

26 such tiers beginning with a specified General
 27 Appropriations Act; authorizing the Department of
 28 Education to award grants to students enrolled at
 29 certain colleges and universities; providing
 30 requirements for such colleges and universities;
 31 providing effective dates.

32
 33 Be It Enacted by the Legislature of the State of Florida:

34
 35 Section 1. Effective January 1, 2024, paragraph (c) of
 36 subsection (1) of section 1005.06, Florida Statutes, is amended
 37 to read:

38 1005.06 Institutions not under the jurisdiction or purview
 39 of the commission.—

40 (1) Except as otherwise provided in law, the following
 41 institutions are not under the jurisdiction or purview of the
 42 commission and are not required to obtain licensure:

43 ~~(c) Any institution that is under the jurisdiction of the~~
 44 ~~Department of Education, eligible to participate in the William~~
 45 ~~L. Boyd, IV, Effective Access to Student Education Grant Program~~
 46 ~~and that is a nonprofit independent college or university~~
 47 ~~located and chartered in this state and accredited by the~~
 48 ~~Commission on Colleges of the Southern Association of Colleges~~
 49 ~~and Schools to grant baccalaureate degrees.~~

50 Section 2. Section 1009.89, Florida Statutes, is amended

51 to read:

52 1009.89 The William L. Boyd, IV, Effective Access to
53 Student Education grants.—

54 (1) The Legislature finds and declares that independent
55 ~~nonprofit~~ colleges and universities eligible to participate in
56 the William L. Boyd, IV, Effective Access to Student Education
57 Grant Program are an integral part of the higher education
58 system in this state and that a significant number of state
59 residents choose this form of higher education. The Legislature
60 further finds that a strong and viable system of high-performing
61 independent ~~nonprofit~~ colleges and universities reduces the tax
62 burden on the citizens of the state. Because the William L.
63 Boyd, IV, Effective Access to Student Education Grant Program is
64 not related to a student's financial need or other criteria upon
65 which financial aid programs are based, it is the intent of the
66 Legislature that the William L. Boyd, IV, Effective Access to
67 Student Education Grant Program not be considered a financial
68 aid program but rather a tuition assistance program for its
69 citizens. Beginning in fiscal year 2024-2025 and thereafter,
70 such tuition assistance shall be tiered based on each eligible
71 institution's performance metrics.

72 (2) The William L. Boyd, IV, Effective Access to Student
73 Education Grant Program shall be administered by the Department
74 of Education. The State Board of Education shall adopt rules for
75 the administration of the program.

76 (3) An institution is eligible to participate in the
 77 ~~department shall issue through the program a~~ William L. Boyd,
 78 IV, Effective Access to Student Education grant program if the
 79 institution meets all of the following criteria:

80 (a)1. Is licensed by the Commission for Independent
 81 Education; or

82 2. Has applied to the Commission for Independent Education
 83 for licensure by September 1, 2023. This subparagraph is
 84 repealed January 1, 2024.

85 (b) Has a secular purpose, so long as the receipt of state
 86 aid by students at the college or university may not have the
 87 primary effect of advancing or impeding religion, or result in
 88 an excessive entanglement between the state and any religious
 89 sect.

90 (c) Is in compliance with the reporting, disclosure, and
 91 transparency requirements of this section and other general law.

92 (d) Meets one of the following requirements:

93 1. Is to any full-time degree-seeking undergraduate
 94 ~~student registered at~~ an independent nonprofit college or
 95 university ~~which is~~ located in and chartered by the state; ~~which~~
 96 is accredited by the Commission on Colleges of the Southern
 97 Association of Colleges and Schools; ~~which~~ grants baccalaureate
 98 degrees; and ~~which~~ is not a state university or Florida College
 99 System institution;

100 2. Is an independent nonprofit college or university that

101 was eligible for the Access to Better Learning and Education
 102 Grant Program as of January 1, 2021, and meets all of the
 103 following criteria:

104 a. Has been located in the state for more than 20 years.

