



592876

LEGISLATIVE ACTION

Senate	.	House
Comm: OO	.	
03/16/2021	.	
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The Committee on Education (Polsky) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 243 and 244

insert:

Section 3. Subsection (1) of section 1009.42, Florida Statutes, is amended to read:

1009.42 Financial aid appeal process.-

(1) (a) The State Board of Education shall adopt, by rule, procedures ~~a procedure~~ for the appeal of:

1. Errors in eligibility determinations, or failure to transfer awards between eligible institutions, made by the



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12 Office of Student Financial Assistance of the Department of  
13 Education, regarding applicants' eligibility for receiving state  
14 student financial aid awards; and

15 2. Beginning with the 2022-2023 academic year, eligibility  
16 determinations made under s. 1009.40(1)(c) based solely on  
17 whether a student is enrolled in a career certificate or degree  
18 program on an approved list developed pursuant to s.  
19 1009.46(2)(a).

20 (b) The ~~procedures~~ procedure must provide for establishment  
21 of a committee to consider appeals that are not resolved by  
22 other administrative action. Each committee must be comprised of  
23 four members appointed by the Commissioner of Education,  
24 including one representative of the Office of Student Financial  
25 Assistance; two practicing financial aid administrators from  
26 public or private postsecondary institutions in this state, one  
27 of whom must be from an institution other than one to which the  
28 applicant is seeking admission or enrolled in, as applicable;  
29 and one student enrolled in a public postsecondary institution  
30 in this state, nominated by the Florida Student Association.

31 (c) An applicant for state student financial aid may submit  
32 an appeal ~~who believes an error has been made in determining~~  
33 eligibility for student financial assistance or ~~who believes the~~  
34 department has failed to transfer an award between eligible  
35 institutions ~~may appeal the decision~~ in writing to the Office of  
36 Student Financial Assistance based on the circumstances  
37 described in subparagraphs (a)1. and 2. The Office of Student  
38 Financial Assistance shall investigate the complaint and take  
39 appropriate action within 30 days after its receipt of the  
40 appeal. Notwithstanding s. 1009.40(1)(c), a student submitting



41 an appeal under subparagraph (a)2. must be deemed eligible to  
42 receive state student financial aid awards if the appeal  
43 demonstrates that the student's chosen program would help the  
44 student attain a career in the future. If the student wishes  
45 further review of the appeal, the Office of Student Financial  
46 Assistance shall forward the appeal to the committee. Within 30  
47 days after the receipt of a request for a hearing, a final  
48 decision shall be rendered by the committee established under  
49 this section, and a copy of the decision shall be provided to  
50 the applicant. The decision rendered by the committee  
51 constitutes final agency action.

52 (d) A description of the financial aid appeals process  
53 shall be included in the application form for each state student  
54 financial aid program.

55  
56 ===== T I T L E A M E N D M E N T =====

57 And the title is amended as follows:

58 Delete line 15

59 and insert:

60 to receive certain funding; amending s. 1009.42, F.S.;

61 revising the postsecondary financial aid appeal

62 process; requiring the State Board of Education to

63 adopt procedures; authorizing students to appeal

64 eligibility determinations based solely on whether the

65 student is enrolled in a career certificate or degree

66 program on certain approved lists; requiring such

67 students to be deemed eligible to receive state

68 student financial aid awards if the appeal

69 demonstrates that the chosen program would help the



70 students attain a career in the future; creating s.  
71 1009.46, F.S.;