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MEMORANDUM

TO: Florida College System Presidents

FROM: Kathryn S. Hebda 

DATE: July 2, 2021

SUBJECT: 2021 Student Affairs-Related Legislation Affecting the Florida College System

The 2021 Florida Legislature passed legislation that will have implications for Florida College System (FCS) institutions related to student affairs. A summary of action required of FCS institutions is provided below and in Appendix A.

On Wednesday, July 28, 2021, from 9:00 – 10:15 a.m. EDT, we will be holding a webinar to provide an overview of the student affairs-related legislation and answer related implementation questions. You may register for the webinar at <https://attendee.gotowebinar.com/register/1775767769993121293>.

To assist institutions in understanding and implementing the provisions, the Division of Florida Colleges plans to issue multiple memos that group bills according to the topics of academic, student and finance/business affairs. Because many of the bills cross multiple divisions and functions, we encourage everyone at our institutions to read the bills themselves and every memo closely.

Student Codes of Conduct

House Bill (HB) 233 amends section (s.) 1006.60, Florida Statutes (F.S.), to require FCS institutions to adopt codes of conduct and appropriate penalties for violations of codes for students and student organizations. Currently, the statute allows institutions to adopt codes and penalties, but does not require them to do so.

HB 233 requires institutions to post their codes on their websites. Additionally, the bill specifies the due process protections for students and student organizations. Specifically, students and student organizations have the right:

- to timely notice;
- of a presumption that no violation occurred;
- to an impartial hearing officer;
- against self-incrimination and to remain silent;
- to present relevant information and question witnesses;
- to have an advisor or advocate who is not serving in any other role;
- to have an advisor, advocate or legal representation present at formal and informal proceedings;

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- to appeal the final decision;
- to receive copies of accurate and complete records of the relevant disciplinary proceedings; and
- to be notified through the code of conduct of the institution's time limit for charging them with violations, and the circumstances under which the time limit may be extended or waived.

Institutions should review existing codes of conduct and procedures to determine if they meet the criteria established by HB 233. If the current student code of conduct and procedures do not meet the criteria, institutions should modify existing policies and procedures to comply. The bill takes effect on July 1, 2021.

Fairness in Women's Sports

Senate Bill (SB) 1028 creates s. 1006.205, F.S., to maintain fairness for women as it relates to participation in interscholastic, intercollegiate, intramural or club athletic teams or sports. Public secondary and postsecondary institutions must expressly designate teams or sports based on the biological sex at birth, as:

1. Males, men or boys. These may be open to students of the female sex.
2. Females, women or girls. These may not be open to students of the male sex.
3. Coed or mixed, including both males and females.

The biological sex stated on the official birth certificate filed at or near the student's birth will determine the designated teams or sports in which that student may participate.

SB 1028 also provides a private cause of action for injunctive relief, damages and any other relief available under law for students, schools and public postsecondary institutions harmed by a violation of the bill's provisions. Civil actions must be brought within two years after the alleged harm occurred. The bill takes effect on July 1, 2021.

High School Equivalency Diploma

SB 366 amends s. 1007.263, F.S., revising the requirements for admission to associate degree programs. The amendment allows for acceptance of a high school equivalency diploma that is issued by another state, is recognized as equivalent by State Board of Education (SBOE) rule and is based on an assessment recognized by the U.S. Department of Education.

We plan to hold a rule workshop on July 9, 2021, from 10:00 AM – 10:30 AM EDT via webinar. You may register for the workshop at <https://attendee.gotowebinar.com/register/1834434410939527950>.

Once SBOE adopts rules to identify equivalent high school diplomas, FDOE will provide additional technical assistance and guidance to institutions, including reporting requirements. Once the rule is effective, FCS institutions should update current policies and/or create new ones to comply with the provisions outlined in SB 366.

Student Career Services

HB 1507 creates s. 1006.75, F.S., to require each FCS institution ensure their respective student career centers prepare students for employment. Career service centers must, to the extent possible, use state career planning resources to assist students with:

- Career exploration and identification
- Distinguishing in-demand jobs and the expected earnings
- Understanding specific job skills and credentials
- Discovering on-the-job experience opportunities
- Creating digital resumes

FCS institutions should review the new requirements to ensure their current student career services centers offer the mandatory services, and to the extent state resources can assist. The bill takes effect on July 1, 2021.

Fee Exemptions - Students Experiencing Homelessness

SB 366 amends s. 1009.25, F.S., to grant SBOE the authority to adopt rules regarding documentation and procedures to implement a fee exemption for students experiencing homelessness.

In fall 2021, FDOE will solicit input from college stakeholders, including registrars and homeless liaisons, to inform rule development. Once SBOE adopts the rule, FDOE will offer technical assistance and guidance to assist FCS institutions in implementing the new provisions.

Safety of Religious Institutions

HB 259 amends s. 790.06, F.S., to authorize a licensed person to carry a concealed weapon or firearm on property that is owned, rented, leased or borrowed by a religious institution. The bill takes effect upon signature of the Governor.

Open-Door Grant Program

HB 1507 creates s. 1009.895, F.S., to establish the Open Door Grant Program which will provide funds to support student completion of short-term, high-demand credit and non-credit CTE programs at FCS institutions and school district career centers.

