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581-02372C-14

Proposed Committee Substitute by the Committee on Education

A bill to be entitled

An act relating to postsecondary student tuition; amending ss. 1009.22 and 1009.23, F.S.; revising the standard tuition and out-of-state fees for workforce education postsecondary programs leading to certain certificates and diplomas and certain other programs at Florida College System institutions; deleting a provision relating to an increase in tuition and out-of-state fees at a rate equal to inflation; deleting a requirement that the Office of the Economic and Demographic Research annually report the rate of inflation to the Governor, the Legislature, and the State Board of Education; deleting the definition of the term "rate of inflation"; amending s. 1009.24, F.S.; deleting a provision related to an increase of the resident undergraduate tuition at state universities at a rate equal to inflation; deleting the requirement of the Office of the Economic and Demographic Research to annually report the rate of inflation to the Governor, the Legislature, and the Board of Governors; deleting the definition of the term "rate of inflation"; conforming provisions to changes made by the act; prohibiting a state university board of trustees from establishing or increasing the tuition differential for undergraduate courses; amending s. 1009.26, F.S.; requiring a state university, a Florida College System institution, a career center operated by a school district, or a



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29 charter technical career center to waive undergraduate
30 tuition for a recipient of a Purple Heart or another
31 combat decoration superior in precedence under certain
32 conditions; requiring a state university, a Florida
33 College System institution, a career center operated
34 by a school district, and a charter technical career
35 center to waive out-of-state fees for certain students
36 who attended a secondary school in this state;
37 requiring a state university, a Florida College System
38 institution, a career center operated by a school
39 district, and a charter technical career center to
40 report to the Board of Governors and the State Board
41 of Education, respectively, the number and value of
42 all fee waivers; requiring a state university, a
43 Florida College System institution, a career center
44 operated by a school district, and a charter technical
45 career center to annually certify within its
46 legislative budget request that the percentage of
47 resident students enrolled systemwide is at least the
48 same as the resident student enrollment systemwide in
49 a specified academic year; providing that a student
50 who is undocumented for federal immigration purposes
51 is not eligible for state financial aid; amending s.
52 1009.98, F.S.; redefining the term "tuition
53 differential"; revising the purchase date of an
54 advance payment contract as it relates to the amount
55 paid by the Florida Prepaid College Board to a state
56 university on behalf of a qualified beneficiary;
57 prohibiting the amount of the aggregate sum of



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58 registration fees, the tuition differential fee, and
59 local fees paid by the board to a state university on
60 behalf of a qualified beneficiary of an advance
61 payment contract from exceeding a certain percentage
62 of the amount charged by the state university for the
63 aggregate sum of those fees; prohibiting the amount of
64 the dormitory fees paid for by the board to a state
65 university on behalf of a qualified beneficiary of an
66 advance payment contract from exceeding a certain
67 percentage of the amount charged by the state
68 university for those fees; conforming provisions to
69 changes made by the act; prohibiting certain dependent
70 children from being denied residency classification
71 for tuition purposes based solely on a parent's
72 undocumented immigration status; providing an
73 effective date.

74

75 Be It Enacted by the Legislature of the State of Florida:

76

77 Section 1. Paragraphs (c) through (g) of subsection (3) of
78 section 1009.22, Florida Statutes, are amended to read:

79 1009.22 Workforce education postsecondary student fees.—

80 (3)

81 (c) Effective July 1, 2014 ~~2011~~, for programs leading to a
82 career certificate or an applied technology diploma, the
83 standard tuition shall be \$2.33 ~~\$2.22~~ per contact hour for
84 residents and nonresidents and the out-of-state fee shall be
85 \$6.99 ~~\$6.66~~ per contact hour. For adult general education
86 programs, a block tuition of \$45 per half year or \$30 per term



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87 shall be assessed for residents and nonresidents, and the out-
88 of-state fee shall be \$135 per half year or \$90 per term. Each
89 district school board and Florida College System institution
90 board of trustees shall adopt policies and procedures for the
91 collection of and accounting for the expenditure of the block
92 tuition. All funds received from the block tuition shall be used
93 only for adult general education programs. Students enrolled in
94 adult general education programs may not be assessed the fees
95 authorized in subsection (5), subsection (6), or subsection (7).

