

## CHAPTER 97-169

### House Bill No. 1873

An act relating to education; requiring the Department of Education to develop a student financial assistance database; providing a definition; requiring a report; amending s. 228.502, F.S.; deleting requirement that the Education Success Incentive Council serve as the board of directors for a direct-support organization; amending s. 232.2465, F.S., relating to the Florida Academic Scholars' Certificate Program; changing an eligibility date; amending s. 239.117, F.S.; allowing children adopted from the Department of Children and Family Services to be exempt from certain student fees; amending s. 239.217, F.S., relating to the Florida Gold Seal Vocational Endorsement Program; changing an eligibility date; amending s. 240.107, F.S.; conforming provisions; amending ss. 240.235 and 240.35, F.S.; allowing children adopted from the Department of Children and Family Services to be exempt from certain student fees; amending s. 240.404, F.S., relating to general requirements for eligibility for state financial aid; deleting a requirement for participation in a testing program; deleting a requirement regarding Selective Service System registration; creating s. 240.4041, F.S.; providing eligibility requirements for state financial aid for a student with a disability; amending s. 240.4069, F.S.; transferring administration of the Virgil Hawkins Fellows Assistance Program to the Board of Regents; revising program requirements; amending s. 240.408, F.S.; conforming provisions; amending s. 240.412, F.S., relating to the Jose Marti Scholarship Challenge Grant Program; revising matching fund requirements; deleting a testing requirement; amending s. 240.437, F.S., relating to a state student financial aid program; deleting a testing requirement; amending s. 240.6045, F.S., relating to a limited access competitive grant program; revising eligibility requirements; amending s. 240.606, F.S., relating to the Florida Work Experience Program; changing eligibility requirements; deleting a requirement that a certain portion of funds be used for contracts with public schools; repealing ss. 240.4025, 240.4045, 240.407, 240.4085, and 240.4093, F.S., relating to the Florida Graduate Scholars' Fund, compliance with Selective Service System registration requirements, general scholarship loans, the Florida Student Tuition Scholarship Grant Program, and the Vocational Student Assistance Grant Program; providing an effective date.

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

Section 1. (1) The Department of Education, in conjunction with the Florida Council of Student Financial Aid Advisors, staff of the Executive Office of the Governor, the Legislature, the Postsecondary Education Planning Commission, the Board of Regents, the State Board of Community Colleges, and the three largest student loan lenders by volume serving Florida students as of the effective date of this act, shall design a student financial assistance database that can be used to support all aspects of the

administration and delivery of state-funded student financial aid. In addition, the database must have the capability of providing policymakers with comprehensive information regarding the various financial assistance programs available to students attending Florida postsecondary education institutions.

(2) For purposes of this section, financial assistance includes:

(a) For all students, any scholarship, grant, loan, fee waiver, tuition assistance payment, or other form of compensation provided from state or federal funds.

(b) For students attending public institutions, any scholarship, grant, loan, fee waiver, tuition assistance payment, or other form of compensation supported by institutional funds.

(3) The database must include records on any student receiving any form of financial assistance as described in subsection (2). Institutions participating in any state financial assistance program shall annually submit such information to the Department of Education in a format prescribed by the department and consistent with the provisions of s. 228.093, Florida Statutes.

(4) By December 1, 1997, the Department of Education shall provide to the President of the Senate and the Speaker of the House of Representatives a progress report on the development of the database. The progress report must identify components of the database and provide a timeframe for implementation.

Section 2. Subsection (12) of section 228.502, Florida Statutes, 1996 Supplement, is amended to read:

228.502 The Education Success Incentive Program.—

(12) The Commissioner of Education may establish a direct-support organization which is:

(a) A Florida corporation, not for profit, incorporated under the provisions of chapter 617 and approved by the Secretary of State.

(b) Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the Education Success Incentive Program. The board of directors of the direct-support organization shall establish policies and procedures which enable private contributors to designate the name of the student, school, or geographic area for which contributions are being provided.

