A bill to be entitled
An act relating to higher education; creating s. 768.39, F.S.; providing legislative findings; defining the term "educational institution"; providing that the Board of Governors and the State Board of Education are afforded certain immunity protections; prohibiting an educational institution that has taken certain reasonably necessary actions to diminish the impact or spread of COVID-19 from being civilly liable for such actions; specifying that the provision of certain services by educational institutions was impossible during certain periods of time; providing that certain reasonably necessary actions are deemed justified; providing exceptions; providing severability; providing for a burden of proof; amending s. 1006.75, F.S.; requiring the Board of Governors to publish an online dashboard containing specified data; requiring that such dashboard be made available by a specified date; requiring that each state university board of trustees adopt procedures to connect undergraduate students to certain programs; requiring that the Board of Governors approve such procedures by a specified date; requiring that such procedures include placing a hold on certain student registration under certain circumstances; providing that the Board of Governors
review and approve certain procedures by a specified
date; amending s. 1009.25, F.S.; revising provisions
relating to certain fee exemptions; amending s.
1009.26, F.S.; requiring a state university to waive
the tuition and fees for certain courses in which
certain resident students are enrolled; providing
applicability; providing specified criteria for such
waiver; requiring the reporting of tuition and fees
waived for state funding purposes; requiring
disbursement to the student upon his or her enrollment
in a program of strategic emphasis; requiring each
state university to report certain information
regarding such waiver to the Board of Governors,
annually; authorizing a state university in compliance
with the waiver provisions to earn incentive funding,
subject to appropriation; requiring the board to adopt
regulations; amending s. 1009.40, F.S.; conforming
cross-references; creating s. 1009.46, F.S.; providing
duties for certain postsecondary educational
institutions relating to state financial aid and
tuition assistance programs; requiring that an
institution that fails to perform its duties be placed
on probation by the Department of Education; providing
duties for the department; amending s. 1009.50, F.S.;
revising provisions relating to funds appropriated for
the Florida Public Assistance Grant Program; removing provisions authorizing that certain funds be deposited into a specified trust fund; amending s. 1009.505, F.S.; revising provisions relating to the Florida Public Postsecondary Career Education Student Assistance Grant Program; amending s. 1009.51, F.S.; revising provisions relating to the Florida Private Student Assistance Grant Program; amending s. 1009.52, F.S.; revising provisions relating to the Florida Postsecondary Student Assistance Grant Program; providing an effective date.

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

Section 1. Section 768.39, Florida Statutes, is created to read:

768.39 Immunity for educational institutions for actions related to the COVID-19 pandemic.—

(1) The Legislature finds that during the COVID-19 public health emergency, educational institutions had little choice but to close or restrict access to their campuses in an effort to protect the health of their students, educators, staff, and communities. Despite these efforts, more than 120,000 cases of COVID-19 have been linked to colleges and universities nationwide, and the deaths of more than 100 college students
have been attributed to the disease. The Legislature further
finds that lawsuits against educational institutions based on
their efforts to provide educational services while keeping
students, faculty, staff, and communities safe during the COVID-
19 public health emergency are without legal precedent. One
court has even acknowledged that the "legal system is now
feeling COVID-19's havoc with the current wave of class action
lawsuits that seek tuition reimbursement related to forced
online tutelage." Under these circumstances, the Legislature
finds that there is an overpowering public necessity for, and no
reasonable alternative to, providing educational institutions
with liability protections against lawsuits seeking tuition or
fee reimbursements or related damages resulting from the
institutions changing the delivery of educational services,
limiting access to facilities, or closing campuses during the
COVID-19 public health emergency.

(2) For the purposes of this section, the term
"educational institution" means any postsecondary institution,
whether public or nonpublic. The Board of Governors of the State
University System and the State Board of Education are also
included within the immunity protections afforded by this
section.

