

CHAPTER 97-77

Committee Substitute for Committee Substitute for Senate Bill No. 858

An act relating to education; establishing the Florida Bright Futures Scholarship Program; providing levels of award; providing for administration and funding; providing student eligibility and program requirements; providing for awards; providing requirements for qualification for a Florida Academic Scholars award, a Florida Merit Scholarship award, and a Florida Gold Seal Vocational Endorsement Scholarship award; providing a transition in eligibility for scholarship awards; amending s. 24.121, F.S.; providing for funding of the Florida Bright Futures Scholarship Program from the Educational Enhancement Trust Fund; repealing ss. 232.2465, 239.217, 240.402, 240.4021, and 240.4024, F.S., relating to the Florida Academic Scholars' Certificate Program, the Florida Gold Seal Vocational Endorsement Program, the Florida Undergraduate Scholars' Program, the Vocational Gold Seal Endorsement Scholarship Program, and the Florida Postsecondary Tuition Program; amending ss. 240.233, 232.246, 240.404, and 240.40242, F.S.; conforming cross-references and provisions; providing an effective date.

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

Section 1. This act may be cited as, "The Florida Bright Futures Scholarship Act."

Section 2. (1) The Florida Bright Futures Scholarship Program is created to establish a lottery-funded scholarship program to reward any Florida high school graduate who merits recognition of high academic achievement and who enrolls in an eligible Florida public or private postsecondary education institution within 3 years of graduation from high school.

(2) The Bright Futures Scholarship Program consists of three types of award, the Florida Academic Scholarship, the Florida Merit Scholarship, and the Florida Vocational Gold Seal Scholarship.

(3) The Department of Education shall administer the Bright Futures Scholarship Program according to rules and procedures established by the Commissioner of Education. A single application must be sufficient for a student to apply for any of the three types of award. The department must advertise the availability of the scholarship program and must notify students, teachers, parents, guidance counselors, and principals or other relevant school administrators of the criteria and application procedures. The department must begin this process of notification no later than January 1 of each year.

(4) Funding for the Bright Futures Scholarship Program must be allocated from the Education Enhancement Trust Fund and must be provided before allocations from that fund are calculated for disbursement to other educational entities.

(a) If funds appropriated are not adequate to provide the maximum allowable award to each eligible applicant, awards in all three components of the program must be prorated using the same percentage reduction.

(b) Notwithstanding s. 216.301, Florida Statutes, if all funds allocated to the Bright Futures Scholarship Program are not used in any fiscal year, up to 10 percent of the total allocation may be carried forward and used for awards in the following year.

(5) The department shall issue awards from the scholarship program annually. Annual awards may be for up to 45 semester credit hours or the equivalent. Before the registration period each semester, the department shall transmit payment for each award to the president or director of the postsecondary education institution, or his or her representative, except that the department may withhold payment if the receiving institution fails to report or to make refunds to the department as required in this act.

(a) Within 30 days after the end of regular registration each semester, the educational institution shall certify to the department the eligibility status of each student who receives an award. After the end of the drop and add period, an institution is not required to reevaluate or revise a student's eligibility status, but must make a refund to the department if a student who receives an award disbursement terminates enrollment for any reason during an academic term and a refund is permitted by the institution's refund policy.

(b) An institution that receives funds from the program shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 60 days after the end of regular registration.

(c) Each institution that receives moneys through this program shall prepare an annual report that includes an independent external audit or an audit prepared by the Office of the Auditor General. The report shall include an audit of the institution's administration of the program and a complete accounting of the moneys for the program. This report must be submitted to the department annually by March 1. The department may conduct its own annual audit of an institution's administration of the program. The department may request a refund of any moneys overpaid to the institution for the program. The department may suspend or revoke an institution's eligibility to receive future moneys for the program if the department finds that an institution has not complied with this section. The institution must remit within 60 days any refund requested in accordance with this subsection.

(6) A student enrolled in 6 to 8 semester credit hours may receive up to one-half of the maximum award; a student enrolled in 9 to 11 credit hours may receive up to three-fourths of the maximum award; and a student enrolled in 12 or more credit hours may receive up to the full award.

(7) A student may receive only one type of award from the Florida Bright Futures Scholarship Program at a time, but may transfer from one type of award to another through the renewal application process, if the student's

eligibility status changes. However, a student is not eligible to transfer from a Florida Merit Scholarship or a Florida Vocational Gold Seal Scholarship to a Florida Academic Scholarship. A student who receives an award from the program may also receive a federal family education loan or a federal direct loan, and the value of the award must be considered in the certification or calculation of the student's loan eligibility.

(8) If a recipient transfers from one eligible institution to another and continues to meet eligibility requirements, the award must be transferred with the student.

