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CS/HB 1261, Engrossed 3

2021 Legislature

1  
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

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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

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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,

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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:  
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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,

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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

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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

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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.



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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

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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

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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.

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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

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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.

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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

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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

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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



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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

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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

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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

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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:

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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.

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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~~

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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

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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.