

1 A bill to be entitled
2 An act relating to higher education; creating s.
3 768.39, F.S.; providing legislative findings; defining
4 the term "educational institution"; providing that the
5 Board of Governors and the State Board of Education
6 are afforded certain immunity protections; prohibiting
7 an educational institution that has taken certain
8 reasonably necessary actions to diminish the impact or
9 spread of COVID-19 from being civilly liable for such
10 actions; specifying that the provision of certain
11 services by educational institutions was impossible
12 during certain periods of time; providing that certain
13 reasonably necessary actions are deemed justified;
14 providing exceptions; providing severability;
15 providing for a burden of proof; amending s. 1006.75,
16 F.S.; requiring the Board of Governors to publish an
17 online dashboard containing specified data; requiring
18 that such dashboard be made available by a specified
19 date; requiring that each state university board of
20 trustees adopt procedures to connect undergraduate
21 students to certain programs; requiring that the Board
22 of Governors approve such procedures by a specified
23 date; requiring that such procedures include placing a
24 hold on certain student registration under certain
25 circumstances; providing that the Board of Governors

26 | review and approve certain procedures by a specified
27 | date; amending s. 1009.25, F.S.; revising provisions
28 | relating to certain fee exemptions; amending s.
29 | 1009.26, F.S.; requiring a state university to waive
30 | the tuition and fees for certain courses in which
31 | certain resident students are enrolled; providing
32 | applicability; providing specified criteria for such
33 | waiver; requiring the reporting of tuition and fees
34 | waived for state funding purposes; requiring
35 | disbursement to the student upon his or her enrollment
36 | in a program of strategic emphasis; requiring each
37 | state university to report certain information
38 | regarding such waiver to the Board of Governors,
39 | annually; authorizing a state university in compliance
40 | with the waiver provisions to earn incentive funding,
41 | subject to appropriation; requiring the board to adopt
42 | regulations; creating the State University Free Seat
43 | Program; providing a purpose; providing a limitation
44 | on fee waivers under the program; providing an
45 | exemption from tuition and fees for one online course
46 | at a state university for certain resident students;
47 | prohibiting a state university from charging such
48 | students more than a specified percentage of the
49 | tuition rate and the tuition differential under
50 | certain circumstances; providing a limitation on the

51 application of such tuition discount; requiring each
52 state university to annually report to the Board of
53 Governors certain information regarding waivers under
54 the program; requiring the board to adopt regulations;
55 requiring a state university to waive the out-of-state
56 fee for a nonresident student who meets certain
57 requirements; defining the term "grandparent";
58 providing applicability; requiring a student or his or
59 her parent to provide specified documentation before a
60 state university waives the out-of-state fee;
61 providing that a state university is not required to
62 independently verify certain statements; authorizing
63 the state university to refer specified documentation
64 to law enforcement under certain circumstances;
65 requiring each state university to annually report to
66 the Board of Governors specified information regarding
67 such out-of-state fee waivers; requiring a state
68 university, within the nonresident student enrollment
69 systemwide, to prioritize the enrollment of a student
70 granted such fee waiver over a certain out-of-state
71 student under certain conditions; providing a
72 limitation on the number of fee waivers granted per
73 academic year; requiring the Board of Governors to
74 adopt regulations; amending s. 1009.40, F.S.;

75 conforming cross-references; creating s. 1009.46,

76 F.S.; providing duties for certain postsecondary
77 educational institutions relating to state financial
78 aid and tuition assistance programs; requiring that an
79 institution that fails to perform its duties be placed
80 on probation by the Department of Education; providing
81 duties for the department; amending s. 1009.50, F.S.;
82 revising provisions relating to funds appropriated for
83 the Florida Public Assistance Grant Program; removing
84 provisions authorizing that certain funds be deposited
85 into a specified trust fund; amending s. 1009.505,
86 F.S.; revising provisions relating to the Florida
87 Public Postsecondary Career Education Student
88 Assistance Grant Program; amending s. 1009.51, F.S.;
89 revising provisions relating to the Florida Private
90 Student Assistance Grant Program; amending s. 1009.52,
91 F.S.; revising provisions relating to the Florida
92 Postsecondary Student Assistance Grant Program;
93 amending s. 1009.893, F.S.; providing that the 2021-
94 2022 academic year is the last year for an out-of-
95 state student to be eligible to receive an initial
96 Benacquisto Scholarship award; providing an effective
97 date.