(3)(a) An educational institution that has taken
reasonably necessary actions in compliance with federal, state,
or local guidance to diminish the impact or the spread of COVID-
19 may not be held liable for, and shall be immune from, any
civil damages, equitable relief, or other remedies relating to
such actions. Reasonably necessary actions taken while a state
of emergency was declared for this state for the COVID-19
pandemic include, but are not limited to, any of the following:

1. Shifting in-person instruction to online or remote
   instruction for any period of time;
2. Closing or modifying the provision of facilities, other
   than housing or dining facilities, on the campus of the
   educational institution; or
3. Pausing or modifying ancillary student activities and
   services available through the educational institution.

(b) The provision of in-person or on-campus education and
related services is deemed to have been impossible for
educational institutions during any period of time in which such
institutions took reasonably necessary actions described in
paragraph (a) to protect students, staff, and educators in
response to the COVID-19 public health emergency.

(c) As a result of the various governmental orders and the
need for educational institutions to protect their communities,
the reasonably necessary actions described in paragraph (a) are
deemed justified.

(4) In any action against an educational institution, the
Board of Governors of the State University System, or the State
Board of Education for the reimbursement of tuition or fees,
invoices, catalogs, and general publications of an educational institution are not evidence of an express or implied contract to provide in-person or on-campus education and related services or access to facilities during the COVID-19 public health emergency.

(5)(a) This section does not apply to losses or damages that resulted solely from a breach of an express contractual provision allocating liability.

(b) This section does not apply to losses or damages caused by an act or omission of a college or university which was in bad faith or malicious.

(6) If any aspect of the immunity under subsection (3) is limited by a court or by operation of law from applying to certain types of claims or causes of action, the immunity under this section must still be provided to the fullest extent authorized by law to any other types of claims or causes of action.

(7) If an educational institution is required by federal, state, or local order or a directive of the Board of Governors of the State University System or the State Board of Education issued in response to the COVID-19 public health emergency to alter the mode of delivery of instruction and related services or access to facilities, the burden of proof for any plaintiff bringing an action against the educational institution for compliance with such order or directive shall be by clear and
convincing evidence to prevail for damages against the institution.

Section 2. Section 1006.75, Florida Statutes, is created to read:

1006.75 State university career planning and information.—
(1) To assist students and families in making better-informed decisions about educational options and future employment opportunities, the Board of Governors of the State University System shall publicly publish an online dashboard. The dashboard must present data, by academic discipline, of graduates of state universities, including at least the following information:
(a) Post-graduation median salary 1, 5, and 10 years after graduation.
(b) Median student loan debt.
(c) Debt-to-income ratio.
(d) Estimated monthly loan payment as a percentage of gross monthly income.
(e) The percentage of graduates who have continued their education beyond the baccalaureate level.
(2) The online dashboard must be available by January 1, 2022. A link to the dashboard shall be prominently displayed on each state university's office of admissions website.
(3)(a) Each state university board of trustees shall adopt procedures to connect undergraduate students to career planning,
coaching, and related programs during the first academic year of
the student's enrollment. Such procedures must be approved by
the Board of Governors and include placing a hold on student
registration before the end of the first year of each student's
enrollment. To lift the hold and register for classes, each
student must:

1. Register with the university's career center.
2. Complete a career readiness training module provided by
   the career center.
3. Be directed to the dashboard established in subsection
   (1).
4. Affirmatively indicate that he or she has been provided
   with the information required under this paragraph and is aware
   of the employment and wage prospects for his or her declared
   major.

(b) The Board of Governors of the State University System
shall review and approve each university's procedures by March
1, 2022.

Section 3. Paragraphs (c) and (d) of subsection (1) of
Section 1009.25, Florida Statutes, are amended:

1009.25 Fee exemptions.—
(1) The following students are exempt from the payment of
tuition and fees, including lab fees, at a school district that
provides workforce education programs, Florida College System
institution, or state university:
(c) A student who is, or was at the time he or she reached 18 years of age, in the custody of the Department of Children and Families or who, after spending at least 6 months in the custody of the department after reaching 16 years of age, was placed in a guardianship by the court. Such exemption includes fees associated with enrollment in applied academics for adult education instruction. The exemption remains valid until the student reaches 28 years of age.

