

1                                   A bill to be entitled  
2           An act relating to higher education finance policy;  
3           creating s. 1004.215, F.S.; requiring university boards of  
4           trustees to develop policies and procedures relating to  
5           program completion; requiring a degree audit system;  
6           providing credit hours to be included in enrollment  
7           calculations; providing that certain credit hours be  
8           omitted from enrollment calculations; authorizing state  
9           universities to establish an excess-hour surcharge;  
10          requiring approval of policies by the Board of Governors  
11          prior to implementation; specifying that provisions become  
12          effective for students entering a community college or  
13          state university for the first time in the 2005-2006  
14          academic year and thereafter; requiring a study and a  
15          report by the Office of Program Policy Analysis and  
16          Government Accountability; amending s. 1009.21, F.S.;  
17          requiring classification as a resident or nonresident for  
18          purposes of assessing tuition for certain programs and  
19          determining eligibility to participate in selected  
20          financial assistance programs; revising definitions;  
21          revising provisions relating to determination of resident  
22          status; updating obsolete terminology; classifying as  
23          residents for tuition purposes certain employees of  
24          international multilateral organizations; providing  
25          eligibility criteria for certain students who are not  
26          permanent residents of the United States for exemption  
27          from payment of nonresident tuition; limiting enrollment;  
28          reenacting s. 1009.40(1)(a), F.S., relating to general

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29 requirements for student eligibility for state financial  
 30 aid, to incorporate the amendment to s. 1009.21, F.S., in  
 31 a reference thereto; providing for severability; providing  
 32 an effective date.

33  
 34 Be It Enacted by the Legislature of the State of Florida:

35  
 36 Section 1. Section 1004.215, Florida Statutes, is created  
 37 to read:

38 1004.215 Timely completion of baccalaureate degree  
 39 programs.--

40 (1) Each university board of trustees shall develop  
 41 policies and procedures to ensure that students enrolled in  
 42 baccalaureate degree programs complete their programs in a  
 43 timely manner in order to make the most efficient use of  
 44 instructional resources and provide capacity within the  
 45 institution for additional students. Such policies and  
 46 procedures shall include, at a minimum, implementation of a  
 47 universal tracking degree audit system. A universal tracking  
 48 degree audit system developed by a state university with state  
 49 funds shall be made available at no cost for use by other state  
 50 universities. The degree audit system must have the capability  
 51 to:

52 (a) Inform students of the courses they must successfully  
 53 complete for their majors.

54 (b) Evaluate whether or not satisfactory progress is being  
 55 made.

56 (c) Provide each student with a recommended semester-by-

57 semester enrollment plan that identifies the courses that must  
 58 be completed with a required GPA during the semester in which  
 59 the course is indicated in order for the student to be on track  
 60 for the designated major.

61 (d) Provide university administrators with a semester-by-  
 62 semester enrollment plan that identifies the courses that must  
 63 be offered for students to be on track for their designated  
 64 majors. The university shall give priority each semester to  
 65 offering such courses.

66 (2) Once a resident undergraduate student has taken 115  
 67 percent of the credit hours required for the degree program in  
 68 which the student is enrolled, any subsequent credit hours  
 69 generated by that student as an undergraduate or unclassified  
 70 student shall not be included in calculations of full-time  
 71 equivalent enrollments for state funding purposes.

72 (3) Except as otherwise provided by law, the following  
 73 hours shall be included when calculating, for purposes of this  
 74 section, the number of hours taken by a student:

75 (a) All credit hours for courses taken at the state  
 76 university from which the student is seeking a degree, including  
 77 repeated courses and failed courses, except as provided in s.  
 78 1009.285, and courses that are dropped after the university's  
 79 advertised last day of drop and add.

80 (b) All credit hours earned at another institution and  
 81 accepted for transfer.

82 (4) The following hours shall not be included when  
 83 calculating, for purposes of this section, the number of hours  
 84 taken by a student:

85        (a) Credit hours earned through an acceleration mechanism  
86 identified in s. 1007.27.

