

By Senator Latvala

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1 A bill to be entitled
2 An act relating to postsecondary student tuition;
3 amending s. 1009.21, F.S.; redefining the terms
4 "dependent child" and "parent"; revising certain
5 residency requirements for a dependent child;
6 prohibiting denial of classification as a resident for
7 tuition purposes based on certain immigration status;
8 revising requirements for documentation of residency;
9 revising requirements relating to classification or
10 reclassification as a resident for tuition purposes
11 based on marriage; revising requirements relating to
12 reevaluation of classification as a resident for
13 tuition purposes; providing that certain veterans of
14 the Armed Services of the United States, persons who
15 receive certain tuition exemptions or waivers, and
16 students who meet certain graduation, enrollment, and
17 residency documentation requirements shall be
18 classified as residents for tuition purposes;
19 providing for the adoption of rules and regulations;
20 amending ss. 1009.22 and 1009.23, F.S.; revising the
21 standard tuition and out-of-state fees for workforce
22 education postsecondary programs leading to certain
23 certificates and diplomas and certain other programs
24 at Florida College System institutions; deleting a
25 provision related to an increase of tuition and out-
26 of-state fees at a rate equal to inflation; deleting
27 the requirement of the Office of the Economic and
28 Demographic Research to annually report the rate of
29 inflation to the Governor, the Legislature, and the

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30 State Board of Education; deleting the definition of
31 the term "rate of inflation"; amending s. 1009.24,
32 F.S.; deleting a provision related to an increase of
33 the resident undergraduate tuition at state
34 universities at a rate equal to inflation; deleting
35 the requirement of the Office of the Economic and
36 Demographic Research to annually report the rate of
37 inflation to the Governor, the Legislature, and the
38 Board of Governors; deleting the definition of the
39 term "rate of inflation"; conforming provisions to
40 changes made by the act; prohibiting a state
41 university board of trustees from establishing or
42 increasing the tuition differential for undergraduate
43 courses; amending s. 1009.98, F.S.; redefining the
44 term "tuition differential"; revising the purchase
45 date of an advance payment contract as it relates to
46 the amount paid by the Florida Prepaid College Board
47 to a state university on behalf of a qualified
48 beneficiary; prohibiting the amount of the aggregate
49 sum of registration fees, the tuition differential,
50 and local fees paid by the board to a state university
51 on behalf of a qualified beneficiary of an advance
52 payment contract from exceeding a certain percentage
53 of the amount charged by the state university for the
54 aggregate sum of those fees; prohibiting the amount of
55 the dormitory fees paid for by the board to a state
56 university on behalf of a qualified beneficiary of an
57 advance payment contract from exceeding a certain
58 percentage of the amount charged by the state

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59 university for those fees; conforming provisions to
60 changes made by the act; providing an effective date.

61
62 Be It Enacted by the Legislature of the State of Florida:

63
64 Section 1. Paragraphs (a) and (f) of subsection (1),
65 paragraph (b) of subsection (2), paragraph (c) of subsection
66 (3), subsections (4) and (5), paragraph (d) of subsection (6),
67 and subsections (8), (10), and (13) of section 1009.21, Florida
68 Statutes, are amended, and paragraph (d) is added to subsection
69 (2) of that section, to read:

70 1009.21 Determination of resident status for tuition
71 purposes.—Students shall be classified as residents or
72 nonresidents for the purpose of assessing tuition in
73 postsecondary educational programs offered by charter technical
74 career centers or career centers operated by school districts,
75 in Florida College System institutions, and in state
76 universities.

77 (1) As used in this section, the term:

78 (a) "Dependent child" means any person, whether or not
79 living with his or her parent, who is eligible to be claimed by
80 his or her parent as a dependent under the federal income tax
81 code or who is not deemed independent for federal financial aid
82 purposes.

83 (f) "Parent" means the natural or adoptive parent,
84 stepparent, or legal guardian of a dependent child.