96 ~~(d) Beginning with the 2008-2009 fiscal year and each year~~
97 ~~thereafter, the tuition and the out-of-state fee per contact~~
98 ~~hour shall increase at the beginning of each fall semester at a~~
99 ~~rate equal to inflation, unless otherwise provided in the~~
100 ~~General Appropriations Act. The Office of Economic and~~
101 ~~Demographic Research shall report the rate of inflation to the~~
102 ~~President of the Senate, the Speaker of the House of~~
103 ~~Representatives, the Governor, and the State Board of Education~~
104 ~~each year prior to March 1. For purposes of this paragraph, the~~
105 ~~rate of inflation shall be defined as the rate of the 12-month~~
106 ~~percentage change in the Consumer Price Index for All Urban~~
107 ~~Consumers, U.S. City Average, All Items, or successor reports as~~
108 ~~reported by the United States Department of Labor, Bureau of~~
109 ~~Labor Statistics, or its successor for December of the previous~~
110 ~~year. In the event the percentage change is negative, the~~
111 ~~tuition and out-of-state fee shall remain at the same level as~~
112 ~~the prior fiscal year.~~

113 (d)~~(e)~~ Each district school board and each Florida College
114 System institution board of trustees may adopt tuition and out-
115 of-state fees that may vary no more than 5 percent below and 5



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116 percent above the combined total of the standard tuition and
117 out-of-state fees established in paragraph (c).

118 ~~(e)~~ ~~(f)~~ The maximum increase in resident tuition for any
119 school district or Florida College System institution during the
120 2007-2008 fiscal year shall be 5 percent over the tuition
121 charged during the 2006-2007 fiscal year.

122 ~~(f)~~ ~~(g)~~ The State Board of Education may adopt, by rule, the
123 definitions and procedures that district school boards and
124 Florida College System institution boards of trustees shall use
125 in the calculation of cost borne by students.

126 Section 2. Subsection (3) of section 1009.23, Florida
127 Statutes, is amended to read:

128 1009.23 Florida College System institution student fees.—

129 (3) (a) Effective July 1, 2014 ~~2011~~, for advanced and
130 professional, postsecondary vocational, developmental education,
131 and educator preparation institute programs, the standard
132 tuition shall be \$71.98 ~~\$68.56~~ per credit hour for residents and
133 nonresidents, and the out-of-state fee shall be \$215.94 ~~\$205.82~~
134 per credit hour.

135 (b) Effective July 1, 2014 ~~2011~~, for baccalaureate degree
136 programs, the following tuition and fee rates shall apply:

137 1. The tuition shall be \$91.79 ~~\$87.42~~ per credit hour for
138 students who are residents for tuition purposes.

139 2. The sum of the tuition and the out-of-state fee per
140 credit hour for students who are nonresidents for tuition
141 purposes shall be no more than 85 percent of the sum of the
142 tuition and the out-of-state fee at the state university nearest
143 the Florida College System institution.

144 ~~(c) Beginning with the 2008-2009 fiscal year and each year~~



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145 ~~thereafter, the tuition and the out-of-state fee shall increase~~
146 ~~at the beginning of each fall semester at a rate equal to~~
147 ~~inflation, unless otherwise provided in the General~~
148 ~~Appropriations Act. The Office of Economic and Demographic~~
149 ~~Research shall report the rate of inflation to the President of~~
150 ~~the Senate, the Speaker of the House of Representatives, the~~
151 ~~Governor, and the State Board of Education each year prior to~~
152 ~~March 1. For purposes of this paragraph, the rate of inflation~~
153 ~~shall be defined as the rate of the 12-month percentage change~~
154 ~~in the Consumer Price Index for All Urban Consumers, U.S. City~~
155 ~~Average, All Items, or successor reports as reported by the~~
156 ~~United States Department of Labor, Bureau of Labor Statistics,~~
157 ~~or its successor for December of the previous year. In the event~~
158 ~~the percentage change is negative, the tuition and the out-of-~~
159 ~~state fee per credit hour shall remain at the same levels as the~~
160 ~~prior fiscal year.~~

161 Section 3. Paragraphs (a), (b), and (e) of subsection (4)
162 of section 1009.24, Florida Statutes, are amended, and paragraph
163 (g) is added to subsection (16) of that section, to read:

164 1009.24 State university student fees.—

165 (4) (a) Effective July 1, 2014 ~~2011~~, the resident
166 undergraduate tuition for lower-level and upper-level coursework
167 shall be \$103.32 per credit hour.

