

The 2003 Florida Statutes

[Title XLVIII](#)

[Chapter 1009](#)

[View Entire Chapter](#)

K-20 EDUCATION
CODE

EDUCATIONAL SCHOLARSHIPS, FEES,
AND FINANCIAL ASSISTANCE

1009.70 Florida Education Fund.--

(1) This section shall be known and may be cited as the "Florida Education Fund Act."

(2)(a) The Florida Education Fund, a not-for-profit statutory corporation, is created from a challenge endowment grant from the McKnight Foundation and operates on income derived from the investment of endowment gifts and other gifts as provided by state statute and appropriate matching funds as provided by the state.

(b) The amount appropriated to the fund shall be on the basis of \$1 for each \$2 contributed by private sources. The Florida Education Fund shall certify to the Legislature the amount of donations contributed between July 1, 1990, and June 30, 1991. Only the new donations above the certified base shall be calculated for state matching funds during the first year of the program. In subsequent years, only the new donations above the certified prior year base shall be calculated for state matching funds.

(3) The Florida Education Fund shall use the income of the fund to provide for programs which seek to:

(a) Enhance the quality of higher educational opportunity in this state;

(b) Enhance equality by providing access to effective higher education programs by minority and economically deprived individuals in this state, with particular consideration to be given to the needs of both blacks and women; and

(c) Increase the representation of minorities in faculty and administrative positions in higher education in this state and to provide more highly educated minority leadership in business and professional enterprises in this state.

(4) The Florida Education Fund shall be administered by a board of directors, which is hereby established.

(a) The board of directors shall consist of 12 members, to be appointed as follows:

1. Two laypersons appointed by the Governor;

2. Two laypersons appointed by the President of the Senate;

3. Two laypersons appointed by the Speaker of the House of Representatives; and

4. Two representatives of state universities, two representatives of public community colleges, and two representatives of independent colleges or universities appointed by the State Board of Education.

The board of directors may appoint to the board an additional five members from the private sector for the purpose of assisting in the procurement of private contributions. Such members shall serve as voting members of the board.

(b) Each of the educational sectors in paragraph (a) shall be represented by a president and a faculty member of the corresponding institutions.

(c) Each director shall hold office for a term of 3 years or until resignation or removal for cause. A director may resign at any time by filing his or her written resignation with the executive secretary for the board. The terms of the directors shall be staggered so that the terms of one-third of the directors will expire annually.

(d) In the event of a vacancy on the board caused by other than the expiration of a term, a new member shall be appointed by the appointing entity in the sector of which the vacancy occurs.

(e) Each member is accountable to the Governor for the proper performance of the duties of his or her office. The Governor shall cause any complaint or unfavorable report received concerning an action of the board or any of its members to be investigated and shall take appropriate action thereon. The Governor may remove any member from office for malfeasance, misfeasance, neglect of duty, incompetence, or permanent inability to perform his or her official duties or for pleading nolo contendere to, or being found guilty of, a crime.

(5) The Board of Directors of the Florida Education Fund shall review and evaluate initial programs created by the McKnight Foundation and continue funding the Black Doctorate Fellowship Program and the Junior Fellowship Program if the evaluation is positive, and the board shall identify, initiate, and fund new and creative programs and monitor, review, and evaluate those programs. The purpose of this commitment is to broaden the participation and funding potential for further significant support of higher education in this state. In addition, the board shall:

(a) Hold such meetings as are necessary to implement the provisions of this section.

(b) Select a chairperson annually.

(c) Adopt and use an official seal in the authentication of its acts.

(d) Make rules for its own government.

(e) Administer this section.

(f) Appoint an executive director to serve at its pleasure and perform all duties assigned by the board. The executive director shall be the chief administrative officer and agent of the board.

- (g) Maintain a record of its proceedings.
- (h) Delegate to the chairperson of the board the responsibility for signing final orders.
- (i) Utilize existing higher education organizations, associations, and agencies to carry out its educational programs and purposes with minimal staff employment.
- (j) Be empowered to enter into contracts with the Federal Government, state agencies, or individuals.
- (k) Receive bequests, gifts, grants, donations, and other valued goods and services. Such bequests and gifts shall be used only for the purpose or purposes stated by the donor.

(6) The board of directors is authorized to establish a trust fund from the proceeds of the Florida Education Fund. All funds deposited into the trust fund shall be invested pursuant to the provisions of s. [215.47](#). Interest income accruing to the unused portion of the trust fund shall increase the total funds available for endowments. The Department of Education may, at the request of the board of directors, administer the fund for investment purposes.

(7) It is the intent of the Legislature that the Board of Directors of the Florida Education Fund recruit eligible residents of the state before it extends its search to eligible nonresidents. However, for the purposes of subsection (8), the board of directors shall recruit eligible residents only. It is further the intent of the Legislature that the board of directors establish service terms, if any, that accompany the award of moneys from the fund.

(8) There is created a legal education component of the Florida Education Fund to provide the opportunity for minorities to attain representation within the legal profession proportionate to their representation within the general population. The legal education component of the Florida Education Fund includes a law school program and a pre-law program.

(a) The law school scholarship program of the Florida Education Fund is to be administered by the Board of Directors of the Florida Education Fund for the purpose of increasing by 200 the number of minority students enrolled in law schools in this state. Implementation of this program is to be phased in over a 3-year period.

1. The board of directors shall provide financial, academic, and other support to students selected for participation in this program from funds appropriated by the Legislature.

2. Student selection must be made in accordance with rules adopted by the board of directors for that purpose and must be based, at least in part, on an assessment of potential for success, merit, and financial need.

3. Support must be made available to students who enroll in private, as well as public, law schools in this state which are accredited by the American Bar Association.

4. Scholarships must be paid directly to the participating students.
 5. Students who participate in this program must agree in writing to sit for The Florida Bar examination and, upon successful admission to The Florida Bar, to either practice law in the state for a period of time equal to the amount of time for which the student received aid, up to 3 years, or repay the amount of aid received.
 6. Annually, the board of directors shall compile a report that includes a description of the selection process, an analysis of the academic progress of all scholarship recipients, and an analysis of expenditures. This report must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor.
- (b) The minority pre-law scholarship loan program of the Florida Education Fund is to be administered by the Board of Directors of the Florida Education Fund for the purpose of increasing the opportunity of minority students to prepare for law school.
1. From funds appropriated by the Legislature, the board of directors shall provide for student fees, room, board, books, supplies, and academic and other support to selected minority undergraduate students matriculating at eligible public and independent colleges and universities in Florida.
 2. Student selection must be made in accordance with rules adopted by the board of directors for that purpose and must be based, at least in part, on an assessment of potential for success, merit, and financial need.
 3. To be eligible, a student must make a written agreement to enter or be accepted to enter a law school in this state within 2 years after graduation or repay the scholarship loan amount plus interest at the prevailing rate.
 4. Recipients who fail to gain admission to a law school within the specified period of time, may, upon admission to law school, be eligible to have their loans canceled.
 5. Minority pre-law scholarship loans shall be provided to 34 minority students per year for up to 4 years each, for a total of 136 scholarship loans. To continue receipt of scholarship loans, recipients must maintain a 2.75 grade point average for the freshman year and a 3.25 grade point average thereafter. Participants must also take specialized courses to enhance competencies in English and logic.
 6. The board of directors shall maintain records on all scholarship loan recipients. Participating institutions shall submit academic progress reports to the board of directors following each academic term. Annually, the board of directors shall compile a report that includes a description of the selection process, an analysis of the academic progress of all scholarship loan recipients, and an analysis of expenditures. This report must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor.

History.---s. 453, ch. 2002-387.