98
99 Be It Enacted by the Legislature of the State of Florida:
100

101 Section 1. Section 768.39, Florida Statutes, is created to
102 read:

103 768.39 Immunity for educational institutions for actions
104 related to the COVID-19 pandemic.-

105 (1) The Legislature finds that during the COVID-19 public
106 health emergency, educational institutions had little choice but
107 to close or restrict access to their campuses in an effort to
108 protect the health of their students, educators, staff, and
109 communities. Despite these efforts, more than 120,000 cases of
110 COVID-19 have been linked to colleges and universities
111 nationwide, and the deaths of more than 100 college students
112 have been attributed to the disease. The Legislature further
113 finds that lawsuits against educational institutions based on
114 their efforts to provide educational services while keeping
115 students, faculty, staff, and communities safe during the COVID-
116 19 public health emergency are without legal precedent. One
117 court has even acknowledged that the "legal system is now
118 feeling COVID-19's havoc with the current wave of class action
119 lawsuits that seek tuition reimbursement related to forced
120 online tutelage." Under these circumstances, the Legislature
121 finds that there is an overpowering public necessity for, and no
122 reasonable alternative to, providing educational institutions
123 with liability protections against lawsuits seeking tuition or
124 fee reimbursements or related damages resulting from the
125 institutions changing the delivery of educational services,

126 limiting access to facilities, or closing campuses during the
127 COVID-19 public health emergency.

128 (2) For the purposes of this section, the term
129 "educational institution" means any postsecondary institution,
130 whether public or nonpublic. The Board of Governors of the State
131 University System and the State Board of Education are also
132 included within the immunity protections afforded by this
133 section.

134 (3) (a) An educational institution that has taken
135 reasonably necessary actions in compliance with federal, state,
136 or local guidance to diminish the impact or the spread of COVID-
137 19 may not be held liable for, and shall be immune from, any
138 civil damages, equitable relief, or other remedies relating to
139 such actions. Reasonably necessary actions taken while a state
140 of emergency was declared for this state for the COVID-19
141 pandemic include, but are not limited to, any of the following:

142 1. Shifting in-person instruction to online or remote
143 instruction for any period of time;

144 2. Closing or modifying the provision of facilities, other
145 than housing or dining facilities, on the campus of the
146 educational institution; or

147 3. Pausing or modifying ancillary student activities and
148 services available through the educational institution.

149 (b) The provision of in-person or on-campus education and
150 related services is deemed to have been impossible for

151 educational institutions during any period of time in which such
152 institutions took reasonably necessary actions described in
153 paragraph (a) to protect students, staff, and educators in
154 response to the COVID-19 public health emergency.

155 (c) As a result of the various governmental orders and the
156 need for educational institutions to protect their communities,
157 the reasonably necessary actions described in paragraph (a) are
158 deemed justified.

159 (4) In any action against an educational institution, the
160 Board of Governors of the State University System, or the State
161 Board of Education for the reimbursement of tuition or fees,
162 invoices, catalogs, and general publications of an educational
163 institution are not evidence of an express or implied contract
164 to provide in-person or on-campus education and related services
165 or access to facilities during the COVID-19 public health
166 emergency.

167 (5) (a) This section does not apply to losses or damages
168 that resulted solely from a breach of an express contractual
169 provision allocating liability.

170 (b) This section does not apply to losses or damages
171 caused by an act or omission of a college or university which
172 was in bad faith or malicious.

173 (6) If any aspect of the immunity under subsection (3) is
174 limited by a court or by operation of law from applying to
175 certain types of claims or causes of action, the immunity under

176 this section must still be provided to the fullest extent
177 authorized by law to any other types of claims or causes of
178 action.