87        (b) Credit hours earned in a course that does not count  
88 toward any degree at the institution.

89        (c) Credit hours earned in military science courses.

90        (d) Credit hours required to achieve a dual major.

91        (e) Credit hours required to achieve teacher certification  
92 that are not credited toward the student's first baccalaureate  
93 degree.

94        (f) Credit hours taken by active duty military personnel.

95        (g) Credit hours in courses from which a student must  
96 withdraw due to medical or personal hardship reasons.

97        (5) Policies established pursuant to this section may  
98 include assessment by the institution of a surcharge in addition  
99 to regular tuition and fees for any credit hours taken by the  
100 student in excess of 115 percent of the credit hours required  
101 for the student's degree program. The surcharge plus tuition may  
102 not exceed 100 percent of the full cost of instruction.

103        (6) Policies established pursuant to this section must be  
104 submitted to the Board of Governors for review and approval  
105 prior to implementation by a university.

106        (7) The provisions of this section shall become effective  
107 for students who enter a community college or a state university  
108 for the first time in the 2005-2006 academic year and  
109 thereafter.

110        Section 2. In order to determine whether the issue of  
111 excess hours should be addressed for associate and graduate-  
112 level programs, the Office of Program Policy Analysis and

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113 Government Accountability shall conduct a study to determine how  
 114 the number of credit hours taken by students at community  
 115 colleges and state universities compares to the number of hours  
 116 required to complete degree requirements. The study shall also  
 117 review degree requirements across institutions to identify the  
 118 range of degree requirements for similar programs. A report of  
 119 the results of the study shall be submitted to the Governor, the  
 120 President of the Senate, and the Speaker of the House of  
 121 Representatives by February 1, 2006.

122 Section 3. Section 1009.21, Florida Statutes, is amended  
 123 to read:

124 1009.21 Determination of resident status for tuition and  
 125 financial assistance eligibility purposes; exemption.--Students  
 126 shall be classified as residents or nonresidents for the purpose  
 127 of assessing tuition in community colleges and state  
 128 universities, for the purpose of assessing tuition for  
 129 instruction in postsecondary career and technical programs  
 130 offered by school districts, and for the purpose of determining  
 131 student eligibility to participate in financial assistance  
 132 programs established pursuant to s. 1009.50, s. 1009.51, s.  
 133 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s.  
 134 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s.  
 135 1009.73, s. 1009.76, s. 1009.77, or s. 1009.89.

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

137 (a) ~~The term~~ "Dependent child" means any person, whether  
 138 or not living with his or her parent, who is eligible to be  
 139 claimed by his or her parent as a dependent under the federal  
 140 income tax code.

141           (b) "Initial enrollment" means the first day of class.

142           ~~(c)(b) The term "Institution of higher education" means~~  
 143 any public community college or state university.

144           ~~(d)(e) A "Legal resident" or "resident" means is~~ a person  
 145 who has maintained his or her residence in this state for the  
 146 preceding year, has purchased a home which is occupied by him or  
 147 her as his or her residence, or has established a domicile in  
 148 this state pursuant to s. 222.17.

149           (e) "Nonresident for tuition purposes" means a person who  
 150 does not qualify for the in-state tuition rate.

151           ~~(f)(d) The term "Parent" means the natural or adoptive~~  
 152 parent or legal guardian of a dependent child.

153           ~~(g)(e) A "Resident for tuition purposes" means is~~ a person  
 154 who qualifies as provided in subsection (2) for the in-state  
 155 tuition rate; ~~a "nonresident for tuition purposes" is a person~~  
 156 ~~who does not qualify for the in-state tuition rate.~~

157           (2)(a) To qualify as a resident for tuition purposes:

158           1. A person or, if that person is a dependent child, his  
 159 or her parent or parents must have established legal residence  
 160 in this state and must have maintained legal residence in this  
 161 state for at least 12 months immediately prior to his or her  
 162 initial enrollment in a postsecondary education program in this  
 163 state qualification.