85 (2)

86 (b) However, with respect to a dependent child living with
87 an adult relative other than the child's parent, such child may

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88 qualify as a resident for tuition purposes if the adult relative
89 is a legal resident who has maintained legal residence in this
90 state for at least 12 consecutive months immediately before
91 ~~prior to~~ the child's initial enrollment in an institution of
92 higher education, provided the child has resided continuously
93 with such relative for the 3 5 years immediately before ~~prior to~~
94 the child's initial enrollment in an institution of higher
95 education, during which time the adult relative has exercised
96 day-to-day care, supervision, and control of the child.

97 (d) A dependent child who is a United States citizen may
98 not be denied classification as a resident for tuition purposes
99 based solely upon the immigration status of his or her parent.

100 (3)

101 (c) Each institution of higher education shall
102 affirmatively determine that an applicant who has been granted
103 admission to that institution as a Florida resident meets the
104 residency requirements of this section at the time of initial
105 enrollment. The residency determination must be documented by
106 the submission of written or electronic verification that
107 includes two or more of the documents identified in this
108 paragraph. Verification of the documents listed in sub-
109 subparagraphs 1.a.-d. may be satisfied by submission of an
110 affidavit by the person claiming residency. No single piece of
111 evidence shall be conclusive.

112 1. The documents must include at least one of the
113 following:

- 114 a. A Florida voter information ~~voter's registration~~ card.
115 b. A Florida driver ~~driver's~~ license.
116 c. A State of Florida identification card.

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- 117 d. A Florida vehicle registration.
- 118 e. Proof of a permanent home in Florida which is occupied
119 as a primary residence by the individual or by the individual's
120 parent if the individual is a dependent child.
- 121 f. Proof of a homestead exemption in Florida.
- 122 g. Transcripts from a Florida high school for multiple
123 years if the Florida high school diploma or GED was earned
124 within the last 12 months.
- 125 h. Proof of permanent full-time employment in Florida for
126 at least 30 hours per week for a 12-month period.
- 127 2. The documents may include one or more of the following:
- 128 a. A declaration of domicile in Florida.
- 129 b. A Florida professional or occupational license.
- 130 c. Florida incorporation.
- 131 d. A document evidencing family ties in Florida.
- 132 e. Proof of membership in a Florida-based charitable or
133 professional organization.
- 134 f. Any other documentation that supports the student's
135 request for resident status, including, but not limited to,
136 utility bills and proof of 12 consecutive months of payments; a
137 lease agreement and proof of 12 consecutive months of payments;
138 or an official state, federal, or court document evidencing
139 legal ties to Florida.
- 140 (4) With respect to a dependent child, the legal residence
141 of the dependent child's parent or parents is prima facie
142 evidence of the dependent child's legal residence, which
143 evidence may be reinforced or rebutted, relative to the age and
144 general circumstances of the dependent child, by the other
145 evidence of legal residence required of or presented by the

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146 dependent child. However, the legal residence of a dependent
147 child's parent or parents who are domiciled outside this state
148 is not prima facie evidence of the dependent child's legal
149 residence if that dependent child has lived in this state for 3
150 ~~5~~ consecutive years before ~~prior to~~ enrolling or reregistering
151 at the institution of higher education at which resident status
152 for tuition purposes is sought.

153 (5) A person who physically resides in this state may be
154 classified as a resident for tuition purposes if he or she
155 marries a person who meets the 12-month residency requirement
156 under subsection (2) and otherwise qualifies as a resident for
157 tuition purposes under this section ~~In making a domiciliary~~
158 ~~determination related to the classification of a person as a~~
159 ~~resident or nonresident for tuition purposes, the domicile of a~~
160 ~~married person, irrespective of sex, shall be determined, as in~~
161 ~~the case of an unmarried person, by reference to all relevant~~
162 ~~evidence of domiciliary intent. For the purposes of this~~
163 ~~section:~~