179 (7) If an educational institution is required by federal,
180 state, or local order or a directive of the Board of Governors
181 of the State University System or the State Board of Education
182 issued in response to the COVID-19 public health emergency to
183 alter the mode of delivery of instruction and related services
184 or access to facilities, the burden of proof for any plaintiff
185 bringing an action against the educational institution for
186 compliance with such order or directive shall be by clear and
187 convincing evidence to prevail for damages against the
188 institution.

189 Section 2. Section 1006.75, Florida Statutes, is created
190 to read:

191 1006.75 State university career planning and information.—

192 (1) To assist students and families in making better-
193 informed decisions about educational options and future
194 employment opportunities, the Board of Governors of the State
195 University System shall publicly publish an online dashboard.
196 The dashboard must present data, by academic discipline, of
197 graduates of state universities, including at least the
198 following information:

199 (a) Post-graduation median salary 1, 5, and 10 years after
200 graduation.

201 (b) Median student loan debt.
 202 (c) Debt-to-income ratio.
 203 (d) Estimated monthly loan payment as a percentage of
 204 gross monthly income.
 205 (e) The percentage of graduates who have continued their
 206 education beyond the baccalaureate level.
 207 (2) The online dashboard must be available by January 1,
 208 2022. A link to the dashboard shall be prominently displayed on
 209 each state university's office of admissions website.
 210 (3)(a) Each state university board of trustees shall adopt
 211 procedures to connect undergraduate students to career planning,
 212 coaching, and related programs during the first academic year of
 213 the student's enrollment. Such procedures must be approved by
 214 the Board of Governors and include placing a hold on student
 215 registration before the end of the first year of each student's
 216 enrollment. To lift the hold and register for classes, each
 217 student must:
 218 1. Register with the university's career center.
 219 2. Complete a career readiness training module provided by
 220 the career center.
 221 3. Be directed to the dashboard established in subsection
 222 (1).
 223 4. Affirmatively indicate that he or she has been provided
 224 with the information required under this paragraph and is aware
 225 of the employment and wage prospects for his or her declared

226 major.

227 (b) The Board of Governors of the State University System
 228 shall review and approve each university's procedures by March
 229 1, 2022.

230 Section 3. Paragraphs (c) and (d) of subsection (1) of
 231 Section 1009.25, Florida Statutes, are amended:

232 1009.25 Fee exemptions.—

233 (1) The following students are exempt from the payment of
 234 tuition and fees, including lab fees, at a school district that
 235 provides workforce education programs, Florida College System
 236 institution, or state university:

237 (c) A student who is, l or was at the time he or she reached
 238 18 years of age, l in the custody of the Department of Children
 239 and Families or who, after spending at least 6 months in the
 240 custody of the department after reaching 16 years of age, was
 241 placed in a guardianship by the court. Such exemption includes
 242 fees associated with enrollment in applied academics for adult
 243 education instruction. The exemption remains valid until the
 244 student reaches 28 years of age.

245 (d) A student who is, l or was at the time he or she reached
 246 18 years of age, l in the custody of a relative or nonrelative
 247 under s. 39.5085 or s. 39.6225 or who was adopted from the
 248 Department of Children and Families after May 5, 1997. Such
 249 exemption includes fees associated with enrollment in applied
 250 academics for adult education instruction. The exemption remains

251 valid until the student reaches 28 years of age.

252 Section 4. Subsections (18), (19), and (20) are added to
253 section 1009.26, Florida Statutes, to read:

254 1009.26 Fee waivers.—

255 (18) (a) Beginning with the 2021-2022 academic year, for
256 every course in a Program of Strategic Emphasis, as identified
257 in subparagraph 3., in which a student is enrolled, a state
258 university shall waive 100 percent of the tuition and fees for
259 an equivalent course in such program for a student who:

260 1. Is a resident for tuition purposes under s. 1009.21.

261 2. Has earned at least 60 semester credit hours towards a
262 baccalaureate degree within 2 academic years after initial
263 enrollment at a Florida public postsecondary institution.