168 ~~(b) Beginning with the 2008-2009 fiscal year and each year~~
169 ~~thereafter, the resident undergraduate tuition per credit hour~~
170 ~~shall increase at the beginning of each fall semester at a rate~~
171 ~~equal to inflation, unless otherwise provided in the General~~
172 ~~Appropriations Act. The Office of Economic and Demographic~~
173 ~~Research shall report the rate of inflation to the President of~~



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174 ~~the Senate, the Speaker of the House of Representatives, the~~
175 ~~Governor, and the Board of Governors each year prior to March 1.~~
176 ~~For purposes of this paragraph, the rate of inflation shall be~~
177 ~~defined as the rate of the 12-month percentage change in the~~
178 ~~Consumer Price Index for All Urban Consumers, U.S. City Average,~~
179 ~~All Items, or successor reports as reported by the United States~~
180 ~~Department of Labor, Bureau of Labor Statistics, or its~~
181 ~~successor for December of the previous year. In the event the~~
182 ~~percentage change is negative, the resident undergraduate~~
183 ~~tuition shall remain at the same level as the prior fiscal year.~~

184 (d) ~~(e)~~ The sum of the activity and service, health, and
185 athletic fees a student is required to pay to register for a
186 course may ~~shall~~ not exceed 40 percent of the tuition
187 established in law or in the General Appropriations Act. No
188 university shall be required to lower any fee in effect on the
189 effective date of this act in order to comply with this
190 subsection. Within the 40 percent cap, universities may not
191 increase the aggregate sum of activity and service, health, and
192 athletic fees more than 5 percent per year, ~~or the same~~
193 ~~percentage increase in tuition authorized under paragraph (b),~~
194 ~~whichever is greater,~~ unless specifically authorized in law or
195 in the General Appropriations Act. A university may increase its
196 athletic fee to defray the costs associated with changing
197 National Collegiate Athletic Association divisions. Any such
198 increase in the athletic fee may exceed both the 40 percent cap
199 and the 5 percent cap imposed by this subsection. Any such
200 increase must be approved by the athletic fee committee in the
201 process outlined in subsection (12) and may not ~~cannot~~ exceed \$2
202 per credit hour. Notwithstanding ~~the provisions of~~ ss. 1009.534,



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203 1009.535, and 1009.536, that portion of any increase in an
204 athletic fee pursuant to this subsection which ~~that~~ causes the
205 sum of the activity and service, health, and athletic fees to
206 exceed the 40 percent cap or the annual increase in such fees to
207 exceed the 5 percent cap may ~~shall~~ not be included in
208 calculating the amount a student receives for a Florida Academic
209 Scholars award, a Florida Medallion Scholars award, or a Florida
210 Gold Seal Vocational Scholars award. Notwithstanding this
211 paragraph and subject to approval by the board of trustees, each
212 state university may ~~is authorized to~~ exceed the 5 percent ~~5-~~
213 ~~percent~~ cap on the annual increase to the aggregate sum of
214 activity and service, health, and athletic fees for the 2010-
215 2011 fiscal year. Any such increase may ~~shall~~ not exceed 15
216 percent or the amount required to reach the 2009-2010 fiscal
217 year statewide average for the aggregate sum of activity and
218 service, health, and athletic fees at the main campuses,
219 whichever is greater. The aggregate sum of the activity and
220 service, health, and athletic fees may ~~shall~~ not exceed 40
221 percent of tuition. Any increase in the activity and service
222 fee, health fee, or athletic fee must be approved by the
223 appropriate fee committee pursuant to subsection (10),
224 subsection (11), or subsection (12).