(9) A student may use an award for summer-term enrollment if funds are available.

(10) Funds from any scholarship within the Florida Bright Futures Scholarship Program may not be used to pay for remedial or college preparatory coursework.

Section 3. Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(1) To be eligible for an initial award from any of the three types of scholarship under the Florida Bright Futures Scholarship Program, a student must:

(a) Be a Florida resident as defined in s. 240.404 and rules of the State Board of Education.

(b) Earn a standard Florida high school diploma or its equivalent as described in section 232.246 or section 229.814, Florida Statutes, unless:

1. The student is enrolled full time in the early admission program of an eligible postsecondary education institution or completes a home education program according to s. 232.02(4), Florida Statutes; or

2. The student earns a high school diploma from a non-Florida school while living with a parent or guardian who is on military or public service assignment away from Florida.

(c) Be accepted by and enroll in an eligible Florida public or independent postsecondary education institution.

(d) Be enrolled for at least 6 semester credit hours or the equivalent in quarter hours or clock hours.

(e) Not have been found guilty of, or plead nolo contendere to, a felony charge, unless the student has been granted clemency by the Governor and Cabinet sitting as the Executive Office of Clemency.

(f) Apply for a scholarship from the program by April 1 of the last semester before high school graduation.

(2) A student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 7 years following

high school graduation. A student who applies for an award by April 1 and who meets all other eligibility requirements, but who does not accept his or her award, may reapply during subsequent application periods up to 3 years after high school graduation.

(3) The department may determine a student's eligibility status during the senior year before graduation and may inform the student of the award at that time.

(4) A student who wishes to qualify for a particular award within the Florida Bright Futures Scholarship Program, but who does not meet all of the requirements for that level of award, may, nevertheless, receive the award if the principal of the student's school or the district superintendent verifies that the deficiency is caused by the fact that school district personnel provided inaccurate or incomplete information to the student. The school district must provide a means for the student to correct the deficiencies and the student must correct them, either by completing comparable work at the postsecondary institution or by completing a directed individualized study program developed and administered by the school district. If the student does not complete the requirements by December 31 immediately following high school graduation, the student is ineligible to participate in the program.

Section 4. Florida Bright Futures Scholarship Program; student eligibility requirements for renewal awards.—

(1) To be eligible to renew a scholarship from any of the three types of scholarship under the Florida Bright Futures Scholarship Program, a student must:

(a) Complete at least 12 semester credit hours or the equivalent in the last academic year in which the student earned a scholarship.

(b) Maintain the cumulative grade point average required by the scholarship program, except that:

1. If a recipient's grades fall beneath the average required to renew a Florida Academic Scholarship, but are sufficient to renew a Florida Merit Scholarship or a Florida Vocational Gold Seal Scholarship, the Department of Education may grant a renewal from one of those other scholarship programs, if the student meets the renewal eligibility requirements; or

2. If, at any time during the eligibility period, a student's grades are insufficient to renew the scholarship, the student may restore eligibility by improving the grade point average to the required level. A student is eligible for such a reinstatement only once. The Legislature encourages education institutions to assist students to calculate whether or not it is possible to raise the grade point average during the summer term. If the institution determines that it is possible, the education institution may so inform the department, which may reserve the student's award if funds are available. The renewal, however, must not be granted until the student achieves the required cumulative grade point average. If the summer term is not sufficient to raise the grade point average to the required renewal level, the

student's next opportunity for renewal is the fall semester of the following academic year.

(2) A student who is enrolled in a program that terminates in an associate degree or a baccalaureate degree may receive an award for a maximum of 110 percent of the number of credit hours required to complete the program. A student who is enrolled in a program that terminates in a technical certificate may receive an award for a maximum of 110 percent of the credit hours or clock hours required to complete the program up to 90 credit hours. A student who transfers from one of these program levels to another becomes eligible for the higher of the two credit hour limits.

Section 5. Florida Bright Futures Scholarship Program; eligible postsecondary education institutions.—A student is eligible for an award or the renewal of an award from the Florida Bright Futures Scholarship Program if the student meets the requirements for the program as described in this act and is enrolled in a postsecondary education institution that meets the description in any one of the following subsections:

(1) A Florida public university, community college, or technical center.

(2) An independent Florida college or university that is accredited by a member of the Commission on Recognition of Postsecondary Accreditation and which has operated in the state for at least 3 years.

(3) An independent Florida postsecondary education institution that is licensed by the State Board of Independent Colleges and Universities and which:

(a) Shows evidence of sound financial condition; and

(b) Has operated in the state for at least 3 years without having its approval, accreditation, or license placed on probation.

(4) A Florida independent postsecondary education institution that offers a nursing diploma approved by the Board of Nursing.

