

Bill No. SPB 7062



606414

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: WD	.	
2/20/2008	.	
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	.	

1 The Committee on Higher Education (Bennett) recommended the
2 following **substitute for amendment (393502)**:

Senate Amendment (with title amendment)

5 Delete everything after the enacting clause
6 and insert:

7 Section 1. Section 1009.89, Florida Statutes , is amended
8 to read:

9 1009.89 The William L. Boyd, IV, Florida resident access
10 grants.--

11 (1) The Legislature finds and declares that independent
12 nonprofit colleges and universities eligible to participate in
13 the William L. Boyd, IV, Florida Resident Access Grant Program
14 are an integral part of the higher education system in this
15 state and that a significant number of state residents choose

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16 this form of higher education. The Legislature further finds
17 that a strong and viable system of independent nonprofit
18 colleges and universities reduces the tax burden on the citizens
19 of the state. Because the William L. Boyd, IV, Florida Resident
20 Access Grant Program is not related to a student's financial
21 need or other criteria upon which financial aid programs are
22 based, it is the intent of the Legislature that the William L.
23 Boyd, IV, Florida Resident Access Grant Program not be
24 considered a financial aid program but rather a tuition
25 assistance program for its citizens.

26 (2) The William L. Boyd, IV, Florida Resident Access Grant
27 Program shall be administered by the Department of Education.
28 The State Board of Education shall adopt rules for the
29 administration of the program.

30 (3) The department shall issue through the program a
31 William L. Boyd, IV, Florida resident access grant to any full-
32 time degree-seeking undergraduate student registered at an
33 independent nonprofit college or university that ~~which~~ is
34 located in and chartered by the state; that ~~which~~ is accredited
35 by the Commission on Colleges of the Southern Association of
36 Colleges and Schools; which grants baccalaureate degrees; that
37 has a mean retention rate, based on data reported to the federal
38 Integrated Postsecondary Education Data System, which is no more
39 than two standard deviations below the mean retention rate for
40 all public and private baccalaureate degree-granting
41 institutions in the state; that ~~which~~ is not a state university
42 or state community college; and that ~~which~~ has a secular
43 purpose, so long as the receipt of state aid by students at the



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44 institution would not have the primary effect of advancing or
45 impeding religion or result in an excessive entanglement between
46 the state and any religious sect. Any independent college or
47 university that was eligible to receive tuition vouchers on
48 January 1, 1989, and that which continues to meet the criteria
49 under which its eligibility was established, shall remain
50 eligible to receive William L. Boyd, IV, Florida resident access
51 grant payments. An institution that does not meet the required
52 retention rate by July 1 of each year remains eligible for state
53 funding to provide educational services to students for 3 years
54 thereafter. Three consecutive years of retention rates lower
55 than two standard deviations from the mean renders an
56 institution ineligible to receive the Florida resident access
57 grant. The institution remains ineligible until its annual
58 retention rate is not lower than two standard deviations below
59 the mean.

60 (4) A person is eligible to receive such William L. Boyd,
61 IV, Florida resident access grant if:

62 (a) He or she meets the general requirements, including
63 residency, for student eligibility as provided in s. 1009.40,
64 except as otherwise provided in this section; and

65 (b)1. He or she is enrolled as a full-time undergraduate
66 student at an eligible college or university;

67 2. He or she is not enrolled in a program of study leading
68 to a degree in theology or divinity; and

69 3. He or she is making satisfactory academic progress as
70 defined by the college or university in which he or she is
71 enrolled.

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72 (5) (a) Funding for the William L. Boyd, IV, Florida
73 Resident Access Grant Program shall be based on a formula
74 composed of planned enrollment and the state cost of funding
75 undergraduate enrollment at public institutions pursuant to s.
76 1011.90. The amount of the William L. Boyd, IV, Florida resident
77 access grant issued to a full-time student shall be an amount as
78 specified in the General Appropriations Act. The William L.
79 Boyd, IV, Florida resident access grant may be paid on a
80 prorated basis in advance of the registration period. The
81 department shall make such payments to the college or university
82 in which the student is enrolled for credit to the student's
83 account for payment of tuition and fees. Institutions shall
84 certify to the department the amount of funds disbursed to each
85 student and shall remit to the department any undisbursed
86 advances or refunds within 60 days of the end of regular
87 registration. Students shall not be eligible to receive the
88 award for more than 9 semesters or 14 quarters, except as
89 otherwise provided in s. 1009.40(3).

90 (b) If the combined amount of the William L. Boyd, IV,
91 Florida resident access grant issued pursuant to this act and
92 all other scholarships and grants for tuition or fees exceeds
93 the amount charged to the student for tuition and fees, the
94 department shall reduce the William L. Boyd, IV, Florida
95 resident access grant issued pursuant to this act by an amount
96 equal to such excess.

97 (6) If the number of eligible students exceeds the total
98 authorized in the General Appropriations Act, an institution may



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99 use its own resources to assure that each eligible student
100 receives the full benefit of the grant amount authorized.

101 Section 2. Section 1009.891, Florida Statutes, is amended
102 to read:

103 1009.891 The Access to Better Learning and Education Grant
104 Program.--

105 (1) The Legislature finds and declares that independent
106 for-profit colleges and universities eligible to participate in
107 the Access to Better Learning and Education Grant Program are an
108 integral part of the higher education system in this state and
109 that a significant number of state residents choose this form of
110 higher education. The Legislature further finds that strong,
111 viable independent for-profit colleges and universities reduce
112 the tax burden on the residents of the state. Because the Access
113 to Better Learning and Education Grant Program is not related to
114 a student's financial need or other criteria upon which
115 financial aid programs are based, it is the intent of the
116 Legislature that the Access to Better Learning and Education
117 Grant Program not be considered a financial aid program but
118 rather a tuition assistance program for state residents.

