 1001.44.

325 (10) A participating institution that receives funds from
 326 the program shall certify to the department the amount of funds
 327 disbursed to each student within 30 days after the end of each
 328 term.

329 ~~(8) Funds appropriated by the Legislature for the Florida~~
 330 ~~Work Experience Program shall be deposited in the State Student~~
 331 ~~Financial Assistance Trust Fund. The Chief Financial Officer~~
 332 ~~shall authorize expenditures from the trust fund upon receipt of~~
 333 ~~vouchers approved by the Department of Education. Any balance~~
 334 ~~therein at the end of any fiscal year that has been allocated to~~
 335 ~~the program shall remain therein and shall be available for~~
 336 ~~carrying out the purposes of the program.~~

ENROLLED
CS/HB 343, Engrossed 1

2007 Legislature

337

Section 4. This act shall take effect July 1, 2007.