(c) Subject to an annual postaudit by an independent certified public accountant in accordance with rules promulgated by the board. The annual audit shall be submitted to the Department of Insurance and the Auditor General for review. The Department of Insurance and Auditor General shall have the authority to require and receive from the organization or its independent auditor any detail or supplemental data relative to the operation of the organization. The identity of a donor or prospective donor who

desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

~~The Education Success Incentive Council shall be the board of directors of the direct support organization.~~

Section 3. Paragraph (a) of subsection (1) of section 232.2465, Florida Statutes, is amended to read:

232.2465 Florida Academic Scholars' Certificate Program.—For the purpose of recognizing and rewarding outstanding performance and academic achievement on the part of public school students and nonpublic school students, the Commissioner of Education shall award to each high school graduate who meets the requirements specified herein, and as further specified by the State Board of Education, a special certificate recognizing and designating the graduate as a Florida Academic Scholar.

(1) In order to qualify as a Florida Academic Scholar, a student must:

(a) At the time of application or by the second half of the senior year, have been enrolled in and intend to complete a program of at least 24 credits in advanced-level studies as prescribed by the State Board of Education, including as a minimum:

1. Four years of progressively advanced instruction in language arts, including courses in English composition and literature;

2. Four years of progressively advanced instruction in science, including laboratory courses in biology, chemistry, and physics where laboratory facilities are available;

3. Four years of progressively advanced instruction in mathematics, including courses in algebra and geometry and calculus or trigonometry;

4. Two years of sequential foreign language;

5. One year of instruction in art and music or in either art or music;

6. Three years of instruction in social studies, including courses in American history and government, world history, and comparative political and economic systems; and

7. One year of instruction in health and physical education to include assessment, improvement, and maintenance of personal fitness.

Section 4. Paragraph (e) of subsection (2) of section 239.117, Florida Statutes, 1996 Supplement, is amended to read:

239.117 Postsecondary student fees.—

(2) The following students are exempt from any requirement for the payment of registration, matriculation, and laboratory fees for instruction:

(e) A student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or pursuant to parts III and V of chapter 39, for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living, or who is adopted from the Department of Children and Family Services after December 31, 1997. Such exemption includes fees associated with enrollment in college-preparatory instruction and completion of the college-level communication and computation skills testing program. Such exemption shall be available to any student adopted from the Department of Children and Family Services after December 31, 1997; however, the exemption shall be valid for no more than 4 years after the date of graduation from high school.

Section 5. Paragraph (a) of subsection (2) of section 239.217, Florida Statutes, is amended to read:

239.217 Florida Gold Seal Vocational Endorsement Program.—

(2) Each school district may award the Florida gold seal vocational endorsement to a high school student who meets the requirements of this section. To be eligible for award of the Florida gold seal vocational endorsement, a student must:

(a) At the time of application or by the second half of the senior year, have been enrolled in and intend to complete Meet all requirements for graduation as specified in s. 232.246, including number of credits, courses, grade point average, and mastery of minimum performance standards and basic skills.

If a student does not meet the requirements of this subsection as a result of inaccurate or incomplete information provided by a high school guidance counselor, teacher, or school district personnel, the student may, nevertheless, be eligible for the Florida gold seal vocational endorsement if the principal of the school or the district superintendent verifies that such inaccuracies or misinformation caused the deficiencies. The school district must provide a means for the student to correct deficiencies resulting from such misinformation. The student must correct the deficiencies no later than December 31 immediately following high school graduation, either by completing comparable work at the postsecondary institution or by completing a directed individualized study program that is developed and administered by the school district. If the student does not complete the requirements necessary to correct the deficiencies by December 31 immediately following high school graduation, the student is ineligible to participate in the Florida Gold Seal Vocational Endorsement Program.