All students must complete the Free Application for Federal Student Aid to be eligible for the grant. The department will disburse funds, up to \$3,000, to institutions based on whether the student is a recipient of state or federal financial aid. If the student is:

- In receipt of state or federal aid, grant funds are awarded to cover the unmet need after all eligible aid is applied to the student's account ("last dollar" approach).
- Not in receipt of state or federal aid at the time of enrollment, the student is responsible for paying one-third of the cost of the program up front. One-third of funds will be disbursed to the institution upon completion of the course or program and the final one-third will be disbursed to the institution upon completion of the associated certification, exam or license required for employment.

The Florida Legislature appropriated \$35 million to support this program in FY 2021-22. Awards are available on a first-come, first-serve basis. No more than one-quarter of the appropriated funds may be disbursed annually to any one institution. At least one-quarter of the funds are prioritized for rural institutions.

The State Board of Education (SBOE) will adopt rules to implement this provision. Additional specifications, requirements, and reporting expectations will be communicated as soon as available.

Other Topics of Interest

- HB 1261 creates s. 1009.46, F.S., specifying requirements for institutions who receive state financial aid.
- HB 1261 amends s. 1009.893, F.S., to cap the initial eligibility for nonresident students to qualify for the Benacquisto Scholarship Program in 2021-2022 academic year.
- HB 7017 creates s. 288.860, F.S., to prohibit institutions from participating in certain agreements with a foreign country of concern.
- HB 233 amends s. 1004.097, F.S., to add a requirement for institutions to conduct an annual assessment of intellectual freedom and viewpoint diversity created or selected by the SBOE; to prohibit FCS institutions from shielding students', faculty members' and staff members' access to, or observation of, ideas and opinions they may find uncomfortable, unwelcome; and to provide the conditions under which a student may record video or audio of class lectures.
- SB 366 modifies s. 1007.23, F.S., to require the Statewide Articulation Agreement to establish three mathematics pathways for students.
- SB 366 amends multiple Florida Statutes to expand the mechanisms institutions may use to assess readiness for college-level work for college credit admissions, dual enrollment eligibility and meta-major and developmental education placement.
- HB 1507 creates s. 1011.803, F.S., to require each FCS institution to create a money-back guarantee program that will refund tuition to students who are unable to find employment in their field of study within six months of completion of certain workforce education programs.
- HB 1507 modifies s. 1007.25, F.S., to require students entering an AS/AAS program complete at least one identified core course in each general education subject area.
- HB 1507 modifies s. 1007.25, F.S., to require all public postsecondary institutions to award students a nationally recognized digital credential upon completion of identified general education core courses.
- SB 1108 amends s. 1007.25, F.S., to require students initially entering an FCS institution in 2021-22 and thereafter to complete a course and pass an assessment to demonstrate competency in civic literacy.
- SB 52 creates s. 1009.30, F.S., to establish the Dual Enrollment Scholarship Program. Beginning in fall 2021, postsecondary institutions may be reimbursed for tuition and related instructional materials for private school and home education dual enrolled students for fall and spring. Beginning in summer 2022, postsecondary institutions may be reimbursed for tuition and related instructional materials for all dually enrolled students.
- HB 847 amended s. 1006.73, F.S., by directing the Board of Governors and SBOE to oversee the chosen host entity who will deliver the services of the postsecondary library network, statewide internet-based catalog of distance learning courses and online student advising services.

We will continue to provide technical assistance in the implementation of these bills. Additionally, other divisions within FDOE will be issuing guidance on other topics that relate to the FCS (e.g., teacher preparation, workforce education, charter schools, financial aid, etc.). We will forward those memos as they are disseminated.

July 2, 2021

If you have questions regarding the ongoing implementation of this legislation, please contact Dr. Carrie Henderson, Executive Vice Chancellor, at Carrie.Henderson@fldoe.org or Caleb Hawkes, Director of External and Governmental Affairs, at Caleb.Hawkes@fldoe.org.

KH/chh

Attachment

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FCS Council of Student Affairs
FCS Council of Business Affairs
FCS Council of Academic Affairs
FCS Reports Coordinators
FCS Registrars
FCS Financial Aid Directors
FCS General Counsels

Appendix A: FCS Institution Actions Following 2021 Legislative Session

Bill Number	Section	Topic	Florida Statutes	May require review of local policy and/or procedure	May require data or information to be submitted to the state
HB 233	5	Student Codes of Conduct	s. 1006.60	Yes	Yes
SB 1028	12	Fairness in Women's Sports	s. 1006.205	Yes	Not anticipated
SB 366	4	High School Equivalency Diploma	s. 1007.263	Yes	Yes
HB 1507	28	Student Career Services	s. 1006.75	Yes	Not anticipated
SB 366	7	Fee Exemptions - Students Experiencing Homelessness	s. 1009.25	Yes	Yes, through current reporting mechanisms
HB 259	1	Safety of Religious Institutions	s. 790.06	If applicable	Not anticipated
HB 1507	34	Open-Door Grant Program	s. 1009.895	Yes	Yes