

26 such tiers beginning with a specified General
 27 Appropriations Act; authorizing the Department of
 28 Education to award grants to students enrolled at
 29 certain colleges and universities; providing
 30 requirements for such colleges and universities;
 31 amending ss. 464.019, 1005.03, 1005.04, 1005.21, and
 32 1005.31, F.S.; conforming cross-references to changes
 33 made by the act; providing effective dates.
 34

35 Be It Enacted by the Legislature of the State of Florida:
 36

37 Section 1. Effective January 1, 2024, paragraph (c) of
 38 subsection (1) of section 1005.06, Florida Statutes, is amended
 39 to read:

40 1005.06 Institutions not under the jurisdiction or purview
 41 of the commission.—

42 (1) Except as otherwise provided in law, the following
 43 institutions are not under the jurisdiction or purview of the
 44 commission and are not required to obtain licensure:

45 ~~(c) Any institution that is under the jurisdiction of the~~
 46 ~~Department of Education, eligible to participate in the William~~
 47 ~~L. Boyd, IV, Effective Access to Student Education Grant Program~~
 48 ~~and that is a nonprofit independent college or university~~
 49 ~~located and chartered in this state and accredited by the~~
 50 ~~Commission on Colleges of the Southern Association of Colleges~~

51 | ~~and Schools to grant baccalaureate degrees.~~

52 | Section 2. Section 1009.89, Florida Statutes, is amended
53 | to read:

54 | 1009.89 The William L. Boyd, IV, Effective Access to
55 | Student Education grants.—

56 | (1) The Legislature finds and declares that independent
57 | ~~nonprofit~~ colleges and universities eligible to participate in
58 | the William L. Boyd, IV, Effective Access to Student Education
59 | Grant Program are an integral part of the higher education
60 | system in this state and that a significant number of state
61 | residents choose this form of higher education. The Legislature
62 | further finds that a strong and viable system of high-performing
63 | independent ~~nonprofit~~ colleges and universities reduces the tax
64 | burden on the citizens of the state. Because the William L.
65 | Boyd, IV, Effective Access to Student Education Grant Program is
66 | not related to a student's financial need or other criteria upon
67 | which financial aid programs are based, it is the intent of the
68 | Legislature that the William L. Boyd, IV, Effective Access to
69 | Student Education Grant Program not be considered a financial
70 | aid program but rather a tuition assistance program for its
71 | citizens. Beginning in fiscal year 2024-2025 and thereafter,
72 | such tuition assistance shall be tiered based on each eligible
73 | institution's performance metrics.

74 | (2) The William L. Boyd, IV, Effective Access to Student
75 | Education Grant Program shall be administered by the Department

76 of Education. The State Board of Education shall adopt rules for
 77 the administration of the program.

78 (3) An institution is eligible to participate in the
 79 ~~department shall issue through the program a~~ William L. Boyd,
 80 IV, Effective Access to Student Education grant program if the
 81 institution meets all of the following criteria:

82 (a)1. Is licensed by the Commission for Independent
 83 Education; or

84 2. Has applied to the Commission for Independent Education
 85 for licensure by September 1, 2023. This subparagraph is
 86 repealed January 1, 2024.

87 (b) Has a secular purpose, so long as the receipt of state
 88 aid by students at the college or university may not have the
 89 primary effect of advancing or impeding religion, or result in
 90 an excessive entanglement between the state and any religious
 91 sect.

92 (c) Is in compliance with the reporting, disclosure, and
 93 transparency requirements of this section and other general law.