164           2. Every applicant for admission to an institution of  
 165 higher education shall be required to make a statement as to his  
 166 or her length of residence in the state and, further, shall  
 167 establish that his or her presence or, if the applicant is a  
 168 dependent child, the presence of his or her parent or parents in

169 the state currently is, and during the requisite 12-month  
 170 qualifying period was, for the purpose of maintaining a bona  
 171 fide domicile, rather than for the purpose of maintaining a mere  
 172 temporary residence or abode incident to enrollment in an  
 173 institution of higher education.

174 (b) However, with respect to a dependent child living with  
 175 an adult relative other than the child's parent, such child may  
 176 qualify as a resident for tuition purposes if the adult relative  
 177 is a legal resident who has maintained legal residence in this  
 178 state for at least 12 months immediately prior to the child's  
 179 initial enrollment in a postsecondary education program in this  
 180 state ~~qualification~~, provided the child has resided continuously  
 181 with such relative for the 5 years immediately prior to the  
 182 child's initial enrollment ~~qualification~~, during which time the  
 183 adult relative has exercised day-to-day care, supervision, and  
 184 control of the child.

185 (c) The legal residence of a dependent child whose parents  
 186 are divorced, separated, or otherwise living apart will be  
 187 deemed to be this state if either parent is a legal resident of  
 188 this state, regardless of which parent is entitled to claim, and  
 189 does in fact claim, the minor as a dependent pursuant to federal  
 190 individual income tax provisions.

191 (d) A person who is classified as a nonresident for  
 192 tuition purposes may become eligible for reclassification as a  
 193 resident for tuition purposes if that person or, if that person  
 194 is a dependent child, his or her parent presents documentation  
 195 that supports permanent residency in this state rather than  
 196 temporary residency for the purpose of pursuing an education,

197 such as documentation of full-time permanent employment for the  
198 previous 12 months or the purchase of a home in this state and  
199 residence therein for the prior 12 months.

200 (3) An individual shall not be classified as a resident  
201 for tuition purposes and, thus, shall not be eligible to receive  
202 the in-state tuition rate until he or she has provided such  
203 evidence related to legal residence and its duration as may be  
204 required by officials of the institution of higher education  
205 from which he or she seeks the in-state tuition rate.

206 (4) With respect to a dependent child, the legal residence  
207 of such individual's parent or parents is prima facie evidence  
208 of the individual's legal residence, which evidence may be  
209 reinforced or rebutted, relative to the age and general  
210 circumstances of the individual, by the other evidence of legal  
211 residence required of or presented by the individual. However,  
212 the legal residence of an individual whose parent or parents are  
213 domiciled outside this state is not prima facie evidence of the  
214 individual's legal residence if that individual has lived in  
215 this state for 5 consecutive years prior to enrolling or  
216 reregistering at the institution of higher education at which  
217 resident status for tuition purposes is sought.

218 (5) In making a domiciliary determination related to the  
219 classification of a person as a resident or nonresident for  
220 tuition purposes, the domicile of a married person, irrespective  
221 of sex, shall be determined, as in the case of an unmarried  
222 person, by reference to all relevant evidence of domiciliary  
223 intent. For the purposes of this section:



224 (a) A person shall not be precluded from establishing or  
225 maintaining legal residence in this state and subsequently  
226 qualifying or continuing to qualify as a resident for tuition  
227 purposes solely by reason of marriage to a person domiciled  
228 outside this state, even when that person's spouse continues to  
229 be domiciled outside of this state, provided such person  
230 maintains his or her legal residence in this state.

231 (b) A person shall not be deemed to have established or  
232 maintained a legal residence in this state and subsequently to  
233 have qualified or continued to qualify as a resident for tuition  
234 purposes solely by reason of marriage to a person domiciled in  
235 this state.

236 (c) In determining the domicile of a married person,  
237 irrespective of sex, the fact of the marriage and the place of  
238 domicile of such person's spouse shall be deemed relevant  
239 evidence to be considered in ascertaining domiciliary intent.