105 b. Offers at least one nursing program at its campus,
 106 including practical nursing programs, registered nursing
 107 programs, or advanced practice registered nursing programs.

108 c. Is accredited by the Higher Learning Commission.

109 d. Has notified the department in writing of its decision
 110 to apply for the grant no later than September 1, 2023; or

111 3. Is an independent for-profit college or university that
 112 meets all of the following criteria:

113 a. Has a level 6 accreditation from the Southern
 114 Association of Colleges and Schools Commission on Colleges.

115 b. Is located in and chartered by the state.

116 c. Was licensed by the department on or before October 1,
 117 2021.

118 d. Has notified the department in writing of its decision
 119 to apply for the grant no later than September 1, 2023 ~~and which~~
 120 ~~has a secular purpose, so long as the receipt of state aid by~~
 121 ~~students at the institution would not have the primary effect of~~
 122 ~~advancing or impeding religion or result in an excessive~~
 123 ~~entanglement between the state and any religious sect.~~

124 (4) A person is eligible to receive such William L. Boyd,
 125 IV, Effective Access to Student Education grant if:

126 (a) He or she meets the general requirements, including
 127 residency, for student eligibility as provided in s. 1009.40,
 128 except as otherwise provided in this section.

129 (b)1. He or she is enrolled as a full-time undergraduate
 130 student at an eligible college or university in a program of
 131 study leading to a baccalaureate degree.

132 2. He or she is not enrolled in a program of study leading
 133 to a degree in theology or divinity.

134 3. He or she is making satisfactory academic progress as
 135 defined by the State Board of Education.

136 4. He or she has not completed more than 110 percent of
 137 the degree program in which he or she is enrolled.

138 (5)(a) Funding for the William L. Boyd, IV, Effective
 139 Access to Student Education Grant Program for eligible
 140 institutions shall be as provided in the General Appropriations
 141 Act. The William L. Boyd, IV, Effective Access to Student
 142 Education grant may be paid on a prorated basis in advance of
 143 the registration period. The department shall make such payments
 144 to the college or university in which the student is enrolled
 145 for credit to the student's account for payment of tuition and
 146 fees. Institutions shall certify to the department the amount of
 147 funds disbursed to each student and shall remit to the
 148 department any undisbursed advances or refunds within 60 days of
 149 the end of regular registration. A student is not eligible to
 150 receive the award for more than 9 semesters or 14 quarters,

151 | except as otherwise provided in s. 1009.40(3).

152 | (b) If the combined amount of the William L. Boyd, IV,
 153 | Effective Access to Student Education grant issued pursuant to
 154 | this act and all other scholarships and grants for tuition or
 155 | fees exceeds the amount charged to the student for tuition and
 156 | fees, the department shall reduce the William L. Boyd, IV,
 157 | Effective Access to Student Education grant issued pursuant to
 158 | this act by an amount equal to such excess.

159 | (c) By September 1 of each year, institutions ~~receiving~~
 160 | ~~funding as provided in the General Appropriations Act~~ must
 161 | submit an Effective Access to Student Education Grant Program
 162 | Accountability Report to the Department of Education, in a
 163 | format prescribed by the department. The institution's president
 164 | or chief administrative officer shall certify in the report,
 165 | that the institution is in compliance with the reporting,
 166 | disclosure, and transparency requirements of this section and
 167 | other general law and that the institution has provided each
 168 | resident student with a written disclosure that includes data on
 169 | the institution's performance on the metrics listed in this
 170 | paragraph, the student's net cost to complete his or her degree,
 171 | and, for students that have declared a major, the declared
 172 | major's expected earnings outcomes 1, 5, and 10 years after
 173 | graduation. The written disclosure must be provided to each
 174 | resident student annually. The report must also use the most
 175 | recently available information on Florida resident students and

