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MEMORANDUM

TO: Florida College System Presidents

FROM: Kathryn S. Hebda 

DATE: July 2, 2021

SUBJECT: 2021 Finance/Business 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 finance/business affairs. A summary of action required of FCS institutions is provided below and in Appendix A.

On Wednesday, July 28, 2021, from 1:00 – 2:15 p.m. EDT, we will be holding a webinar to provide an overview of the finance/business affairs-related legislation and answer related implementation questions. You may register for the webinar at <https://attendee.gotowebinar.com/register/1592722173715646991>.

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.

Florida Postsecondary Academic Library Network - Informational

HB 847 amends s. 1006.73, F.S., by directing the Board of Governors and the State Board of Education to oversee the chosen host entity that will deliver the services of the postsecondary library network, statewide internet-based catalog of distance learning courses and online student advising services. The Chancellors of the State University System and Florida College System will provide an annual report on the performance of the host entity to the Governor, President of the Senate, Speaker of the House, Board of Governors and State Board of Education. By June 1, 2022, the Commissioner of Education and Chancellor of the Board of Governors will provide a recommendation on a process for career centers to access these services which would include an analysis of resources to expand access. The bill takes effect on July 1, 2021.

KATHRYN S. HEBDA
FLORIDA COLLEGE SYSTEM CHANCELLOR

Workers' Compensation

SB 366 creates s. 446.54, F.S., to reimburse employers, including school districts and FCS institutions, the workers' compensation premium for students in work-based learning opportunities. The bill specifies that the institution is considered an employer when the student is 18 years or younger and providing unpaid services under a work-based learning opportunity provided by the institution.

The Department is developing an allocation for employer institutions based on the \$2 million appropriation.

Foreign Gifts and Contracts - Informational

HB 7017 creates s. 286.101, F.S., to require institutions that receive a \$50,000 gift or grant from a foreign source to report the gift or grant to the Department of Financial Services (DFS). Institutions that fail to report these gifts or grants may receive financial penalties and a referral to remove the responsible officer for the noncompliance.

DFS will open rule development to implement the new requirements by December 31, 2021.

International Cultural Agreements - Informational

HB 7017 creates s. 288.860, F.S., to prohibit institutions from participating in certain agreements with the following foreign countries of concern: China, Russia, Iran, Korea, Cuba, Venezuela, Syria, and any entity that is controlled by these foreign countries.

Foreign Gift Reporting - Informational

HB 7017 creates s. 1010.25, F.S., to require institutions to provide a semiannual report (January 31 and July 31) of any gift, grant or contract from a foreign source with a value of \$50,000 or more. The bill prescribes reporting requirements and specific contract disclosures. Beginning July 1, 2022, the Inspectors General of the Board of Governors and Department of Education will randomly test for compliance. Institutions who fail to report or willfully fail to disclose may be sanctioned and fined by the Department. The bill takes effect on July 1, 2021.

Immunity for Actions Related to COVID-19 - Informational

HB 1261 creates s. 768.39, F.S., to provide liability protection against lawsuits seeking tuition or fee reimbursements resulting from the campus wide changes during the pandemic. The bill requires the institutions to have taken reasonably necessary actions to diminish the impact of COVID-19. The bill takes effect on July 1, 2021.

Duties Relating to Financial Aid - Informational

HB 1261 creates s. 1009.46, F.S., to require institutions that receive state financial aid to perform the following:

- Submit the completed application for state financial aid to the Department.

- Maintain accurate student records documenting the administration of the state financial aid.
- Verify eligibility of enrolled students.
- Report each student's program of study to the Department.
- Disburse state financial aid to eligible students.
- Notify students annually regarding the renewal requirements.
- Return all legislatively required reports.
- Retain required records for 5 years or until such records are audited and exceptions are resolved.
- Refund any undisbursed advances to the Department within 60 days after the end of the regular registration period for fall and spring terms, 30 days after end of summer term or within 60 days after the date of student's ineligibility.

Institutions that fail to follow these requirements will be placed on probation, placed on a reimbursement basis or have their participation in the program suspended or revoked. The bill takes effect on July 1, 2021.

Benacquisto Scholarship Program - Informational

HB 1261 amends s. 1009.893, F.S., to cap the initial eligibility for nonresident students to qualify for the Benacquisto Scholarship Program in the 2021-2022 academic year. The bill takes effect on July 1, 2021.

Dual Enrollment Scholarship Program

SB 52 creates s. 1009.30, F.S., to reimburse postsecondary institutions for tuition and related instructional materials for dual enrolled students. The appropriation provides \$15.5 million to public postsecondary institutions for private and home education students in the fall or spring terms and all dual enrolled students during the summer term. The bill also requires biannual reporting by the institutions for the Department to reimburse by the bill's deadlines.

The Department will open a rule for development on procedures and continue to provide technical assistance on the implementation of this section.

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.

Money Back Guarantee Program

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.

The Labor Market Estimating Conference (LMEC) created in s. 216.136, F.S., will identify a statewide needs list that includes programs leading to in-demand and middle-level to high-level wage occupations. FCS institutions will need to create money-back guarantee program for:

- A minimum of three workforce education programs on the LMEC statewide needs list, or at least 50 percent of workforce education programs if the institution offers six or fewer programs.
- All workforce education programs that are not on the LMEC statewide needs list but are established to meet a critical local economic industry need.

FCS institutions will need to review their program offerings against the statewide needs list to determine the programs that will be offered with a money-back guarantee. Additionally, FCS institutions must establish student eligibility requirements, including student attendance, career service attendance, participation in internships or work-study, job search documentation and development of a student career plan.

The money-back guarantee program begins in the 2022-2023 academic year. By July 1, 2022, each institution must notify the SBOE of the money-back guarantee programs they offer and include information about these programs on their respective website(s). Annually, colleges will be required to report performance results to FDOE. FDOE will provide institutions with additional information regarding the LMEC's list and reporting requirements as soon as available.

Other Topics of Interest

- HB 233 amends various sections of Florida Statutes 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 or unwelcome; and to provide the conditions under which a student may record video or audio of class lectures.

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- HB 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.
- HB 1507 creates s. 1006.75, F.S., to require each FCS institution ensure their respective student career centers provide certain career planning 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.

If you have questions regarding the ongoing implementation of this legislation, please contact Lisa Cook, Associate Vice Chancellor for Financial Policy, at Lisa.Cook@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 847	4	Florida Postsecondary Academic Library Network	s. 1006.73	Not anticipated	Not anticipated
SB 366	2	Workers' Compensation	s. 446.54	Yes	Yes
HB 7017	1	Foreign Gifts and Contracts	s. 286.101	Yes	Yes
HB 7017	2	International Cultural Agreements	s. 288.860	Yes	Yes
HB 7017	3	Foreign Gift Reporting	s. 1010.25	Yes	Yes
HB 1261	1	Immunity for Actions Related to COVID-19	s. 768.39	Not anticipated	Not anticipated
HB 1261	6	Duties Relating to Financial Aid	s. 1009.46	Yes	Yes
HB 1261	11	Benacquisto Scholarship Program	s. 1009.893	Yes	Yes
SB 52	4	Dual Enrollment Scholarship Program	s. 1009.30	Yes	Yes
HB 1507	34	Open-Door Grant Program	s. 1009.895	Yes	Yes
HB 1507	38	Money Back Guarantee Program	s. 1011.803	Yes	Yes