264 3. Enrolls in one of eight Programs of Strategic Emphasis
265 as adopted by the Board of Governors. The Board of Governors
266 shall adopt eight Programs of Strategic Emphasis in science,
267 technology, engineering, or math for which a student may be
268 eligible to receive the tuition and fee waiver authorized by
269 this subsection. The programs identified by the board must
270 reflect the priorities of the state and be offered at a majority
271 of state universities.

272 (b) A waiver granted under this subsection is applicable
273 only for upper-level courses and up to 110 percent of the number
274 of required credit hours of the baccalaureate degree program for
275 which the student is enrolled.

276 (c) Upon enrollment in a program of strategic emphasis,
277 the tuition and fees waived under this subsection must be
278 reported for state funding purposes under ss. 1009.534 and
279 1009.535 and must be disbursed to the student. The amount
280 disbursed to the student shall be equal to the award amount the
281 student has received under s. 1009.534(2) or s. 1009.535(2).

282 (d) Each state university shall report to the Board of
283 Governors the number and value of all waivers granted annually
284 under this subsection. A state university in compliance with
285 this subsection may earn incentive funding, subject to
286 appropriation, in addition to the funding provided under s.
287 1001.92.

288 (e) The Board of Governors shall adopt regulations to
289 administer this subsection.

290 (19) The State University Free Seat Program is created to
291 encourage veterans, active duty members of the United States
292 Armed Forces, active drilling members of the Florida National
293 Guard, and nontraditional students to enroll in an online
294 baccalaureate degree program at a state university. Fee waivers
295 granted pursuant to this subsection may not exceed 1,000
296 students systemwide each academic year.

297 (a) A state university shall waive the tuition and fees
298 for one online course for a student who is a resident for
299 tuition purposes under s. 1009.21, has not previously earned a
300 bachelor's degree, and is enrolled in an online baccalaureate

301 degree program, provided the student meets one of the following
302 eligibility requirements:

303 1. Is a veteran as defined in s. 1.01(14);

304 2. Is an active duty member of the United States Armed
305 Forces;

306 3. Is an active drilling member of the Florida National
307 Guard; or

308 4. Has not been enrolled in a postsecondary institution
309 for more than 5 years.

310 (b) For all other courses in the program, a state
311 university may not charge a student described in paragraph (a)
312 more than 75 percent of the tuition rate as specified in s.
313 1009.24(4) and 75 percent of the tuition differential pursuant
314 to s. 1009.24(16), if the student remains enrolled at least
315 part-time in the program during each academic year.

316 (c) A student who qualifies for the tuition discount under
317 paragraph (b) is eligible to receive the discount for up to 110
318 percent of the number of required credit hours of the degree
319 program for which the student is enrolled.

320 (d) Each state university shall report annually to the
321 Board of Governors the number and value of all fee waivers
322 granted under this subsection during the previous 12-month
323 period.

324 (e) The Board of Governors shall adopt regulations to
325 administer this subsection.

326 (20) (a) Beginning with the 2022-2023 academic year, a
327 state university shall waive the out-of-state fee for a student
328 who:

329 1. Has a grandparent who is a legal resident as defined in
330 s. 1009.21(1). For purposes of this subsection, the term
331 "grandparent" means a person who has a legal relationship to a
332 student's parent as the natural or adoptive parent or legal
333 guardian of the student's parent.

334 2. Earns a high school diploma comparable to a Florida
335 standard high school diploma, or its equivalent, or completes a
336 home education program.

337 3.a. Achieves an SAT combined score no lower than the 89th
338 national percentile on the SAT;

339 b. Achieves an ACT score concordant to the required SAT
340 score in sub-subparagraph a., using the latest published
341 national concordance table developed jointly by the College
342 Board and ACT, Inc.; or

343 c. If a state university accepts the Classic Learning Test
344 (CLT) for admission purposes, achieves a CLT score concordant to
345 the required SAT score specified in sub-subparagraph a., using
346 the latest published scoring comparison developed by Classic
347 Learning Initiatives.