94 (d) Meets one of the following requirements:

95 1. Is ~~to any full-time degree-seeking undergraduate~~
 96 ~~student registered at~~ an independent nonprofit college or
 97 university ~~which is~~ located in and chartered by the state; ~~which~~
 98 is accredited by the Commission on Colleges of the Southern
 99 Association of Colleges and Schools; ~~which~~ grants baccalaureate
 100 degrees; and ~~which~~ is not a state university or Florida College

101 System institution;

102 2. Is an independent nonprofit college or university that
103 was eligible for the Access to Better Learning and Education
104 Grant Program as of January 1, 2021, and meets all of the
105 following criteria:

106 a. Has been located in the state for more than 20 years.
107 b. Offers at least one nursing program at its campus,
108 including practical nursing programs, registered nursing
109 programs, or advanced practice registered nursing programs.
110 c. Is accredited by the Higher Learning Commission.
111 d. Has notified the department in writing of its decision
112 to apply for the grant no later than September 1, 2023; or

113 3. Is an independent for-profit college or university that
114 meets all of the following criteria:

115 a. Has a level 6 accreditation from the Southern
116 Association of Colleges and Schools Commission on Colleges.
117 b. Is located in and chartered by the state.
118 c. Was licensed by the department on or before October 1,
119 2021.

120 d. Has notified the department in writing of its decision
121 to apply for the grant no later than September 1, 2023 ~~and which~~
122 ~~has a secular purpose, so long as the receipt of state aid by~~
123 ~~students at the institution would not have the primary effect of~~
124 ~~advancing or impeding religion or result in an excessive~~
125 ~~entanglement between the state and any religious sect.~~

126 (4) A person is eligible to receive such William L. Boyd,
 127 IV, Effective Access to Student Education grant if:

128 (a) He or she meets the general requirements, including
 129 residency, for student eligibility as provided in s. 1009.40,
 130 except as otherwise provided in this section.

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

134 2. He or she is not enrolled in a program of study leading
 135 to a degree in theology or divinity.

136 3. He or she is making satisfactory academic progress as
 137 defined by the State Board of Education.

138 4. He or she has not completed more than 110 percent of
 139 the degree program in which he or she is enrolled.

140 (5)(a) Funding for the William L. Boyd, IV, Effective
 141 Access to Student Education Grant Program for eligible
 142 institutions shall be as provided in the General Appropriations
 143 Act. The William L. Boyd, IV, Effective Access to Student
 144 Education grant may be paid on a prorated basis in advance of
 145 the registration period. The department shall make such payments
 146 to the college or university in which the student is enrolled
 147 for credit to the student's account for payment of tuition and
 148 fees. Institutions shall certify to the department the amount of
 149 funds disbursed to each student and shall remit to the
 150 department any undisbursed advances or refunds within 60 days of

151 the end of regular registration. A student is not eligible to
 152 receive the award for more than 9 semesters or 14 quarters,
 153 except as otherwise provided in s. 1009.40(3).

154 (b) If the combined amount of the William L. Boyd, IV,
 155 Effective Access to Student Education grant issued pursuant to
 156 this act and all other scholarships and grants for tuition or
 157 fees exceeds the amount charged to the student for tuition and
 158 fees, the department shall reduce the William L. Boyd, IV,
 159 Effective Access to Student Education grant issued pursuant to
 160 this act by an amount equal to such excess.

161 (c) By September 1 of each year, institutions ~~receiving~~
 162 ~~funding as provided in the General Appropriations Act~~ must
 163 submit an Effective Access to Student Education Grant Program
 164 Accountability Report to the Department of Education, in a
 165 format prescribed by the department. The institution's president
 166 or chief administrative officer shall certify in the report,
 167 that the institution is in compliance with the reporting,
 168 disclosure, and transparency requirements of this section and
 169 other general law and that the institution has provided each
 170 resident student with a written disclosure that includes data on
 171 the institution's performance on the metrics listed in this
 172 paragraph, the student's net cost to complete his or her degree,
 173 and, for students that have declared a major, the declared
 174 major's expected earnings outcomes 1, 5, and 10 years after
 175 graduation. The written disclosure must be provided to each

176 resident student annually. The report must also use the most
 177 recently available information on Florida resident students and
 178 include, at a minimum, the following performance metrics, by
 179 institution:

- 180 1. Access rate based upon percentage of Pell Grant-
 181 eligible students.
- 182 2. Affordability rate based upon average student loan
 183 debt; federal, state, and institutional financial assistance;
 184 and average tuition and fees.
- 185 3. Graduation rate.
- 186 4. Retention rate.
- 187 5. Postgraduate employment or continuing education rate.
- 188 6. Workforce graduation rate based upon the percentage of
 189 grant recipient graduates in high-demand programs that are
 190 included on the Department of Economic Opportunity or Labor
 191 Market Estimating Conference lists for statewide or regional
 192 demand as a percentage of total grant recipient graduates.
- 193 7. Workforce employment rate based on the percentage of
 194 grant recipient graduates who obtain employment in their field
 195 of study within 120 days after graduation as a percentage of
 196 total graduates employed within 120 days after graduation.