119 (2) The Access to Better Learning and Education Grant
120 Program shall be administered by the Department of Education.
121 The State Board of Education shall adopt rules for administering
122 the program.

123 (3) The department shall issue an access grant to any
124 full-time student seeking a baccalaureate degree who is
125 registered at a for-profit college or university that is located
126 in and chartered by the state and that is accredited by the

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127 Commission on Colleges of the Southern Association of Colleges
128 and Schools or who is registered at a nonprofit college or
129 university that is chartered out of the state, that has been
130 located in the state for 10 years or more, and that is
131 accredited by the Commission on Colleges of the Southern
132 Association of Colleges and Schools, the Middle States
133 Association of Colleges and Schools, the North Central
134 Association of Colleges and Schools, or the New England
135 Association of Colleges and Schools; that grants baccalaureate
136 degrees; that has a mean retention rate, based on data reported
137 to the federal Integrated Postsecondary Education Data System,
138 which is no more than two standard deviations below the mean
139 retention rate for all public and private baccalaureate degree-
140 granting institutions in the state; that is not a state
141 university or state community college; and that has a secular
142 purpose, if the receipt of state aid by students at the
143 institution would not have the primary effect of advancing or
144 impeding religion or result in an excessive entanglement between
145 the state and any religious sect. Institutions eligible for the
146 Access to Better Learning and Education Grant Program in the
147 initial year of funding shall include only those for-profit
148 colleges or universities identified in this subsection.
149 Nonprofit colleges or universities identified in this subsection
150 shall be eligible for financial support in the second year of
151 funding. An institution that does not meet the required
152 retention rate on July 1 of each year, remains eligible for
153 state funding to provide educational services to students for 3
154 years thereafter. Three consecutive years of retention rates



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155 lower than two standard deviations from the mean renders an
156 institution ineligible to receive the Access to Better Learning
157 and Education grant. The institution remains ineligible until
158 its annual retention rate is not lower than two standard
159 deviations below the mean.

160 (4) A person is eligible to receive an access grant if:

161 (a) He or she meets the general requirements, including
162 residency, for student eligibility as provided in s. 1009.40,
163 except as otherwise provided in this section; and

164 (b)1. He or she is enrolled as a full-time undergraduate
165 student at an eligible college or university in a program of
166 study leading to a baccalaureate degree;

167 2. He or she is not enrolled in a program of study leading
168 to a degree in theology or divinity; and

169 3. He or she is making satisfactory academic progress as
170 defined by the college or university in which he or she is
171 enrolled.

172 (5) (a) The amount of the access grant issued to a full-
173 time student shall be an amount specified in the General
174 Appropriations Act. The access grant may be paid on a prorated
175 basis in advance of the registration period. The department
176 shall make payments to the college or university in which the
177 student is enrolled for credit to the student's account for
178 payment of tuition and fees. Institutions shall certify to the
179 department the amount of funds disbursed to each student and
180 shall remit to the department any undisbursed advances or
181 refunds within 60 days after the end of regular registration. A

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182 student may not receive the award for more than 9 semesters or
183 14 quarters, except as otherwise provided in s. 1009.40(3).

184 (b) If the combined amount of the access grant issued
185 pursuant to this section and all other scholarships and grants
186 for tuition or fees exceeds the amount charged to the student
187 for tuition and fees, the department shall reduce the grant
188 issued under this section by an amount equal to the excess.

189 (6) If the number of eligible students exceeds the total
190 authorized in the General Appropriations Act, an institution may
191 use its own resources to assure that each eligible student
192 receives the full benefit of the grant amount authorized.

193 (7) This section shall be implemented only to the extent
194 specifically funded and authorized by law.

195 Section 3. For a student to be eligible to receive any
196 state financial assistance, including tuition assistance, other
197 than need-based aid, the state university or community college,
198 as defined in chapter 1004, Florida Statutes, which the student
199 is attending must have a mean retention rate, based on data
200 reported to the federal Integrated Postsecondary Education Data
201 System, which is no more than two standard deviations below the
202 mean retention rate for all public and private degree-granting
203 institutions in the state. An institution that does not meet the
204 required retention rate on July 1 of each year remains eligible
205 for state funding to provide educational services to students
206 for 3 years thereafter. Three consecutive years of retention
207 rates lower than two standard deviations from the mean renders
208 an institution ineligible to receive such state financial
209 assistance. The institution remains ineligible until its annual



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210 retention rate is not lower than two standard deviations below
211 the mean.

212 Section 4. This act shall take effect upon becoming a law.
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214 ===== T I T L E A M E N D M E N T =====

215 And the title is amended as follows:

216 Delete everything before the enacting clause
217 and insert:

218 A bill to be entitled

219 An act relating to tuition assistance; amending ss.
220 1009.89 and 1009.891, F.S.; requiring that a private
221 university or college meet a specified retention rate by a
222 certain date each year in order to participate in the
223 William L. Boyd, IV, Florida Resident Access Grant Program
224 or the Access to Better Learning and Education Grant
225 Program; requiring a state university or college to meet
226 such retention rate by a certain date each year in order
227 to receive state financial assistance; providing that an
228 institution remains eligible for state funding for a
229 certain period of time after it does not meet the
230 retention rate; providing that an institution that does
231 not meet the annual retention rate for a consecutive
232 number of years is ineligible to receive funds until the
233 retention rate improves; providing an effective date.