Section 6. Subsection (7) of section 240.107, Florida Statutes, is amended to read:

240.107 College-level communication and computation skills examination.—

(7) The State Board of Education, by rule, shall establish fees for the administration of the examination to private postsecondary students. The

~~examination may be administered to students other than those receiving financial aid as required in s. 240.404(1)(a)2., provided that the appropriate fees are paid.~~

Section 7. Paragraph (a) of subsection (5) of section 240.235, Florida Statutes, is amended to read:

240.235 Fees.—

(5)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39, for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living, or who is adopted from the Department of Children and Family Services after December 31, 1997, shall be exempt from the payment of all undergraduate fees, including fees associated with enrollment in college-preparatory instruction or completion of college-level communication and computation skills testing programs. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all undergraduate fees. Such exemption shall be available to any student adopted from the Department of Children and Family Services after December 31, 1997; however, the exemption shall be valid for no more than 4 years after the date of graduation from high school.

Section 8. Paragraph (a) of subsection (2) of section 240.35, Florida Statutes, 1996 Supplement, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction.

(2)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39, for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living, or who is adopted from the Department of Children and Family Services after December 31, 1997, is exempt from the payment of all undergraduate fees, including fees associated with enrollment in college-preparatory instruction or completion of the college-level communication and computation skills testing program. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees. Such exemption shall be available to any student adopted from the Department of Children and Family Services after December 31, 1997; however, the exemption shall be valid for no more than 4 years after graduation from high school.

Section 9. Paragraph (a) of subsection (1) of section 240.404, Florida Statutes, is amended to read:

240.404 General requirements for student eligibility for state financial aid.—

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

1. Acceptance at a state university or community college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college, university, or community college which is accredited by a member of the Commission on Recognition of Postsecondary Accreditation; any Florida institution the credits of which are acceptable for transfer to state universities; any area technical center; or any private vocational-technical institution accredited by a member of the Commission on Recognition of Postsecondary Accreditation.

~~2. Participation in the college-level communication and computation skills testing program. This requirement is limited to students seeking associate's or bachelor's degrees.~~

~~2.3.~~ Residency in this state for no less than 1 year preceding the award of aid for a program established pursuant to s. 240.402, s. 240.4021, s. 240.4085, s. 240.409, s. 240.4093, s. 240.4095, s. 240.4097, s. 240.412, s. 240.4125, s. 240.413, s. 240.4987, s. 240.605, or s. 240.606. 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. 240.1201 and rules of the State Board of Education.

~~4. Compliance with Selective Service System registration requirements pursuant to s. 240.4045.~~

~~3.5.~~ 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. Falsification of such information shall result in the denial of any pending application and revocation of any award 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 shall be guilty of 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 wrongfully obtained.

Section 10. Section 240.4041, Florida Statutes, is created to read:

240.4041 State financial aid; students with a disability.—Notwithstanding the provisions of s. 240.404(1)(b)1.b. regarding the number of credits earned per term, or other financial aid eligibility requirements related to the number of required credits earned per term, a student with a documented disability, as defined by the Americans with Disabilities Act, shall be eligible to be considered for state financial aid while attending an eligible postsecondary institution on a part-time basis. The State Board of Education shall establish the necessary criteria for documentation of the student's disability and the postsecondary institution shall make the determination as to whether or not the disability is such that part-time status is a necessary accommodation. For the purposes of this section, financial aid funds may be prorated based on the number of credit hours taken.

Section 11. Section 240.4069, Florida Statutes, is amended to read:

240.4069 Virgil Hawkins Fellows Assistance Program Scholarships.—

(1) ~~The Virgil Hawkins Fellows Assistance Program Scholarships, established by the General Appropriations Act, shall provide financial assistance be provided for study in law to each of 10 minority first-year students in law at the Florida State University College of Law and to each of 10 minority first-year students in law at the University of Florida College of Law. For the purposes of this section a minority student qualified to receive assistance from the a Virgil Hawkins Fellows Assistance Program shall be identified pursuant to policies adopted by the Board of Regents Scholarship is a person who is a member of an ethnic group that was by law and custom previously denied access to a law school at a predominantly white institution in Florida.~~