(d) A student who is, or was at the time he or she reached 18 years of age, in the custody of a relative or nonrelative under s. 39.5085 or s. 39.6225 or who was adopted from the Department of Children and Families after May 5, 1997. Such exemption includes fees associated with enrollment in applied academics for adult education instruction. The exemption remains valid until the student reaches 28 years of age.

Section 4. Subsection (18) is added to section 1009.26, Florida Statutes, to read:

1009.26 Fee waivers.—

(18)(a) Beginning with the 2021-2022 academic year, for every course in a Program of Strategic Emphasis, as identified in subparagraph 3., in which a student is enrolled, a state university shall waive 100 percent of the tuition and fees for an equivalent course in such program for a student who:

1. Is a resident for tuition purposes under s. 1009.21.

2. Has earned at least 60 semester credit hours towards a
baccalaureate degree within 2 academic years after initial enrollment at a Florida public postsecondary institution.

3. Enrolls in one of eight Programs of Strategic Emphasis as adopted by the Board of Governors. The Board of Governors shall adopt eight Programs of Strategic Emphasis in science, technology, engineering, or math for which a student may be eligible to receive the tuition and fee waiver authorized by this subsection. The programs identified by the board must reflect the priorities of the state and be offered at a majority of state universities.

(b) A waiver granted under this subsection is applicable only for upper-level courses and up to 110 percent of the number of required credit hours of the baccalaureate degree program for which the student is enrolled.

(c) Upon enrollment in a program of strategic emphasis, the tuition and fees waived under this subsection must be reported for state funding purposes under ss. 1009.534 and 1009.535 and must be disbursed to the student. The amount disbursed to the student shall be equal to the award amount the student has received under s. 1009.534(2) or s. 1009.535(2).

(d) Each state university shall report to the Board of Governors the number and value of all waivers granted annually under this subsection. A state university in compliance with this subsection may earn incentive funding, subject to appropriation, in addition to the funding provided under s.
1001.92.

(e) The Board of Governors shall adopt regulations to administer this subsection.

Section 5. Paragraph (a) of subsection (1) of section 1009.40, Florida Statutes, is amended to read:

1009.40 General requirements for student eligibility for state financial aid awards and tuition assistance grants.—

(1)(a) The general requirements for eligibility of students for state financial aid awards and tuition assistance grants consist of the following:

1. Achievement of the academic requirements of and acceptance at a state university or Florida College System institution; a nursing diploma school approved by the Florida Board of Nursing; a Florida college or university which is accredited by an accrediting agency recognized by the State Board of Education; a Florida institution the credits of which are acceptable for transfer to state universities; a career center; or a private career institution accredited by an accrediting agency recognized by the State Board of Education.

2. Residency in this state for no less than 1 year preceding the award of aid or a tuition assistance grant for a program established pursuant to s. 1009.50, s. 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.60, s. 1009.62, s. 1009.72, s. 1009.73, s. 1009.75, s. 1009.77, s. 1009.89, or s. 1009.891, or s. 1009.894. Residency in this state must be for
purposes other than to obtain an education. Resident status for purposes of receiving state financial aid awards shall be determined in the same manner as resident status for tuition purposes pursuant to s. 1009.21.

3. Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards or tuition assistance grants. Falsification of such information shall result in the denial of a pending application and revocation of an award or grant currently held to the extent that no further payments shall be made. Additionally, students who knowingly make false statements in order to receive state financial aid awards or tuition assistance grants commit a misdemeanor of the second degree subject to the provisions of s. 837.06 and shall be required to return all state financial aid awards or tuition assistance grants wrongfully obtained.

Section 6. Section 1009.46, Florida Statutes, is created to read:

1009.46 Duties relating to state financial aid and tuition assistance programs.—

(1)(a) Each postsecondary educational institution that receives state funds for state financial aid and tuition assistance programs shall:

1. Complete and return the annual application for state aid funds in the format and by the date established by the
Department of Education.