348 4. Beginning with students who initially enroll in the
349 2022 fall academic term and thereafter, enrolls as a full-time
350 undergraduate student at a state university in the fall academic

351 term immediately following high school graduation.

352 (b) The waiver under this subsection is applicable for up
353 to 110 percent of the number of required credit hours of the
354 degree program for which the student is enrolled.

355 (c) Before waiving the out-of-state fee, the state
356 university shall require the student or the student's parent, if
357 the student is a dependent child, to provide a written
358 declaration pursuant to s. 92.525(2) attesting to the student's
359 familial relationship to a grandparent who is a legal resident
360 and any other corroborating documentation required by regulation
361 of the Board of Governors. A state university is not required to
362 independently verify the statements contained in each
363 declaration if the signatory declares it to be true under the
364 penalties of perjury as required by s. 92.525(2). However, the
365 state university may refer any signed declaration suspected of
366 containing fraudulent representations to law enforcement.

367 (d) Each state university annually shall report to the
368 Board of Governors the number and value of all fee waivers
369 granted under this subsection during the previous 12-month
370 period.

371 (e) Beginning with students who initially enroll for the
372 2022-2023 academic year or thereafter, a state university shall,
373 within the nonresident student enrollment systemwide, prioritize
374 the enrollment of a student who is granted a fee waiver under
375 this subsection over an out-of-state student who is not eligible

376 for an out-of-state fee waiver if the students have
 377 substantially similar academic and other credentials used in
 378 determining admission to the state university.

379 (f) Fee waivers granted pursuant to this subsection may
 380 not exceed 350 students systemwide each academic year.

381 (g) The Board of Governors shall adopt regulations to
 382 administer this subsection.

383 Section 5. Paragraph (a) of subsection (1) of section
 384 1009.40, Florida Statutes, is amended to read:

385 1009.40 General requirements for student eligibility for
 386 state financial aid awards and tuition assistance grants.—

387 (1) (a) The general requirements for eligibility of
 388 students for state financial aid awards and tuition assistance
 389 grants consist of the following:

390 1. Achievement of the academic requirements of and
 391 acceptance at a state university or Florida College System
 392 institution; a nursing diploma school approved by the Florida
 393 Board of Nursing; a Florida college or university which is
 394 accredited by an accrediting agency recognized by the State
 395 Board of Education; a Florida institution the credits of which
 396 are acceptable for transfer to state universities; a career
 397 center; or a private career institution accredited by an
 398 accrediting agency recognized by the State Board of Education.

399 2. Residency in this state for no less than 1 year
 400 preceding the award of aid or a tuition assistance grant for a

401 program established pursuant to s. 1009.50, s. 1009.505, s.
402 1009.51, s. 1009.52, s. 1009.53, s. 1009.60, s. 1009.62, s.
403 1009.72, s. 1009.73, s. 1009.75, s. 1009.77, s. 1009.89, ~~or~~ s.
404 1009.891, or s. 1009.894. Residency in this state must be for
405 purposes other than to obtain an education. Resident status for
406 purposes of receiving state financial aid awards shall be
407 determined in the same manner as resident status for tuition
408 purposes pursuant to s. 1009.21.

409 3. Submission of certification attesting to the accuracy,
410 completeness, and correctness of information provided to
411 demonstrate a student's eligibility to receive state financial
412 aid awards or tuition assistance grants. Falsification of such
413 information shall result in the denial of a pending application
414 and revocation of an award or grant currently held to the extent
415 that no further payments shall be made. Additionally, students
416 who knowingly make false statements in order to receive state
417 financial aid awards or tuition assistance grants commit a
418 misdemeanor of the second degree subject to the provisions of s.
419 837.06 and shall be required to return all state financial aid
420 awards or tuition assistance grants wrongfully obtained.