164 ~~(a) A person shall not be precluded from establishing or~~
165 ~~maintaining legal residence in this state and subsequently~~
166 ~~qualifying or continuing to qualify as a resident for tuition~~
167 ~~purposes solely by reason of marriage to a person domiciled~~
168 ~~outside this state, even when that person's spouse continues to~~
169 ~~be domiciled outside of this state, provided such person~~
170 ~~maintains his or her legal residence in this state.~~

171 ~~(b) A person shall not be deemed to have established or~~
172 ~~maintained a legal residence in this state and subsequently to~~
173 ~~have qualified or continued to qualify as a resident for tuition~~
174 ~~purposes solely by reason of marriage to a person domiciled in~~

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175 ~~this state.~~

176 ~~(c) In determining the domicile of a married person,~~
177 ~~irrespective of sex, the fact of the marriage and the place of~~
178 ~~domicile of such person's spouse shall be deemed relevant~~
179 ~~evidence to be considered in ascertaining domiciliary intent.~~

180 (6)

181 (d) A person classified as a nonresident for tuition
182 purposes may be reclassified as a resident by subsequently
183 marrying a person who meets the criteria to establish residency
184 for tuition purposes. In order to be reclassified, a person must
185 submit all of the following:

186 1. Evidence of his or her own physical residence in this
187 state.

188 2. Evidence of marriage to a person who qualifies as a
189 resident for tuition purposes under this section.

190 3. Documentation to support his or her spouse's residency
191 classification. A person who is classified as a nonresident for
192 tuition purposes and who marries a legal resident of the state
193 or marries a person who becomes a legal resident of the state
194 may, upon becoming a legal resident of the state, become
195 eligible for reclassification as a resident for tuition purposes
196 upon submitting evidence of his or her own legal residency in
197 the state, evidence of his or her marriage to a person who is a
198 legal resident of the state, and evidence of the spouse's legal
199 residence in the state for at least 12 consecutive months
200 immediately preceding the application for reclassification.

201 (8) After a student has been classified as a resident for
202 tuition purposes, an institution of higher education is not
203 required to reevaluate the classification unless inconsistent

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204 information suggests that an erroneous classification was made
205 or the student breaks enrollment from the institution for a
206 period of 12 months or longer. ~~A person who has been properly~~
207 ~~classified as a resident for tuition purposes but who, while~~
208 ~~enrolled in an institution of higher education in this state,~~
209 ~~loses his or her resident tuition status because the person or,~~
210 ~~if he or she is a dependent child, the person's parent or~~
211 ~~parents establish domicile or legal residence elsewhere shall~~
212 ~~continue to enjoy the in-state tuition rate for a statutory~~
213 ~~grace period, which period shall be measured from the date on~~
214 ~~which the circumstances arose that culminated in the loss of~~
215 ~~resident tuition status and shall continue for 12 months.~~
216 ~~However, if the 12-month grace period ends during a semester or~~
217 ~~academic term for which such former resident is enrolled, such~~
218 ~~grace period shall be extended to the end of that semester or~~
219 ~~academic term.~~

220 (10) The following persons shall be classified as residents
221 for tuition purposes:

222 (a) Active duty members of the Armed Services of the United
223 States residing or stationed in this state, their spouses, and
224 dependent children, and active drilling members of the Florida
225 National Guard.

226 (b) Active duty members of the Armed Services of the United
227 States and their spouses and dependents attending a Florida
228 College System institution or state university within 50 miles
229 of the military establishment where they are stationed, if such
230 military establishment is within a county contiguous to Florida.

231 (c) Veterans of the Armed Services of the United States,
232 including reserve components thereof, who were honorably

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233 discharged and who physically reside in this state while
234 enrolled in an institution of higher education.

235 (d)~~(e)~~ United States citizens living on the Isthmus of
236 Panama, who have completed 12 consecutive months of college work
237 at the Florida State University Panama Canal Branch, and their
238 spouses and dependent children.