(2) ~~The balance of any funds remaining after the 10 scholarships for each law school have been allocated shall be used to provide state matching of grants from private sources that raise money for additional fellowships to be awarded to minority students. Matching funds shall be generated through contributions made after July 1, 1993, and pledged for the purposes of this section. Pledged contributions shall be for a minimum of 2 years and shall not be eligible for matching prior to the actual collection of the total funds.~~

(2)(3) ~~Each student who is awarded a fellowship Virgil Hawkins Fellows Scholarship shall be entitled to receive an award a scholarship under this act for each academic term year that the student is in good standing as approved by the Board of Regents' Office for Equal Opportunity Programs and the dean and continues studies toward completion of the Juris Doctor degree at the Florida State University College of Law or at the University of Florida College of Law.~~

(3)(4) ~~If a fellowship scholarship vacancy occurs, and has not been assigned or utilized by second-year or third-year law students, permission will be granted for the Dean of the College of Law to identify and assign that scholarship slot shall be reassigned and funded fund it as a continuing fellowship scholarship for the remainder of the period for which the award scholarship was originally designated.~~

(4)(5) ~~The Board of Regents shall adopt policies and shall administer the Virgil Hawkins Fellows Assistance Program Scholarships shall be administered by the Department of Education. The State Board of Education shall adopt rules to implement the Virgil Hawkins Fellows Scholarships.~~

Section 12. Subsection (1) of section 240.408, Florida Statutes, is amended to read:

240.408 Challenger Astronauts Memorial Undergraduate Scholarship Trust Fund.—

(1) There is created the Challenger Astronauts Memorial Undergraduate Scholarship Trust Fund which shall receive distributions as provided by s. 320.08058. The Comptroller shall authorize expenditures from this fund for Challenger Astronauts Memorial awards pursuant to s. 240.402, and any

remaining balances may be expended for ~~graduate fellowships in space science, space commerce, or space policy research pursuant to s. 240.4025,~~ and for education/business partnership programs which involve teacher development strategies pursuant to s. 229.602, upon receipt of vouchers approved by the Department of Education. The Comptroller shall also authorize expenditures from this fund for Challenger Astronauts Memorial Undergraduate Scholarships for students who participated in this program prior to July 1, 1993, provided that such students continue to meet the renewal eligibility requirements that were in effect at the time that their original awards were made. Any balance therein at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of these programs.

Section 13. Subsection (4) and paragraph (b) of subsection (5) of section 240.412, Florida Statutes, are amended to read:

240.412 Jose Marti Scholarship Challenge Grant Program.—

(4) The amount appropriated to the trust fund for the program shall be allocated by the department on the basis of one \$5,000 challenge grant for each ~~\$2,500~~ \$5,000 raised from private sources. Matching funds shall be generated through contributions made after July 1, 1986, and pledged for the purposes of this section. Pledged contributions shall not be eligible for matching prior to the actual collection of the total funds.

(5)

(b) In order to renew a scholarship awarded pursuant to this section, a student must shall:

1. Earn a grade point average of at least 3.0 on a 4.0 scale for the previous term, maintain at least a 3.0 average for college work, or have an average below 3.0 only for the previous term and be eligible for continued enrollment at the institution.

2. Maintain full-time enrollment.

3.—~~Participate in the college-level communication and computation skills testing program. Graduate recipients shall be exempt from this requirement.~~

Section 14. Subsection (2) of section 240.437, Florida Statutes, is amended to read:

240.437 Student financial aid planning and development.—

(2) The objective of a state program is the maintenance of a state student financial aid program to supplement a basic national program which will provide equal access to postsecondary education to citizens of this state who have the ability and motivation to benefit from a postsecondary education. In the development of a state program to achieve this objective, it shall be the policy that:

(a) State student financial aid be provided primarily on the basis of financial need;

(b) Students receiving need-based financial aid be expected to contribute toward their cost of education through self-help resources such as savings, work, and loans;

(c) Student financial aid be available to state residents for attendance at accredited public or private institutions of higher education in this state;

(d) Student financial aid be provided for all levels of postsecondary education; and

(e) State student financial aid be administered by a central state agency.