(5) A Florida independent postsecondary education institution that is licensed by the State Board of Independent Postsecondary Vocational, Technical, Trade, or Business Schools and which:

(a) Has a program completion and placement rate of at least the rate required by the current Florida Statutes, the Florida Administrative Code, or the Department of Education for an institution at its level; and

(b) Shows evidence of sound financial condition; and either:

1. Is accredited at the institutional level by an accrediting agency recognized by the United States Department of Education and has operated in the state for at least 3 years during which there has been no complaint for which probable cause has been found; or

2. Has operated in Florida for 5 years during which there has been no complaint for which probable cause has been found.

Section 6. Florida Academic Scholars award.—

(1) A student is eligible for a Florida Academic Scholars Award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a 3.5 unweighted grade point average on a 4.0 scale, or its equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college preparatory academic courses; and

(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(c) Has attended a home education program according to section 232.02(4), Florida Statutes, during grades 11 and 12, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(d) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office; or

(e) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist.

Effective with the 1998-1999 school year, a student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

(2) A Florida Academic Scholar who is enrolled in a public postsecondary education institution is eligible for an award equal to the amount required to pay matriculation, fees, and \$600 for college-related expenses annually. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay for the average matriculation and fees of a public postsecondary education institution at the comparable level, plus the annual \$600.

(3) To be eligible for a renewal award as a Florida Academic Scholar, a student must maintain the equivalent of a grade point average of 3.0 on a 4.0 scale for all postsecondary education work attempted, with an opportunity for one reinstatement as provided in this act.

(4) In each school district, the Florida Academic Scholar with the highest academic ranking shall receive an additional award of \$1,500 for college-related expenses. This award must be funded from the Florida Bright Futures Scholarship Program.

Section 7. Florida Merit Scholars award.—

(1) A student is eligible for a Florida Merit Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved an unweighted grade point average of 3.0 on a 4.0 scale, or the equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college preparatory academic courses; and

(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(c) Has attended a home education program according to section 232.02(4), Florida Statutes, during grades 11 and 12, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program.

(2) A Florida Merit Scholar is eligible for an award equal to the amount required to pay 75 percent of matriculation and fees, if the student is enrolled in a public postsecondary education institution. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the matriculation and fees of a public postsecondary education institution at the comparable level.

(3) To be eligible for a renewal award as a Florida Merit Scholar, a student must maintain the equivalent of a grade point average of 2.75 on a 4.0 scale for all postsecondary education work attempted, with an opportunity for reinstatement one time as provided in this act.

Section 8. Florida Gold Seal Vocational Scholars Award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and vocational preparation by high school students who wish to continue their education.

(1) A student is eligible for a Florida Gold Seal Vocational Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Completes the secondary school portion of a sequential program of studies that requires at least three secondary school vocational credits taken over at least 2 academic years, and is continued in a planned, related post-secondary education program. If the student's school does not offer such a two-plus-two or tech-prep program, the student must complete a job-preparatory career education program selected by the Occupational Forecasting Conference or the Workforce Development Board of Enterprise Florida for its ability to provide high-wage employment in an occupation with high potential for employment opportunities. On-the-job training may not be substituted for any of the three required vocational credits.

(b) Demonstrates readiness for postsecondary education by earning a passing score on the Florida College Entry Level Placement Test or its equivalent as identified by the Department of Education.

(c) Earns a minimum cumulative unweighted grade point average of 3.0 on a 4.0 scale on all subjects required for a standard high school diploma, excluding elective courses.

(d) Earns a minimum unweighted grade point average of 3.5 on a 4.0 scale for secondary vocational courses comprising the vocational program.

(e) Completes the requirements of a vocational-ready diploma program, as defined by rules of the State Board of Education.

(2) A Florida Gold Seal Vocational Scholar is eligible for an award equal to the amount required to pay 75 percent of matriculation and fees, if the student is enrolled in a public postsecondary education institution. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the matriculation and mandatory fees of a public postsecondary education institution at the comparable level.

(3) To be eligible for a renewal award as a Florida Gold Seal Vocational Scholar, a student must maintain the equivalent of a grade point average of 2.75 on a 4.0 scale for all postsecondary education work attempted, with an opportunity for reinstatement one time as provided in this act.

(4) A student may earn a Florida Gold Seal Vocational Scholarship for 110 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent. A Florida Gold Seal Scholar who has a cumulative grade point average of 2.75 in all postsecondary education work attempted may apply for a Florida Merit Scholars award at any renewal period. All other provisions of that program apply, and the credit-hour limitation must be calculated by subtracting from the student's total eligibility the number of credit hours the student attempted while earning the Gold Seal Vocational Scholarship.