239 (e)~~(d)~~ Full-time instructional and administrative personnel
240 employed by state public schools and institutions of higher
241 education and their spouses and dependent children.

242 (f)~~(e)~~ Students from Latin America and the Caribbean who
243 receive scholarships from the federal or state government. Any
244 student classified pursuant to this paragraph shall attend, on a
245 full-time basis, a Florida institution of higher education.

246 (g)~~(f)~~ Southern Regional Education Board's Academic Common
247 Market graduate students attending Florida's state universities.

248 (h)~~(g)~~ Full-time employees of state agencies or political
249 subdivisions of the state when the student fees are paid by the
250 state agency or political subdivision for the purpose of job-
251 related law enforcement or corrections training.

252 (i)~~(h)~~ McKnight Doctoral Fellows and Finalists who are
253 United States citizens.

254 (j)~~(i)~~ United States citizens living outside the United
255 States who are teaching at a Department of Defense Dependent
256 School or in an American International School and who enroll in
257 a graduate level education program which leads to a Florida
258 teaching certificate.

259 (k)~~(j)~~ Active duty members of the Canadian military
260 residing or stationed in this state under the North American Air
261 Defense (NORAD) agreement, and their spouses and dependent

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262 children, attending a Florida College System institution or
263 state university within 50 miles of the military establishment
264 where they are stationed.

265 (l)~~(k)~~ Active duty members of a foreign nation's military
266 who are serving as liaison officers and are residing or
267 stationed in this state, and their spouses and dependent
268 children, attending a Florida College System institution or
269 state university within 50 miles of the military establishment
270 where the foreign liaison officer is stationed.

271 (m) Persons who receive a tuition exemption or waiver under
272 s. 112.19(3), s. 112.191(3), s. 961.06(1)(b), s. 1009.25(1)(c),
273 (d), or (f), or s. 1009.26(8) or (10).

274 (n) Students who attend a secondary school in this state
275 for 3 consecutive years immediately before high school
276 graduation, apply for enrollment in an institution of higher
277 education within 24 months after graduation, and submit an
278 official Florida high school transcript as documentary evidence
279 of residence in this state. Students who are classified as
280 residents for tuition purposes under this paragraph must also
281 provide proof of United States citizenship to be eligible for
282 state financial aid pursuant to s. 1009.40.

283 (13) The State Board of Education shall adopt rules, and
284 the Board of Governors shall adopt regulations, ~~rules~~ to
285 implement this section.

286 Section 2. Paragraphs (c) through (g) of subsection (3) of
287 section 1009.22, Florida Statutes, are amended to read:

288 1009.22 Workforce education postsecondary student fees.—

289 (3)

290 (c) Effective July 1, 2014 ~~2011~~, for programs leading to a

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291 career certificate or an applied technology diploma, the
292 standard tuition shall be \$2.33 ~~\$2.22~~ per contact hour for
293 residents and nonresidents and the out-of-state fee shall be
294 \$6.99 ~~\$6.66~~ per contact hour. For adult general education
295 programs, a block tuition of \$45 per half year or \$30 per term
296 shall be assessed for residents and nonresidents, and the out-
297 of-state fee shall be \$135 per half year or \$90 per term. Each
298 district school board and Florida College System institution
299 board of trustees shall adopt policies and procedures for the
300 collection of and accounting for the expenditure of the block
301 tuition. All funds received from the block tuition shall be used
302 only for adult general education programs. Students enrolled in
303 adult general education programs may not be assessed the fees
304 authorized in subsection (5), subsection (6), or subsection (7).