197
 198 ~~The department shall recommend minimum performance standards~~
 199 ~~that institutions must meet to remain eligible to receive grants~~
 200 ~~pursuant to this section.~~ Each eligible institution shall post

201 prominently on its website, by October 1 of each year, its
202 performance on these metrics, as reported to the department.

203 (d) By October 1 of each year, the department shall submit
204 a report to the chair of the House Appropriations Committee, the
205 chair of the Senate Appropriations Committee, and the Governor's
206 Office of Policy and Budget on the performance of each eligible
207 institution. The report must also recommend annual minimum
208 performance benchmarks for the performance metrics in paragraph
209 (c) and strategies to ensure continuous improvement of eligible
210 institutions and the program. The minimum performance benchmarks
211 included in the report must increase annually.

212 (e) Beginning in fiscal year 2024-2025 and thereafter, the
213 benchmarks and minimum standards for each benchmark are as
214 follows:

- 215 1. An access rate of 32 percent.
- 216 2. An affordability rate of \$7,263.
- 217 3. A graduation rate of 45 percent.
- 218 4. A retention rate of 65 percent.
- 219 5. A postgraduate employment or continuing education rate
220 of 64 percent.

221 (f) Beginning with the 2024-2025 General Appropriations
222 Act and thereafter, the Legislature must also consider each
223 institution's workforce employment rate when determining
224 institutional eligibility ~~institutions and the institutions that~~
225 ~~have not met the minimum performance standards recommended by~~

226 ~~the department.~~

227 (6) Beginning with the 2024-2025 General Appropriations
 228 Act and thereafter, the Legislature shall adopt benchmarks and
 229 minimum standards specified in the General Appropriations Act
 230 and shall evaluate each institution's performance based on such
 231 benchmarks and place each institution in one of three tiers for
 232 the purpose of determining award amounts.

233 (a) The tiers are established as follows:

234 1. Tier 1: an institution that meets the requirements of a
 235 Tier 2 institution and also meets or exceeds a workforce
 236 graduation rate of 56 percent.

237 2. Tier 2: an institution that meets or exceeds at least 3
 238 out of 5 benchmarks.

239 3. Tier 3: an institution that meets no more than 2 out of
 240 5 benchmarks.

241 (b) The per student award amounts for each tier shall be
 242 as follows:

243 1. Tier 1: \$500 more than the Tier 2 per student award
 244 amount.

245 2. Tier 2: As specified in the General Appropriations Act.

246 3. Tier 3: \$0.

247 ~~(7)-(6)~~ If the number of eligible students exceeds the
 248 total authorized in the General Appropriations Act, an
 249 institution may use its own resources to assure that each
 250 eligible student receives the full benefit of the grant amount

251 | authorized.

252 | ~~(8)(7)~~ The State Board of Education shall adopt rules to
253 | implement this section.

254 | Section 3. Effective January 1, 2024, paragraph (d) of
255 | subsection (11) of section 464.019, Florida Statutes, is amended
256 | to read:

257 | 464.019 Approval of nursing education programs.—

258 | (11) ACCREDITATION REQUIRED.—

259 | (d) This subsection does not apply to a nursing education
260 | program provided by an institution that is exempt from licensure
261 | by the Commission for Independent Education under s.
262 | 1005.06(1)(d) ~~s. 1005.06(1)(e)~~.

263 | Section 4. Effective January 1, 2024, paragraph (e) of
264 | subsection (1) of section 1005.03, Florida Statutes, is amended
265 | to read:

266 | 1005.03 Designation "college" or "university."—

267 | (1) The use of the designation "college" or "university"
268 | in combination with any series of letters, numbers, or words is
269 | restricted in this state to colleges or universities as defined
270 | in s. 1005.02 that offer degrees as defined in s. 1005.02 and
271 | fall into at least one of the following categories:

272 | (e) A college that meets the description of either s.
273 | 1005.06(1)(d) or (e) ~~s. 1005.06(1)(e) or (f)~~.