225 (16) Each university board of trustees may establish a
226 tuition differential for undergraduate courses upon receipt of
227 approval from the Board of Governors. The tuition differential
228 shall promote improvements in the quality of undergraduate
229 education and shall provide financial aid to undergraduate
230 students who exhibit financial need.

231 (g) Notwithstanding this subsection, effective July 1,



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232 2014, a state university board of trustees may not establish or
233 increase a tuition differential for undergraduate courses as
234 provided in this subsection.

235 Section 4. Subsection (8) of section 1009.26, Florida
236 Statutes, is amended, and subsection (12) is added to that
237 section, to read:

238 1009.26 Fee waivers.—

239 (8) A state university or Florida College System
240 institution, a career center operated by a school district under
241 s. 1001.44, or a charter technical career center shall waive
242 undergraduate tuition for each recipient of a Purple Heart or
243 another combat decoration superior in precedence who:

244 (a) Is enrolled as a full-time, part-time, or summer-school
245 student in an undergraduate program that terminates in a degree
246 or certificate;

247 (b) Is currently, and was at the time of the military
248 action that resulted in the awarding of the Purple Heart or
249 other combat decoration superior in precedence, a resident of
250 this state; and

251 (c) Submits to the state university or the Florida College
252 System institution the DD-214 form issued at the time of
253 separation from service as documentation that the student has
254 received a Purple Heart or another combat decoration superior in
255 precedence. If the DD-214 is not available, other documentation
256 may be acceptable if recognized by the United States Department
257 of Defense or the United States Department of Veterans Affairs
258 as documenting the award.

259
260 Such a waiver for a Purple Heart recipient or recipient of



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261 another combat decoration superior in precedence shall be
262 applicable for 110 percent of the number of required credit
263 hours of the degree or certificate program for which the student
264 is enrolled.

265 (12) (a) A state university or a Florida College System
266 institution, a career center operated by a school district under
267 s. 1001.44, or a charter technical career center shall waive
268 out-of-state fees for a student who attended a secondary school
269 in this state for 3 consecutive years immediately before
270 graduating from a high school in this state, enrolled in an
271 institution of higher education within 24 months after high
272 school graduation, submitted an official Florida high school
273 transcript as documentary evidence of attendance and graduation,
274 and who is undocumented for federal immigration purposes.

275 (b) Tuition and fees charged to a student who qualifies for
276 the out-of-state fee waiver under this subsection may not exceed
277 the tuition and fees charged to a resident student. The waiver
278 is applicable for 110 percent of the required credit hours of
279 the degree or certificate program for which the student is
280 enrolled. Each state university, Florida College System
281 institution, career center operated by a school district under
282 s. 1001.44, and charter technical career center shall report to
283 the Board of Governors and the State Board of Education,
284 respectively, the number and value of all fee waivers granted
285 annually under this subsection. The Board of Governors for the
286 state universities and the State Board of Education for Florida
287 College System institutions, career centers operated by a school
288 district under s. 1001.44, and charter technical career centers
289 shall annually certify within its legislative budget request



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290 that the percentage of resident students enrolled systemwide is
291 at least the same as the 2013-2014 resident student enrollment
292 systemwide. A student who is undocumented for federal
293 immigration purposes is not eligible for state financial aid
294 provided pursuant to part III of chapter 1009.

295 Section 5. Subsection (10) of section 1009.98, Florida
296 Statutes, is amended to read:

297 1009.98 Stanley G. Tate Florida Prepaid College Program.—

298 (10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.—

299 (a) As used in this subsection, the term:

300 1. "Actuarial reserve" means the amount by which the
301 expected value of the assets exceeds ~~exceed~~ the expected value
302 of the liabilities of the trust fund.

303 2. "Dormitory fees" means the fees included under advance
304 payment contracts pursuant to paragraph (2)(d).

305 3. "Fiscal year" means the fiscal year of the state
306 pursuant to s. 215.01.

307 4. "Local fees" means the fees covered by an advance
308 payment contract provided pursuant to subparagraph (2)(b)2.

