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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/16/2021	.	
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	.	
	.	

The Committee on Education (Polsky) recommended the following:

1 **Senate Amendment to Amendment (594362) (with title**
2 **amendment)**

3
4 Between lines 141 and 142
5 insert:

6 Section 4. Subsection (1) of section 1009.42, Florida
7 Statutes, is amended to read:

8 1009.42 Financial aid appeal process.—

9 (1) (a) The State Board of Education shall adopt, by rule,
10 procedures ~~a procedure~~ for the appeal of:

11 1. Errors in eligibility determinations, or failure to



722026

12 transfer awards between eligible institutions, made by the
13 Office of Student Financial Assistance of the Department of
14 Education, regarding applicants' eligibility for receiving state
15 student financial aid awards; and

16 2. Beginning with the 2023-2024 academic year:

17 a. Determinations that a student is ineligible for an award
18 for more than 60 credit hours because the student is enrolled in
19 an arts degree program; and

20 b. Determinations that a student is ineligible for a
21 maximum award because the student is enrolled in a certificate
22 program, technical diploma program, career degree program, or
23 major as a part of a baccalaureate degree program identified on
24 the list established pursuant to s. 1009.46(2) (a).

25 (b) The ~~procedures~~ procedure must provide for establishment
26 of a committee to consider appeals that are not resolved by
27 other administrative action. Each committee must be comprised of
28 four members appointed by the Commissioner of Education,
29 including one representative of the Office of Student Financial
30 Assistance; two practicing financial aid administrators from
31 public or private postsecondary institutions in this state, one
32 of whom must be from an institution other than one to which the
33 applicant is seeking admission or in which the applicant is
34 enrolled, as applicable; and one student enrolled in a public
35 postsecondary institution in this state, nominated by the
36 Florida Student Association.

37 (c) An applicant for state student financial aid may submit
38 an appeal ~~who believes an error has been made in determining~~
39 eligibility for student financial assistance or ~~who believes the~~
40 department has failed to transfer an award between eligible



722026

41 ~~institutions may appeal the decision~~ in writing to the Office of
42 Student Financial Assistance based on the circumstances
43 described in subparagraphs (a)1. and 2. The Office of Student
44 Financial Assistance shall investigate the complaint and take
45 appropriate action within 30 days after its receipt of the
46 appeal. Notwithstanding s. 1009.40(1)(c), a student submitting
47 an appeal under subparagraph (a)2. must be deemed eligible to
48 receive the maximum applicable state student financial aid
49 awards if the appeal demonstrates that the student's chosen
50 program would help the student obtain a career in the future. If
51 the student wishes further review of the appeal, the Office of
52 Student Financial Assistance shall forward the appeal to the
53 committee. Within 30 days after the receipt of a request for a
54 hearing, a final decision shall be rendered by the committee
55 established under this section, and a copy of the decision shall
56 be provided to the applicant. The decision rendered by the
57 committee constitutes final agency action.

58 (d) A description of the financial aid appeals process must
59 ~~shall~~ be included in the application form for each state student
60 financial aid program.

61
62 ===== T I T L E A M E N D M E N T =====

63 And the title is amended as follows:

64 Delete line 772

65 and insert:

66 funding levels before award disbursement; amending s.
67 1009.42, F.S.; requiring the State Board of Education
68 to adopt procedures; authorizing students to appeal
69 specified eligibility determinations; requiring that



722026

70 such students be deemed eligible to receive the
71 maximum applicable state student financial aid awards
72 if the appeal demonstrates that the chosen program
73 would help the students obtain a career in the future;
74 creating s.