~~(f) Effective August 1, 1985, students enrolled in associate in arts degree programs and bachelor's degree programs in independent institutions in this state who receive state aid pursuant to s. 240.402, s. 240.4063, s. 240.4085, s. 240.4095, s. 240.4097, s. 240.412, s. 240.605, or s. 240.606 participate in the college-level communication and computation skills testing program provided in s. 229.551. The department and the eligible institutions shall negotiate an agreement that will assure that the test is available to students either directly through the independent institutions or on a contractual basis with a state community college or university. Before August 1, 1985, all independent institutions subject to this provision shall have an opportunity to participate in preliminary testing activities similar to those afforded the public institutions before the initiation of formal testing; and the independent sector shall be afforded appropriate representation on all committees and commissions charged with responsibilities for developing, administering, and evaluating the tests.~~

Planning and development must shall be in accordance with the foregoing objective and policies.

Section 15. Subsections (1), (2), (3), and (4) of section 240.6045, Florida Statutes, is amended to read:

240.6045 Limited access competitive grant program.—

(1) There is established a limited access competitive grant program which shall be administered by the Department of Education. The purpose of the program shall be to provide enrollment opportunities for qualified applicants in unable to obtain admission to selected state university limited access programs or equivalent academic tracks.

(2) The Postsecondary Education Planning Commission shall annually identify for the State Board of Education selected high priority employment fields that are designated, commonly referred to as limited access programs, which require a baccalaureate degree and for which one or more state universities have insufficient capacity to serve all qualified applicants.

(3) Program applicants shall be Florida residents, either community college graduates or state university students, who are qualified for admission to a selected independent college or university because of lack of space are denied admission to a state university program directly related to a high priority employment field identified by the State Board of Education.

(4) A limited access competitive grant may be awarded ~~in a competitive grant~~ which equals 50 percent of the cost to the state per academic year of funding an undergraduate student in public postsecondary education if the recipient chooses to enroll in a comparable program provided by an eligible independent college or university in Florida. Eligible independent institutions shall be designated by the Department of Education and shall be selected from among institutions accredited by the Commission on Colleges of the Southern Association of Colleges and Schools. Priority shall be given to state residents who graduate from a Florida high school or community college.

Section 16. Paragraph (b) of subsection (1) and subsection (3) of section 240.606, Florida Statutes, are amended to read:

240.606 Florida Work Experience Program.—

(1) There is established the Florida Work Experience Program to be administered by the Department of Education. The purpose of the program is to introduce eligible students to work experience that will complement and reinforce their educational program and career goals and provide a self-help student aid program. Such program shall be available to:

(b) Any student attending a nonprofit Florida postsecondary education institution that is eligible to participate in either of the student assistance grant programs established in ss. 240.4095 and 240.4097. ~~college or university which: is accredited by a member of the Commission on Recognition of Postsecondary Accreditation, the credits of which are acceptable, without qualification, for transfer to a state university; grants baccalaureate or associate degrees; is not a pervasively sectarian institution; and is located in and chartered by the state.~~

(3) Each participating institution is authorized to enter into contractual agreements with private or public employers for the purpose of establishing a Florida work experience program. ~~A minimum of 25 percent of the funds for the Florida Work Experience Program shall be used to contract with public schools for student work experience opportunities.~~

Section 17. Sections 240.4025, 240.4045, 240.407, 240.4085, and 240.4093, Florida Statutes, are repealed.

Section 18. This act shall take effect upon becoming a law.

Approved by the Governor May 29, 1997.

Filed in Office Secretary of State May 29, 1997.