421 Section 6. Section 1009.46, Florida Statutes, is created
422 to read:

423 1009.46 Duties relating to state financial aid and tuition
424 assistance programs.-

425 (1) (a) Each postsecondary educational institution that

426 receives state funds for state financial aid and tuition
427 assistance programs shall:

428 1. Complete and return the annual application for state
429 aid funds in the format and by the date established by the
430 Department of Education.

431 2. Maintain complete, accurate, and auditable student
432 records documenting the institution's administration of state
433 financial aid and tuition assistance funds.

434 3. Verify eligibility of enrolled students with the
435 department each academic term.

436 4. Report each student's program of study to the
437 department using the most recent classification of instructional
438 programs taxonomy for the certificate or degree level as
439 developed by the United States Department of Education's
440 National Center for Education Statistics.

441 5. Disburse state financial aid and tuition assistance to
442 eligible students.

443 6. Notify students annually regarding the renewal
444 requirements for each state-funded award for which they are
445 eligible.

446 7. Complete and return to the department all reports for
447 the administration of state funds in the format and by the date
448 established by the department.

449 8. Complete and return to the department all legislatively
450 required reports in the format and by the date established by

451 the department.

452 9. Retain required records for the later of 5 years or
453 until such records are audited and any audit exceptions are
454 resolved.

455 10. Refund to the department any undisbursed advances
456 within 60 days after the end of the regular registration period
457 each fall and spring term, within 30 days after the end of the
458 summer term, or within 60 days after the date a student's
459 ineligibility is determined.

460 (b) The requirements in paragraph (a) do not preclude
461 higher standards specified in other sections of this part or the
462 rules of the State Board of Education.

463 (c) An institution that fails to perform its duties in
464 administering state financial aid or tuition assistance programs
465 must be placed on probation by the department.

466 1. The department shall provide allocations on a
467 reimbursement basis to a participating institution that fails to
468 timely remit undisbursed funds for the previous academic year.

469 2. The department may suspend or revoke an institution's
470 eligibility to participate in state-funded programs if the
471 institution fails to provide the required audits, fails to
472 resolve audit findings, or fails to timely provide statutorily
473 required reports by established deadlines.

474 Section 7. Subsection (6) of section 1009.50, Florida
475 Statutes, is renumbered as subsection (5), and paragraph (a) of

476 subsection (4) and subsection (5) of that section are amended to
477 read:

478 1009.50 Florida Public Student Assistance Grant Program;
479 eligibility for grants.—

480 (4) (a) The funds appropriated for the Florida Public
481 Student Assistance Grant Program shall be distributed to
482 eligible institutions in accordance with a formula approved by
483 the State Board of Education. The formula must consider at least
484 the prior year's distribution of funds and, the number of
485 eligible applicants who did not receive awards, ~~the~~
486 ~~standardization of the expected family contribution, and~~
487 ~~provisions for unused funds.~~ The formula must account for
488 changes in the number of eligible students across all student
489 assistance grant programs established pursuant to this section
490 and ss. 1009.505, 1009.51, and 1009.52.

491 ~~(5) Funds appropriated by the Legislature for state~~
492 ~~student assistance grants may be deposited in the State Student~~
493 ~~Financial Assistance Trust Fund. Notwithstanding s. 216.301 and~~
494 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~
495 ~~of any fiscal year which has been allocated to the Florida~~
496 ~~Public Student Assistance Grant Program shall remain therein and~~
497 ~~shall be available for carrying out the purposes of this~~
498 ~~section.~~

499 Section 8. Subsection (5) of section 1009.505, Florida
500 Statutes, is amended to read:

501 1009.505 Florida Public Postsecondary Career Education
 502 Student Assistance Grant Program.—

503 ~~(5) Funds appropriated by the Legislature for state~~
 504 ~~student assistance grants may be deposited in the State Student~~
 505 ~~Financial Assistance Trust Fund. Notwithstanding s. 216.301 and~~
 506 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~
 507 ~~of any fiscal year which has been allocated to the Florida~~
 508 ~~Public Postsecondary Career Education Student Assistance Grant~~
 509 ~~Program shall remain therein and shall be available for carrying~~
 510 ~~out the purposes of this section.~~

