

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: CS/SB 824

INTRODUCER: Senator Powell

SUBJECT: Florida Bright Futures Scholarship Program

DATE: March 31, 2021

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	ED	<b>Fav/CS</b>
2.			AED	
3.			AP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 824 allows a student that was found guilty of a felony charge, if committed while under the age of eighteen, to be eligible for an initial award from any of the scholarships under the Florida Bright Futures Scholarship Program.

The fiscal impact is indeterminate. See Section V.

The bill takes effect on July 1, 2021.

**II. Present Situation:**

**Florida Bright Futures Scholarship Program**

The Florida Bright Futures Scholarship Program (Bright Futures program) was established in 1997<sup>1</sup> as a lottery-funded scholarship program to reward a Florida high school graduate who merits recognition for high academic achievement and who enrolls in a degree program, certificate program, or applied technology program at an eligible Florida public or private<sup>2</sup>

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<sup>1</sup> Chapter 1997-77, s. 2, L.O.F.

<sup>2</sup> A student who receives any award under the Bright Futures program and is enrolled in a nonpublic postsecondary education institution receives a fixed award calculated by using the average tuition and fee calculation as prescribed by the Department of Education for full-time attendance at a public postsecondary education institution at the comparable level. Section 1009.538, F.S.

postsecondary education institution. The Department of Education (DOE) is responsible for issuing awards for the Bright Futures program annually.<sup>3</sup>

The Bright Futures program consists of the following awards:<sup>4</sup>

- Florida Academic Scholarship (FAS);<sup>5</sup>
- Florida Medallion Scholarship (FMS);<sup>6</sup> and
- Florida Gold Seal Vocational Scholarship (FGSV) and Florida Gold Seal CAPE Scholarship.<sup>7</sup>

***Florida Academic Scholarship and Florida Medallion Scholarship***

Florida high school students who wish to qualify for the FAS or the FMS awards must meet the following initial eligibility requirements depicted in the table below.<sup>8</sup>

Type	16 High School Course Credits	High School Weighted Bright Futures GPA	College Entrance Exams by High School Graduation Year (ACT/SAT)	Service Hours
FAS	4 - English (three must include substantial writing) 4 - Mathematics (at or above the Algebra I level) 3 - Natural Science (two must have substantial laboratory)	3.50	29/1330	100 hours
FMS	3 - Social Science 2 - World Language (sequential, in same language)	3.00	25/1210	75 hours

Students who have demonstrated academic merit through a recognition program may be eligible for the FAS or the FMS awards without having to meet one or more of the requirements.<sup>9</sup>

The FAS award recipients receive an award equal to the amount necessary to pay of 100 percent of tuition and applicable fees and an additional stipend for textbooks as specified in the General Appropriations Act (GAA).<sup>10</sup> The FMS award recipients receive an award equal to the amount necessary to pay of 75 percent of tuition and applicable fees.<sup>11</sup>

<sup>3</sup> Section 1009.53(5), F.S.

<sup>4</sup> Section 1009.53(2), F.S.

<sup>5</sup> Section 1009.534, F.S.

<sup>6</sup> Section 1009.535, F.S.

<sup>7</sup> Section 1009.536, F.S.

<sup>8</sup> Section 1009.531, F.S. The Florida Department of Education, Office of Student Financial Assistance, *2020-21 Bright Futures Student Handbook Chapter 1: Initial Eligibility Requirements (July 31, 2020)* available at <https://www.floridastudentfinancialaidsg.org/PDF/BFHandbookChapter1.pdf>

<sup>9</sup> Sections 1009.534(1) and 1009.535(1), F.S.

<sup>10</sup> Section 1009.534(2), F.S.

<sup>11</sup> Section 1009.535(2), F.S. Beginning in the fall 2021 semester, a Florida Medallion Scholar who is enrolled in an associate degree program at an FCS institution is eligible for an award equal to the amount necessary to pay 100 percent of tuition and specified fees to assist with the payment of educational expenses. Section 1009.535(2), F.S.

A student may receive an FAS or FMS award for a maximum of 100 percent of the number of credit hours required to complete an associate degree program, a baccalaureate degree program, or a postsecondary career certificate program.<sup>12</sup>

***Florida Gold Seal Vocational Scholarship***

Florida high school students who wish to qualify for the FGSV award must meet the following initial eligibility requirements:<sup>13</sup>

- Achieve the required weighted minimum 3.0 GPA in the non-elective high school courses;
- Take at least 3 full credits in a single Career and Technical Education program;
- Achieve the required minimum 3.5 unweighted GPA in the career education courses;
- Complete 30 service hours; and
- Achieve the required minimum score on the ACT, SAT, or Florida Postsecondary Education Readiness Test (P.E.R.T.) exams depicted in table below:<sup>14</sup>

<b>Exam Type</b>	<b>Sub-test</b>	<b>Required Score</b>
ACT	Reading	19
	English	17
	Mathematics	19
SAT	Reading Test	24
	Writing and Language Test	25
	Math Test	24
P.E.R.T.	Reading	106
	Writing	103
	Mathematics	114

The FGSV award may be funded if a student is enrolled in a career education or certificate program.<sup>15</sup>

***Florida Gold Seal CAPE Scholarship***

Florida high school students who wish to qualify for the FGSC award must meet the following initial eligibility requirements:<sup>16</sup>

- Earn a minimum of five postsecondary credit hours through CAPE industry certifications that articulate for college credit; and
- Complete 30 service hours.