305 ~~(d) Beginning with the 2008-2009 fiscal year and each year~~
306 ~~thereafter, the tuition and the out-of-state fee per contact~~
307 ~~hour shall increase at the beginning of each fall semester at a~~
308 ~~rate equal to inflation, unless otherwise provided in the~~
309 ~~General Appropriations Act. The Office of Economic and~~
310 ~~Demographic Research shall report the rate of inflation to the~~
311 ~~President of the Senate, the Speaker of the House of~~
312 ~~Representatives, the Governor, and the State Board of Education~~
313 ~~each year prior to March 1. For purposes of this paragraph, the~~
314 ~~rate of inflation shall be defined as the rate of the 12-month~~
315 ~~percentage change in the Consumer Price Index for All Urban~~
316 ~~Consumers, U.S. City Average, All Items, or successor reports as~~
317 ~~reported by the United States Department of Labor, Bureau of~~
318 ~~Labor Statistics, or its successor for December of the previous~~
319 ~~year. In the event the percentage change is negative, the~~

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320 ~~tuition and out-of-state fee shall remain at the same level as~~
 321 ~~the prior fiscal year.~~

322 (d)~~(e)~~ Each district school board and each Florida College
 323 System institution board of trustees may adopt tuition and out-
 324 of-state fees that may vary no more than 5 percent below and 5
 325 percent above the combined total of the standard tuition and
 326 out-of-state fees established in paragraph (c).

327 (e)~~(f)~~ The maximum increase in resident tuition for any
 328 school district or Florida College System institution during the
 329 2007-2008 fiscal year shall be 5 percent over the tuition
 330 charged during the 2006-2007 fiscal year.

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

335 Section 3. Subsection (3) of section 1009.23, Florida
 336 Statutes, is amended to read:

337 1009.23 Florida College System institution student fees.—

338 (3) (a) Effective July 1, 2014 ~~2011~~, for advanced and
 339 professional, postsecondary vocational, developmental education,
 340 and educator preparation institute programs, the standard
 341 tuition shall be \$71.98 ~~\$68.56~~ per credit hour for residents and
 342 nonresidents, and the out-of-state fee shall be \$215.94 ~~\$205.82~~
 343 per credit hour.

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

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

348 2. The sum of the tuition and the out-of-state fee per

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349 credit hour for students who are nonresidents for tuition
350 purposes shall be no more than 85 percent of the sum of the
351 tuition and the out-of-state fee at the state university nearest
352 the Florida College System institution.

353 ~~(c) Beginning with the 2008-2009 fiscal year and each year~~
354 ~~thereafter, the tuition and the out-of-state fee shall increase~~
355 ~~at the beginning of each fall semester at a rate equal to~~
356 ~~inflation, unless otherwise provided in the General~~
357 ~~Appropriations Act. The Office of Economic and Demographic~~
358 ~~Research shall report the rate of inflation to the President of~~
359 ~~the Senate, the Speaker of the House of Representatives, the~~
360 ~~Governor, and the State Board of Education each year prior to~~
361 ~~March 1. For purposes of this paragraph, the rate of inflation~~
362 ~~shall be defined as the rate of the 12-month percentage change~~
363 ~~in the Consumer Price Index for All Urban Consumers, U.S. City~~
364 ~~Average, All Items, or successor reports as reported by the~~
365 ~~United States Department of Labor, Bureau of Labor Statistics,~~
366 ~~or its successor for December of the previous year. In the event~~
367 ~~the percentage change is negative, the tuition and the out-of-~~
368 ~~state fee per credit hour shall remain at the same levels as the~~
369 ~~prior fiscal year.~~

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

373 1009.24 State university student fees.—

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

377 ~~(b) Beginning with the 2008-2009 fiscal year and each year~~

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378 ~~thereafter, the resident undergraduate tuition per credit hour~~
379 ~~shall increase at the beginning of each fall semester at a rate~~
380 ~~equal to inflation, unless otherwise provided in the General~~
381 ~~Appropriations Act. The Office of Economic and Demographic~~
382 ~~Research shall report the rate of inflation to the President of~~
383 ~~the Senate, the Speaker of the House of Representatives, the~~
384 ~~Governor, and the Board of Governors each year prior to March 1.~~
385 ~~For purposes of this paragraph, the rate of inflation shall be~~
386 ~~defined as the rate of the 12-month percentage change in the~~
387 ~~Consumer Price Index for All Urban Consumers, U.S. City Average,~~
388 ~~All Items, or successor reports as reported by the United States~~
389 ~~Department of Labor, Bureau of Labor Statistics, or its~~
390 ~~successor for December of the previous year. In the event the~~
391 ~~percentage change is negative, the resident undergraduate~~
392 ~~tuition shall remain at the same level as the prior fiscal year.~~

