

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/HB 1261 — Higher Education

by Education and Employment Committee and Rep. Toledo and others (CS/SB 7070 by Rules Committee and Education Committee)

COVID-19 Liability

The bill provides liability protections for educational institutions for actions related to the COVID-19 pandemic. Specifically, the bill:

- Defines an educational institution as a preschool through secondary school, or postsecondary school, whether public or nonpublic. The Board of Governors (BOG) of the State University System and the State Board of Education (SBE) are also included within these immunity protections.
- Extends the protections to an educational institution that has taken reasonably necessary actions, such as providing online instruction or modifying services, in compliance with federal, state, or local guidance to diminish the impact or the spread of COVID-19 and provides specified immunity relating to such actions.

The bill specifies that in any action against an educational institution, the BOG, or the SBE for the reimbursement of tuition or fees, certain documents and publications of the institution are not evidence of an express or implied contract to provide in-person or on-campus education and related services or access to facilities during the COVID-19 public health emergency.

The bill specifies that to bring an action against an educational institution for compliance with a federal, state, local, BOG, or SBE order or directive to alter the mode of instruction, the burden of proof must be clear and convincing evidence for damages against the institution.

State University Career Planning and Information

The bill establishes a mechanism to connect state university undergraduate students to career information. Specifically, the bill requires:

- The BOG to create an online dashboard of data, by January 1, 2022, regarding state university graduates, which must include post-graduation salary; student loan debt; debt-to-income ratio; estimated loan payment as a percentage of income; and percentage of graduates who have continued their education.
- Each state university board of trustees to adopt procedures to connect undergraduate students to career planning, coaching, and related programs during the first academic year of the student's enrollment.

Tuition and Fee Exemptions and Waivers

The bill clarifies that a specified postsecondary education tuition and fee exemption applies to a student currently in the custody of the Department of Children and Families (DCF), in foster care, under a court guardianship, or adopted from DCF, or who was when the student turned 18 years of age.

The bill creates a fee waiver, beginning in the 2021-2022, for Florida students who enroll in one of eight Programs of Strategic Emphasis identified by the Board of Governors. A state university must waive tuition and fees for one upper-level course in that program for every upper-level course in which the student is enrolled.

- The bill also provides that students who receive the fee waiver for these courses will receive their standard award from the Bright Futures Florida Academic Scholars or Florida Medallion Scholars program.
- The waiver is available for up to 110 percent of the degree program credit hours.

The bill creates the State University Free Seat Program for Florida veterans and active duty personnel, and nontraditional students who have been out of school for five years, to enroll in an online baccalaureate program.

- Under the program a state university must waive tuition and fees for one online course. For all other courses in the online program, the state university may not charge more than 75 percent of the standard tuition rate and tuition differential fee.
- The discount is available for up to 110 percent of the program credit hours, and the program is capped at 1,000 student systemwide.

The bill creates an out-of-state fee waiver for nonresident students, starting in the 2022-2023 academic year, who:

- Have a grandparent who is a legal resident of Florida;
- Earn a high school diploma comparable to Florida's;
- Achieve an SAT score in the 89th percentile, or a score on another comparable admissions test; and
- Enroll as a full-time undergraduate student at a state university in the fall academic term immediately following high school graduation.

The waiver is available for up to 110 percent of the degree program credit hours, and is capped at 350 students systemwide.

Financial Aid Programs

The bill makes technical and substantive changes to state financial aid programs, which:

- Modifies the Benacquisto Scholarship Program to remove initial eligibility for non-resident students beginning with the 2022-2023 academic year.
- Codifies existing requirements and establishes additional responsibilities for institutions that receive state financial aid and tuition assistance funds, with penalties for noncompliance.
- Removes from the Florida Student Assistance Grant program obsolete or unused provisions.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 102-11