The FGSC award may be funded if a student is enrolled in a career education or certificate program. Upon completion of an eligible associate in science degree program, a FGSC Scholar

<sup>12</sup> Section 1009.532(3)(a), F.S.

<sup>13</sup> The Florida Department of Education, Office of Student Financial Assistance, *2020-21 Bright Futures Student Handbook Chapter 1: Initial Eligibility Requirements (July 31, 2020)* available at <https://www.floridastudentfinancialaidsg.org/PDF/BFHandbookChapter1.pdf>.

<sup>14</sup> Rule 6A-10.0315, F.A.C.

<sup>15</sup> The Florida Department of Education, Office of Student Financial Assistance, *2020-21 Bright Futures Student Handbook Chapter 1: Initial Eligibility Requirements (July 31, 2020)* available at <https://www.floridastudentfinancialaidsg.org/PDF/BFHandbookChapter1.pdf>.

<sup>16</sup> *Id.*

may also receive an award for a maximum of 60 credit hours toward an eligible baccalaureate degree.<sup>17</sup>

### ***Student Eligibility Requirements for Florida Bright Futures Scholarship Program***

In order to be eligible for an initial award from any of the scholarships under the Florida Bright Futures Scholarship Program, a student must:<sup>18</sup>

- Be a Florida resident.<sup>19</sup>
- Earn a high school standard diploma<sup>20</sup> or a high school equivalency diploma.<sup>21,22</sup>
- Be accepted by and enroll in an eligible Florida public or independent postsecondary education institution.
- Be enrolled for at least 6 semester credit hours or the equivalent in quarter hours or clock hours.
- Not have been found guilty of, or entered a plea of nolo contendere<sup>23</sup> to, a felony charge, unless the student has been granted clemency<sup>24</sup> by the Governor and Cabinet sitting as the Executive Office of Clemency.<sup>25</sup>
- Apply for a scholarship from the program by high school graduation.<sup>26</sup>

### **III. Effect of Proposed Changes:**

CS/SB 824 amends s. 1009.531, F.S., to allow a student that was found guilty of, or entered a plea of nolo contendere to, no more than one felony charge if committed while under the age of eighteen, to be eligible for an initial award from any of the scholarships under the Florida Bright Futures Scholarship Program.

The bill takes effect on July 1, 2021.

<sup>17</sup> The Florida Department of Education, Office of Student Financial Assistance, *Florida Bright Futures Scholarship Program, Florida Gold Seal CAPE Scholarship 2020-21(2020)* available at <https://www.floridastudentfinancialaidsg.org/PDF/GSC.pdf>.

<sup>18</sup> Section 1009.531(1), F.S.

<sup>19</sup> As defined in s. 1009.40(1)(a)2., F.S.

<sup>20</sup> Sections 1002.3105(5), 1003.4281, and 1003.4282, F.S.

<sup>21</sup> Section 1003.435, F.S.

<sup>22</sup> Section 1009.531(1)(b)1-3., F.S.

<sup>23</sup> A nolo contendere a plea in a criminal prosecution that without admitting guilt subjects the defendant to conviction but does not preclude denying the truth of the charges in a collateral proceeding. Merriam-Webster, *nolo contendere*, <https://www.merriam-webster.com/dictionary/nolo%20contendere> (last visited Mar. 30, 2021).

<sup>24</sup> The Florida Commission on Offender Review, *Clemency, Overview*, <https://www.fc.or.state.fl.us/clemencyOverview.shtml> (last visited March 25, 2021).

<sup>25</sup> The Florida Commission on Offender Review, *Clemency, Office of Executive Clemency*, <https://www.fc.or.state.fl.us/clemency.shtml> (last visited March 25, 2021).

<sup>26</sup> However, a student who graduates from high school midyear must apply no later than December 31 of the student's graduation year in order to be evaluated for and, if eligible, receive an award for the current academic year. Section 1009.40(1)(f), F.S.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

It is unknown how many students with an offense specified in law would now qualify for a Bright Futures Scholarship Program award. Therefore, the fiscal impact is indeterminate at this time.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1009.531 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Education on March 30, 2021**

The committee substitute removes the provision in the bill that deleted a felony conviction as a disqualifying condition for an initial Bright Futures Scholarship Program award. The committee substitute instead allows a student that was found guilty of, or entered a plea of nolo contendere to, a felony charge if committed while under the age of eighteen, to be eligible for an initial award from any of the scholarships under the Florida Bright Futures Scholarship Program.

- B. **Amendments:**

None.