511 Section 9. Paragraph (a) of subsection (4) and subsection
 512 (5) of section 1009.51, Florida Statutes, are amended to read:

513 1009.51 Florida Private Student Assistance Grant Program;
 514 eligibility for grants.—

515 (4) (a) The funds appropriated for the Florida Private
 516 Student Assistance Grant Program shall be distributed to
 517 eligible institutions in accordance with a formula approved by
 518 the State Board of Education. The formula must consider at least
 519 the prior year's distribution of funds and, the number of
 520 eligible applicants who did not receive awards, ~~the~~
 521 ~~standardization of the expected family contribution, and~~
 522 ~~provisions for unused funds.~~ The formula must account for
 523 changes in the number of eligible students across all student
 524 assistance grant programs established pursuant to this section
 525 and ss. 1009.50, 1009.505, and 1009.52.

526 ~~(5) Funds appropriated by the Legislature for Florida~~
527 ~~private student assistance grants may be deposited in the State~~
528 ~~Student Financial Assistance Trust Fund. Notwithstanding s.~~
529 ~~216.301 and pursuant to s. 216.351, any balance in the trust~~
530 ~~fund at the end of any fiscal year which has been allocated to~~
531 ~~the Florida Private Student Assistance Grant Program shall~~
532 ~~remain therein and shall be available for carrying out the~~
533 ~~purposes of this section and as otherwise provided by law.~~

534 Section 10. Paragraph (a) of subsection (4) and subsection
535 (6) of section 1009.52, Florida Statutes, are amended to read:

536 1009.52 Florida Postsecondary Student Assistance Grant
537 Program; eligibility for grants.—

538 (4) (a) The funds appropriated for the Florida
539 Postsecondary Student Assistance Grant Program shall be
540 distributed to eligible institutions in accordance with a
541 formula approved by the State Board of Education. The formula
542 must consider at least the prior year's distribution of funds
543 and, the number of eligible applicants who did not receive
544 ~~awards, the standardization of the expected family contribution,~~
545 ~~and provisions for unused funds.~~ The formula must account for
546 changes in the number of eligible students across all student
547 assistance grant programs established pursuant to this section
548 and ss. 1009.50, 1009.505, and 1009.51.

549 ~~(6) Funds appropriated by the Legislature for Florida~~
550 ~~postsecondary student assistance grants may be deposited in the~~

551 ~~State Student Financial Assistance Trust Fund. Notwithstanding~~
552 ~~s. 216.301 and pursuant to s. 216.351, any balance in the trust~~
553 ~~fund at the end of any fiscal year which has been allocated to~~
554 ~~the Florida Postsecondary Student Assistance Grant Program shall~~
555 ~~remain therein and shall be available for carrying out the~~
556 ~~purposes of this section and as otherwise provided by law.~~

557 Section 11. Paragraph (b) of subsection (4) of section
558 1009.893, Florida Statutes, is amended to read:

559 1009.893 Benacquisto Scholarship Program.—

560 (4) In order to be eligible for an initial award under the
561 scholarship program, a student must meet the requirements of
562 paragraph (a) or paragraph (b).

563 (b) A student who initially enrolls in a baccalaureate
564 degree program in the 2018-2019 through 2021-2022 academic years
565 ~~year or later~~ and who is not a resident of this state, as
566 determined in s. 1009.40 and rules of the State Board of
567 Education, must:

568 1. Physically reside in this state on or near the campus
569 of the postsecondary educational institution in which the
570 student is enrolled;

571 2. Earn a high school diploma from a school outside
572 Florida which is comparable to a standard Florida high school
573 diploma or its equivalent pursuant to s. 1002.3105, s.
574 1003.4281, s. 1003.4282, or s. 1003.435 or must complete a home
575 education program in another state; and

576 3. Be accepted by and enrolled full-time in a
577 baccalaureate degree program at an eligible regionally
578 accredited Florida public or independent postsecondary
579 educational institution during the fall academic term following
580 high school graduation.

581 Section 12. This act shall take effect July 1, 2021.