309 5. "Tuition differential" means the fee covered by advance
310 payment contracts sold pursuant to subparagraph (2)(b)3. The
311 base rate for the tuition differential fee for the 2012-2013
312 fiscal year is established at \$37.03 per credit hour. The base
313 rate for the tuition differential in subsequent years is the
314 amount assessed ~~paid by the board~~ for the tuition differential
315 for the preceding year adjusted pursuant to subparagraph (b)2.

316 (b) Effective with the 2009-2010 academic year and
317 thereafter, and notwithstanding the provisions of s. 1009.24,
318 the amount paid by the board to any state university on behalf



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319 of a qualified beneficiary of an advance payment contract whose
320 contract was purchased before July 1, 2024 ~~2009~~, shall be:

321 1. As to registration fees, if the actuarial reserve is
322 less than 5 percent of the expected liabilities of the trust
323 fund, the board shall pay the state universities 5.5 percent
324 above the amount assessed for registration fees in the preceding
325 fiscal year. If the actuarial reserve is between 5 percent and 6
326 percent of the expected liabilities of the trust fund, the board
327 shall pay the state universities 6 percent above the amount
328 assessed for registration fees in the preceding fiscal year. If
329 the actuarial reserve is between 6 percent and 7.5 percent of
330 the expected liabilities of the trust fund, the board shall pay
331 the state universities 6.5 percent above the amount assessed for
332 registration fees in the preceding fiscal year. If the actuarial
333 reserve is equal to or greater than 7.5 percent of the expected
334 liabilities of the trust fund, the board shall pay the state
335 universities 7 percent above the amount assessed for
336 registration fees in the preceding fiscal year, whichever is
337 greater.

338 2. As to the tuition differential, if the actuarial reserve
339 is less than 5 percent of the expected liabilities of the trust
340 fund, the board shall pay the state universities 5.5 percent
341 above the base rate for the tuition differential fee in the
342 preceding fiscal year. If the actuarial reserve is between 5
343 percent and 6 percent of the expected liabilities of the trust
344 fund, the board shall pay the state universities 6 percent above
345 the base rate for the tuition differential fee in the preceding
346 fiscal year. If the actuarial reserve is between 6 percent and
347 7.5 percent of the expected liabilities of the trust fund, the



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348 board shall pay the state universities 6.5 percent above the
349 base rate for the tuition differential fee in the preceding
350 fiscal year. If the actuarial reserve is equal to or greater
351 than 7.5 percent of the expected liabilities of the trust fund,
352 the board shall pay the state universities 7 percent above the
353 base rate for the tuition differential fee in the preceding
354 fiscal year.

355 3. As to local fees, the board shall pay the state
356 universities 5 percent above the amount assessed for local fees
357 in the preceding fiscal year.

358 4. As to dormitory fees, the board shall pay the state
359 universities 6 percent above the amount assessed for dormitory
360 fees in the preceding fiscal year.

361 5. Qualified beneficiaries of advance payment contracts
362 purchased before July 1, 2007, are exempt from paying any
363 tuition differential fee.

364 (c) Notwithstanding the amount assessed for registration
365 fees, the tuition differential fee, or local fees, the amount
366 paid by the board to any state university on behalf of a
367 qualified beneficiary of an advance payment contract purchased
368 before July 1, 2024, may not exceed 100 percent of the amount
369 charged by the state university for the aggregate sum of those
370 fees.

371 (d) Notwithstanding the amount assessed for dormitory fees,
372 the amount paid by the board to any state university on behalf
373 of a qualified beneficiary of an advance payment contract
374 purchased before July 1, 2024, may not exceed 100 percent of the
375 amount charged by the state university for dormitory fees.

376 (e)-(e) The board shall pay state universities the actual



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377 amount assessed in accordance with law for registration fees,
378 the tuition differential, local fees, and dormitory fees for
379 advance payment contracts purchased on or after July 1, 2024
380 2009.

381 (f) ~~(d)~~ The board shall annually evaluate or cause to be
382 evaluated the actuarial soundness of the trust fund.

383 Section 6. A dependent child who is a citizen of the United
384 States of America may not be denied residency classification for
385 tuition purposes based solely on the parent's undocumented
386 immigration status. All applicable laws apply.

387 Section 7. This act shall take effect July 1, 2014.