393 (d) ~~(e)~~ The sum of the activity and service, health, and
394 athletic fees a student is required to pay to register for a
395 course may ~~shall~~ not exceed 40 percent of the tuition
396 established in law or in the General Appropriations Act. No
397 university shall be required to lower any fee in effect on the
398 effective date of this act in order to comply with this
399 subsection. Within the 40 percent cap, universities may not
400 increase the aggregate sum of activity and service, health, and
401 athletic fees more than 5 percent per year, ~~or the same~~
402 ~~percentage increase in tuition authorized under paragraph (b),~~
403 ~~whichever is greater,~~ unless specifically authorized in law or
404 in the General Appropriations Act. A university may increase its
405 athletic fee to defray the costs associated with changing
406 National Collegiate Athletic Association divisions. Any such

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407 increase in the athletic fee may exceed both the 40 percent cap
408 and the 5 percent cap imposed by this subsection. Any such
409 increase must be approved by the athletic fee committee in the
410 process outlined in subsection (12) and may not ~~cannot~~ exceed \$2
411 per credit hour. Notwithstanding ~~the provisions of~~ ss. 1009.534,
412 1009.535, and 1009.536, that portion of any increase in an
413 athletic fee pursuant to this subsection which ~~that~~ causes the
414 sum of the activity and service, health, and athletic fees to
415 exceed the 40 percent cap or the annual increase in such fees to
416 exceed the 5 percent cap may ~~shall~~ not be included in
417 calculating the amount a student receives for a Florida Academic
418 Scholars award, a Florida Medallion Scholars award, or a Florida
419 Gold Seal Vocational Scholars award. Notwithstanding this
420 paragraph and subject to approval by the board of trustees, each
421 state university may ~~is authorized to~~ exceed the 5 percent ~~5-~~
422 ~~percent~~ cap on the annual increase to the aggregate sum of
423 activity and service, health, and athletic fees for the 2010-
424 2011 fiscal year. Any such increase may ~~shall~~ not exceed 15
425 percent or the amount required to reach the 2009-2010 fiscal
426 year statewide average for the aggregate sum of activity and
427 service, health, and athletic fees at the main campuses,
428 whichever is greater. The aggregate sum of the activity and
429 service, health, and athletic fees may ~~shall~~ not exceed 40
430 percent of tuition. Any increase in the activity and service
431 fee, health fee, or athletic fee must be approved by the
432 appropriate fee committee pursuant to subsection (10),
433 subsection (11), or subsection (12).

434 (16) Each university board of trustees may establish a
435 tuition differential for undergraduate courses upon receipt of

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436 approval from the Board of Governors. The tuition differential
437 shall promote improvements in the quality of undergraduate
438 education and shall provide financial aid to undergraduate
439 students who exhibit financial need.

440 (g) Notwithstanding this subsection, effective July 1,
441 2014, a state university board of trustees may not establish or
442 increase a tuition differential for undergraduate courses as
443 provided for in this subsection.

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

446 1009.98 Stanley G. Tate Florida Prepaid College Program.—

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

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

449 1. "Actuarial reserve" means the amount by which the
450 expected value of the assets exceeds ~~exceed~~ the expected value
451 of the liabilities of the trust fund.

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

454 3. "Fiscal year" means the fiscal year of the state
455 pursuant to s. 215.01.