Section 9. Eligibility for the Florida Bright Futures Scholarship Program; transition.—

(1) A student who graduates from high school in 1997 or earlier and who is eligible for the Florida Undergraduate Scholar's Program pursuant to s.

240.402, Florida Statutes, is eligible for the Florida Academic Scholars award as provided in this act.

(2) A student who graduates from high school in 1997 or earlier and who is eligible for the Florida Vocational Gold Seal Endorsement Scholarship award pursuant to s. 240.4021, Florida Statutes, is eligible for the Florida Gold Seal Vocational Scholars award as provided in this act.

(3) Effective for the 1997-1998 academic year, a student is eligible for an initial award of a Florida Merit Scholarship if the student:

(a)1. Is scheduled to graduate from high school in 1997;

2. Completes, or is enrolled in all courses required to complete, the high school college preparatory coursework required in this act;

3. Achieves an unweighted grade point average of 3.0 on a 4.0 scale, or the equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college preparatory academic courses; and

4. Earns a score of 970 or above on the combined verbal and quantitative parts of the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(b) Has completed a college preparatory curriculum in 1997 through an approved home school program and has attained a score of 970 on the combined verbal and quantitative parts of the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program. Eligibility shall be determined in the same manner as for public school students. For students whose parents are unable to document a college preparatory curriculum, a score of 1070 on the SAT, or equivalent score on the ACT, shall be required for award eligibility.

(3) To enable this act to be implemented during 1997 and 1998, the Department of Education and eligible postsecondary education institutions may adjust time limits imposed by law and rule so as to allow students and their high schools maximum opportunity to prepare applications for initial and renewal awards for students made eligible for a scholarship under this act.

Section 10. Paragraph (b) of subsection (5) of section 24.121, Florida Statutes, 1996 Supplement, is amended, paragraph (e) is redesignated as paragraph (f), and a new paragraph (e) is added to said subsection, to read:

24.121 Allocation of revenues and expenditure of funds for public education.—

(5)

(b) Except as provided in paragraphs (c), and (d) and (e), the Legislature shall equitably apportion moneys in the trust fund among public schools, community colleges, and universities.

(e) All components of the Florida Bright Futures Scholarship Program shall be funded annually from the Educational Enhancement Trust Fund. Funds shall be allocated to this program prior to application of the formula for equitable distribution to public schools, community colleges, and state universities. If shortages require reductions in estimated distributions from the Educational Enhancement Trust Fund, funds for the Florida Bright Futures Scholarship Program shall be reduced only after reductions in all other distributions are made.

Section 11. Sections 232.2465, 239.217, 240.402, and 240.4021, Florida Statutes, and section 240.4024, Florida Statutes, as created by section 2 of chapter 96-341, Laws of Florida, are repealed.

Section 12. Paragraph (b) of subsection (3) of section 240.233, Florida Statutes, is amended to read:

240.233 Universities; admissions of students.—Each university shall govern admissions of students, subject to this section and rules of the Board of Regents.

(3)

(b) Within the admission standards provided for in subsection (1), the Board of Regents shall develop procedures for weighting courses which are necessary to meet the requirements of a college preparatory curriculum s. 232.2465 at a higher value than less rigorous courses. Credits received in such courses shall be given greater value in determining admission by universities than cumulative grade point averages in high school.

Section 13. Subsection (9) of section 232.246, Florida Statutes, is amended to read:

232.246 General requirements for high school graduation.—

(9) A student who meets all requirements prescribed in subsections (1), (5), and (6) shall be awarded a standard diploma in a form prescribed by the state board. A school board may attach the Florida gold seal vocational endorsement to a standard diploma pursuant to ~~s. 239.217~~ or, in lieu of the standard diploma, award differentiated diplomas to those exceeding the prescribed minimums. A student who completes the minimum number of credits and other requirements prescribed by subsections (1) and (5), but who is unable to meet the standards of paragraph (6)(a), paragraph (6)(b), or paragraph (6)(d), shall be awarded a certificate of completion in a form prescribed by the state board. However, any student who is otherwise entitled to a certificate of completion may elect to remain in the secondary school either as a full-time student or a part-time student for up to 1 additional year and receive special instruction designed to remedy his or her identified deficiencies. This special instruction shall be funded from the state compensatory education funds of the district.

Section 14. 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.

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.

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 15. Section 240.40242, Florida Statutes, 1996 Supplement, is amended to read:

240.40242 Use of certain scholarship funds by children of deceased or disabled veterans.—The criteria for the use of scholarship funds which apply to students under the Florida Bright Futures Scholarship Postsecondary Tuition Program shall also apply to the children of deceased or disabled veterans who receive scholarships under chapter 295.

Section 16. This act shall take effect upon becoming a law.

Approved by the Governor May 23, 1997.

Filed in Office Secretary of State May 23, 1997.