274 | Section 5. Effective January 1, 2024, subsection (1) of
275 | section 1005.04, Florida Statutes, is amended to read:

276 | 1005.04 Fair consumer practices.—

277 | (1) Every institution that is under the jurisdiction of
 278 | the commission or is exempt from the jurisdiction or purview of
 279 | the commission pursuant to s. 1005.06(1)(e) ~~s. 1005.06(1)(e)~~ or
 280 | ~~(f)~~ and that either directly or indirectly solicits for
 281 | enrollment any student shall:

282 | (a) Disclose to each prospective student a statement of
 283 | the purpose of such institution, its educational programs and
 284 | curricula, a description of its physical facilities, its status
 285 | regarding licensure, its fee schedule and policies regarding
 286 | retaining student fees if a student withdraws, and a statement
 287 | regarding the transferability of credits to and from other
 288 | institutions. The institution shall make the required
 289 | disclosures in writing at least 1 week prior to enrollment or
 290 | collection of any tuition from the prospective student. The
 291 | required disclosures may be made in the institution's current
 292 | catalog;

293 | (b) Use a reliable method to assess, before accepting a
 294 | student into a program, the student's ability to complete
 295 | successfully the course of study for which he or she has
 296 | applied;

297 | (c) Inform each student accurately about financial
 298 | assistance and obligations for repayment of loans; describe any
 299 | employment placement services provided and the limitations
 300 | thereof; and refrain from promising or implying guaranteed

301 placement, market availability, or salary amounts;

302 (d) Provide to prospective and enrolled students accurate
 303 information regarding the relationship of its programs to state
 304 licensure requirements for practicing related occupations and
 305 professions in Florida;

306 (e) Ensure that all advertisements are accurate and not
 307 misleading;

308 (f) Publish and follow an equitable prorated refund policy
 309 for all students, and follow both the federal refund guidelines
 310 for students receiving federal financial assistance and the
 311 minimum refund guidelines set by commission rule;

312 (g) Follow the requirements of state and federal laws that
 313 require annual reporting with respect to crime statistics and
 314 physical plant safety and make those reports available to the
 315 public; and

316 (h) Publish and follow procedures for handling student
 317 complaints, disciplinary actions, and appeals.

318 Section 6. Effective January 1, 2024, paragraph (d) of
 319 subsection (2) of section 1005.21, Florida Statutes, is amended
 320 to read:

321 1005.21 Commission for Independent Education.—

322 (2) The Commission for Independent Education shall consist
 323 of seven members who are residents of this state. The commission
 324 shall function in matters concerning independent postsecondary
 325 educational institutions in consumer protection, program

326 improvement, and licensure for institutions under its purview.
327 The Governor shall appoint the members of the commission who are
328 subject to confirmation by the Senate. The membership of the
329 commission shall consist of:

330 (d) One representative of a college that meets the
331 criteria of s. 1005.06(1)(e) ~~s. 1005.06(1)(f)~~.

332 Section 7. Effective January 1, 2024, subsection (11) of
333 section 1005.31, Florida Statutes, is amended to read:

334 1005.31 Licensure of institutions.—

335 (11) The commission shall establish minimum standards for
336 the approval of agents. The commission may adopt rules to ensure
337 that licensed agents meet these standards and uphold the intent
338 of this chapter. An agent may not solicit prospective students
339 in this state for enrollment in any independent postsecondary
340 educational institution under the commission's purview or in any
341 out-of-state independent postsecondary educational institution
342 unless the agent has received a license as prescribed by the
343 commission or solicits for a postsecondary educational
344 institution that is not under the jurisdiction of the commission
345 pursuant to s. 1005.06(1)(g) ~~s. 1005.06(1)(h)~~.

346 Section 8. Except as otherwise expressly provided in this
347 act, this act shall take effect July 1, 2023.