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

458 5. "Tuition differential" means the fee covered by advance
459 payment contracts sold pursuant to subparagraph (2) (b)3. The
460 base rate for the tuition differential fee for the 2012-2013
461 fiscal year is established at \$37.03 per credit hour. The base
462 rate for the tuition differential in subsequent years is the
463 amount assessed ~~paid by the board~~ for the tuition differential
464 for the preceding year adjusted pursuant to subparagraph (b)2.

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465 (b) Effective with the 2009-2010 academic year and
466 thereafter, and notwithstanding ~~the provisions of s. 1009.24,~~
467 the amount paid by the board to any state university on behalf
468 of a qualified beneficiary of an advance payment contract whose
469 contract was purchased before July 1, 2024 ~~2009~~, shall be:

470 1. As to registration fees, if the actuarial reserve is
471 less than 5 percent of the expected liabilities of the trust
472 fund, the board shall pay the state universities 5.5 percent
473 above the amount assessed for registration fees in the preceding
474 fiscal year. If the actuarial reserve is between 5 percent and 6
475 percent of the expected liabilities of the trust fund, the board
476 shall pay the state universities 6 percent above the amount
477 assessed for registration fees in the preceding fiscal year. If
478 the actuarial reserve is between 6 percent and 7.5 percent of
479 the expected liabilities of the trust fund, the board shall pay
480 the state universities 6.5 percent above the amount assessed for
481 registration fees in the preceding fiscal year. If the actuarial
482 reserve is equal to or greater than 7.5 percent of the expected
483 liabilities of the trust fund, the board shall pay the state
484 universities 7 percent above the amount assessed for
485 registration fees in the preceding fiscal year, whichever is
486 greater.

487 2. As to the tuition differential, if the actuarial reserve
488 is less than 5 percent of the expected liabilities of the trust
489 fund, the board shall pay the state universities 5.5 percent
490 above the base rate for the tuition differential fee in the
491 preceding fiscal year. If the actuarial reserve is between 5
492 percent and 6 percent of the expected liabilities of the trust
493 fund, the board shall pay the state universities 6 percent above

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494 the base rate for the tuition differential fee in the preceding
495 fiscal year. If the actuarial reserve is between 6 percent and
496 7.5 percent of the expected liabilities of the trust fund, the
497 board shall pay the state universities 6.5 percent above the
498 base rate for the tuition differential fee in the preceding
499 fiscal year. If the actuarial reserve is equal to or greater
500 than 7.5 percent of the expected liabilities of the trust fund,
501 the board shall pay the state universities 7 percent above the
502 base rate for the tuition differential fee in the preceding
503 fiscal year.

504 3. As to local fees, the board shall pay the state
505 universities 5 percent above the amount assessed for local fees
506 in the preceding fiscal year.

507 4. As to dormitory fees, the board shall pay the state
508 universities 6 percent above the amount assessed for dormitory
509 fees in the preceding fiscal year.

510 5. Qualified beneficiaries of advance payment contracts
511 purchased before July 1, 2007, are exempt from paying any
512 tuition differential fee.

513 (c) Notwithstanding the amount assessed for registration
514 fees, the tuition differential, or local fees, the amount paid
515 by the board to any state university on behalf of a qualified
516 beneficiary of an advanced payment contract with respect to the
517 aggregate sum of those fees may not exceed 100 percent of the
518 amount charged by the state university for the aggregate sum of
519 those fees.

520 (d) Notwithstanding the amount assessed for dormitory fees,
521 the amount paid by the board to any state university on behalf
522 of a qualified beneficiary of an advanced payment contract with

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523 respect to that fee may not exceed 100 percent of the amount
524 charged by the state university for that fee.

525 (e)~~(e)~~ The board shall pay state universities the actual
526 amount charged ~~assessed~~ in accordance with law for registration
527 fees, the tuition differential, local fees, and dormitory fees
528 for advance payment contracts purchased on or after July 1, 2024
529 ~~2009~~.

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

532 Section 6. This act shall take effect July 1, 2014.