2. Maintain complete, accurate, and auditable student records documenting the institution's administration of state financial aid and tuition assistance funds.

3. Verify eligibility of enrolled students with the department each academic term.

4. Report each student's program of study to the department using the most recent classification of instructional programs taxonomy for the certificate or degree level as developed by the United States Department of Education's National Center for Education Statistics.

5. Disburse state financial aid and tuition assistance to eligible students.

6. Notify students annually regarding the renewal requirements for each state-funded award for which they are eligible.

7. Complete and return to the department all reports for the administration of state funds in the format and by the date established by the department.

8. Complete and return to the department all legislatively required reports in the format and by the date established by the department.

9. Retain required records for the later of 5 years or until such records are audited and any audit exceptions are resolved.
10. Refund to the department any undisbursed advances within 60 days after the end of the regular registration period each fall and spring term, within 30 days after the end of the summer term, or within 60 days after the date a student's ineligibility is determined.

(b) The requirements in paragraph (a) do not preclude higher standards specified in other sections of this part or the rules of the State Board of Education.

(c) An institution that fails to perform its duties in administering state financial aid or tuition assistance programs must be placed on probation by the department.

1. The department shall provide allocations on a reimbursement basis to a participating institution that fails to timely remit undisbursed funds for the previous academic year.

2. The department may suspend or revoke an institution's eligibility to participate in state-funded programs if the institution fails to provide the required audits, fails to resolve audit findings, or fails to timely provide statutorily required reports by established deadlines.

Section 7. Subsection (6) of section 1009.50, Florida Statutes, is renumbered as subsection (5), and paragraph (a) of subsection (4) and subsection (5) of that section are amended to read:

1009.50 Florida Public Student Assistance Grant Program; eligibility for grants.—
(4)(a) The funds appropriated for the Florida Public Student Assistance Grant Program shall be distributed to eligible institutions in accordance with a formula approved by the State Board of Education. The formula must consider at least the prior year's distribution of funds and the number of eligible applicants who did not receive awards, the standardization of the expected family contribution, and provisions for unused funds. The formula must account for changes in the number of eligible students across all student assistance grant programs established pursuant to this section and ss. 1009.505, 1009.51, and 1009.52.

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

Section 8. Subsection (5) of section 1009.505, Florida Statutes, is amended to read:

1009.505 Florida Public Postsecondary Career Education Student Assistance Grant Program.—

(5) Funds appropriated by the Legislature for state student assistance grants may be deposited in the State Student
Financial Assistance Trust Fund. Notwithstanding s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year which has been allocated to the Florida Public Postsecondary Career Education Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section.

Section 9. Paragraph (a) of subsection (4) and subsection (5) of section 1009.51, Florida Statutes, are amended to read:

1009.51 Florida Private Student Assistance Grant Program; eligibility for grants.—

(4)(a) The funds appropriated for the Florida Private Student Assistance Grant Program shall be distributed to eligible institutions in accordance with a formula approved by the State Board of Education. The formula must consider at least the prior year's distribution of funds and the number of eligible applicants who did not receive awards, the standardization of the expected family contribution, and provisions for unused funds. The formula must account for changes in the number of eligible students across all student assistance grant programs established pursuant to this section and ss. 1009.50, 1009.505, and 1009.52.

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

Section 10. Paragraph (a) of subsection (4) and subsection
(6) of section 1009.52, Florida Statutes, are amended to read:

1009.52 Florida Postsecondary Student Assistance Grant
Program; eligibility for grants.—

(4)(a) The funds appropriated for the Florida
Postsecondary Student Assistance Grant Program shall be
distributed to eligible institutions in accordance with a
formula approved by the State Board of Education. The formula
must consider at least the prior year's distribution of funds
and the number of eligible applicants who did not receive
awards, the standardization of the expected family contribution,
and provisions for unused funds. The formula must account for
changes in the number of eligible students across all student
assistance grant programs established pursuant to this section
and ss. 1009.50, 1009.505, and 1009.51.

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

Section 11. This act shall take effect July 1, 2021.