176 include, at a minimum, the following performance metrics, by
 177 institution:

- 178 1. Access rate based upon percentage of Pell Grant-
 179 eligible students.
- 180 2. Affordability rate based upon average student loan
 181 debt; federal, state, and institutional financial assistance;
 182 and average tuition and fees.
- 183 3. Graduation rate.
- 184 4. Retention rate.
- 185 5. Postgraduate employment or continuing education rate.
- 186 6. Workforce graduation rate based upon the percentage of
 187 grant recipient graduates in high-demand programs that are
 188 included on the Department of Economic Opportunity or Labor
 189 Market Estimating Conference lists for statewide or regional
 190 demand as a percentage of total grant recipient graduates.
- 191 7. Workforce employment rate based on the percentage of
 192 grant recipient graduates who obtain employment in their field
 193 of study within 120 days after graduation as a percentage of
 194 total graduates employed within 120 days after graduation.

195
 196 ~~The department shall recommend minimum performance standards~~
 197 ~~that institutions must meet to remain eligible to receive grants~~
 198 ~~pursuant to this section.~~ Each eligible institution shall post
 199 prominently on its website, by October 1 of each year, its
 200 performance on these metrics, as reported to the department.

201 (d) By October 1 of each year, the department shall submit
 202 a report to the chair of the House Appropriations Committee, the
 203 chair of the Senate Appropriations Committee, and the Governor's
 204 Office of Policy and Budget on the performance of each eligible
 205 institution. The report must also recommend annual minimum
 206 performance benchmarks for the performance metrics in paragraph
 207 (c) and strategies to ensure continuous improvement of eligible
 208 institutions and the program. The minimum performance benchmarks
 209 included in the report must increase annually.

210 (e) Beginning in fiscal year 2024-2025 and thereafter, the
 211 benchmarks and minimum standards for each benchmark are as
 212 follows:

- 213 1. An access rate of 32 percent.
- 214 2. An affordability rate of \$7,263.
- 215 3. A graduation rate of 45 percent.
- 216 4. A retention rate of 65 percent.
- 217 5. A postgraduate employment or continuing education rate
 218 of 64 percent.

219 (f) Beginning with the 2024-2025 General Appropriations
 220 Act and thereafter, the Legislature must also consider each
 221 institution's workforce employment rate when determining
 222 institutional eligibility ~~institutions and the institutions that~~
 223 ~~have not met the minimum performance standards recommended by~~
 224 ~~the department.~~

225 (6) Beginning with the 2024-2025 General Appropriations

226 Act and thereafter, the Legislature shall adopt benchmarks and
227 minimum standards specified in the General Appropriations Act
228 and shall evaluate each institution's performance based on such
229 benchmarks and place each institution in one of three tiers for
230 the purpose of determining award amounts.

231 (a) The tiers are established as follows:

232 1. Tier 1: an institution that meets the requirements of a
233 Tier 2 institution and also meets or exceeds a workforce
234 graduation rate of 56 percent.

235 2. Tier 2: an institution that meets or exceeds at least 3
236 out of 5 benchmarks.

237 3. Tier 3: an institution that meets no more than 2 out of
238 5 benchmarks.

239 (b) The per student award amounts for each tier shall be
240 as follows:

241 1. Tier 1: \$500 more than the Tier 2 per student award
242 amount.

243 2. Tier 2: As specified in the General Appropriations Act.

244 3. Tier 3: \$0.

245 (7)-(6) If the number of eligible students exceeds the
246 total authorized in the General Appropriations Act, an
247 institution may use its own resources to assure that each
248 eligible student receives the full benefit of the grant amount
249 authorized.

250 (8)-(7) The State Board of Education shall adopt rules to

PCS for CS/HB 1247

2023

251 | implement this section.

252 | Section 3. Except as otherwise expressly provided in this

253 | act, this act shall take effect July 1, 2023.