

THE FLORIDA SENATE  
2014 SUMMARY OF LEGISLATION PASSED  
**Committee on Education**

**CS/CS/CS/HB 851 — Postsecondary Education Tuition and Fees**

by Appropriations Committee; Education Appropriations Subcommittee; Higher Education and Workforce Subcommittee; Rep. Nunez and others (CS/SB 1400 by Education Committee; and Senators Latvala, Garcia, Soto, Simmons, Richter, Ring, Margolis, Smith, Abruzzo, Braynon, Gibson, Sobel, Clemens, Diaz de la Portilla, Thompson, Flores, Sachs, Montford, Bullard, Joyner, and Grimsley)

The bill promotes postsecondary education affordability and accessibility and helps Florida's families plan for higher education. Specifically, the bill:

- Revises the Florida Prepaid Program contract conditions.
  - Specifies that for an advance payment contract purchased before July 1, 2024, the amount assessed and paid by the Florida Prepaid College Board to the state universities will follow the methodology previously utilized by the Prepaid Board for contracts purchased prior to July 1, 2009.
- Updates the tuition levels for postsecondary workforce education programs, Florida colleges, and state universities.
- Eliminates the out-of state fee for adult general education programs thereby charging residents and nonresidents the same tuition for adult general education programs.
- Eliminates the automatic annual tuition increases at state universities and Florida College System (FCS) institutions.
- Modifies the 15 percent cap on tuition differential for state universities by authorizing an increase in tuition differential for up to 6 percent only for a state university that is designated as a preeminent state research university and that meets the specified performance standard targets established annually by the Board of Governors (BOG):
  - An increase in the six-year graduation rate for full-time, first-time-in-college students, as reported annually to the Integrated Postsecondary Education Data System.
  - An increase in the total annual research expenditures.
  - An increase in the total patents awarded by the United States Patent and Trademark Office for the most recent years.
- Prohibits the establishment of and increase in tuition differential for a state university that is not designated as a preeminent state research university.
- Expands the tuition waiver benefit for recipients of a Purple Heart and other combat decorations enrolled at state universities and FCS institutions to also apply to Purple Heart and other combat decoration recipients enrolled at technical centers.
- Extends an in-state tuition benefit through an out-of-state fee waiver method to students, including, but not limited to, students who are undocumented for federal immigration purposes (undocumented students), who meet certain conditions:
  - Attendance in a secondary school in Florida for three consecutive years immediately before graduating from a high school in Florida.
  - Application for enrollment in a state university, FCS institution, or technical center within 24 months after high school graduation.
  - Submission of an official Florida high school transcript.

- Limits the applicability of the out-of-state fee waiver for students, including, but not limited to, undocumented students, to 110 percent of the required credit hours of the degree or certificate program.
- Requires state universities, FCS institutions, and technical centers to report to the BOG and the State Board of Education (SBE), as applicable, the number and value of all out-of-state fee waivers granted annually to students, including, but not limited to, undocumented students.
- Requires the BOG and the SBE to annually report, by October 1 of each year, the percentage of resident and nonresident students enrolled systemwide.
- Prohibits the reporting of state university students who are granted the out-of-state fee waiver as residents for tuition purposes.
  - Specifies that students, including, but not limited to, undocumented students, who are granted the out-of-state fee waiver are ineligible for state financial aid.
- Requires state universities, FCS institutions, and technical centers to prioritize, within the nonresident student enrollment systemwide, the enrollment of a veteran over a student who is granted the out-of-state fee waiver based on attendance in a secondary school in Florida for three consecutive years immediately before graduating from a high school in Florida and enrollment in a state university, FCS institution, or technical center within 24 months after high school graduation.
- Codifies a 2012 United States District Court for the Southern District of Florida ruling that U.S. citizens, who would otherwise meet Florida's residency requirements for tuition purposes but for their status as dependents and their parents' undocumented immigration status, may not be denied in-state tuition benefits based solely upon their parents' undocumented immigration status.
- Modifies the definition of a "parent" to include either one or both parents of a student, any guardian of a student, or any person in a parental relationship to a student.
- Revises, for a dependent child, the residency classification for tuition purposes based on the period of continuous residence of the child in this state with an adult relative (who must be a legal resident of this state).
  - Changes from five years to three years the period of continuous residence with an adult relative immediately before the child's enrollment in a state university, FCS institution, or technical center.
- Modifies the requirement regarding residency classification for tuition purposes based on marriage for an individual who physically resides in this state and marries a person who:
  - Has maintained legal residence in this state for at least 12 consecutive months immediately prior to his or her spouse's enrollment in a state university, FCS institution, or technical center and
  - Is a legal resident of this state.

If approved by the Governor, these provisions take effect July 1, 2014.

*Vote: Senate 26-13; House 84-32*