240 (6) Any nonresident person, irrespective of sex, who  
241 marries a legal resident of this state or marries a person who  
242 later becomes a legal resident may, upon becoming a legal  
243 resident of this state, accede to the benefit of the spouse's  
244 immediately precedent duration as a legal resident for purposes  
245 of satisfying the 12-month durational requirement of this  
246 section.

247 (7) A person shall not lose his or her resident status for  
248 tuition purposes solely by reason of serving, or, if such person  
249 is a dependent child, by reason of his or her parent's or  
250 parents' serving, in the Armed Forces outside this state.

251           (8) A person who has been properly classified as a  
252 resident for tuition purposes but who, while enrolled in an  
253 institution of higher education in this state, loses his or her  
254 resident tuition status because the person or, if he or she is a  
255 dependent child, the person's parent or parents establish  
256 domicile or legal residence elsewhere shall continue to enjoy  
257 the in-state tuition rate for a statutory grace period, which  
258 period shall be measured from the date on which the  
259 circumstances arose that culminated in the loss of resident  
260 tuition status and shall continue for 12 months. However, if the  
261 12-month grace period ends during a semester or academic term  
262 for which such former resident is enrolled, such grace period  
263 shall be extended to the end of that semester or academic term.

264           (9) Any person who ceases to be enrolled at or who  
265 graduates from an institution of higher education while  
266 classified as a resident for tuition purposes and who  
267 subsequently abandons his or her domicile in this state shall be  
268 permitted to reenroll at an institution of higher education in  
269 this state as a resident for tuition purposes without the  
270 necessity of meeting the 12-month durational requirement of this  
271 section if that person has reestablished his or her domicile in  
272 this state within 12 months of such abandonment and continuously  
273 maintains the reestablished domicile during the period of  
274 enrollment. The benefit of this subsection shall not be accorded  
275 more than once to any one person.

276           (10) The following persons shall be classified as  
277 residents for tuition purposes:

278 (a) Active duty members of the Armed Services of the  
 279 United States residing or stationed in this state, their  
 280 spouses, and dependent children, and active members of the  
 281 Florida National Guard who qualify under s. 250.10(7) and (8)  
 282 for the tuition assistance program.

283 (b) Active duty members of the Armed Services of the  
 284 United States, and their spouses and dependent children,  
 285 ~~dependents~~ attending a public community college or state  
 286 university within 50 miles of the military establishment where  
 287 they are stationed, if such military establishment is within a  
 288 county contiguous to Florida.

289 (c) United States citizens living on the Isthmus of  
 290 Panama, who have completed 12 consecutive months of college work  
 291 at the Florida State University Panama Canal Branch, and their  
 292 spouses and dependent children.

293 (d) Full-time instructional and administrative personnel  
 294 employed by state public schools, community colleges, and  
 295 institutions of higher education, as defined in s. 1000.04, and  
 296 their spouses and dependent children.

297 (e) Students from Latin America and the Caribbean who  
 298 receive scholarships from the federal or state government. Any  
 299 student classified pursuant to this paragraph shall attend, on a  
 300 full-time basis, a Florida institution of higher education.

301 (f) Southern Regional Education Board's Academic Common  
 302 Market graduate students attending Florida's state universities.

303 (g) Full-time employees of state agencies or political  
 304 subdivisions of the state when the student fees are paid by the

305 state agency or political subdivision for the purpose of job-  
 306 related law enforcement or corrections training.

307 (h) McKnight Doctoral Fellows and Finalists who are United  
 308 States citizens.

309 (i) United States citizens living outside the United  
 310 States who are teaching at a Department of Defense Dependent  
 311 School or in an American International School and who enroll in  
 312 a graduate level education program which leads to a Florida  
 313 teaching certificate.

314 (j) Active duty members of the Canadian military residing  
 315 or stationed in this state under the North American Aerospace  
 316 Defense Command ~~Air Defense~~ (NORAD) agreement, and their spouses  
 317 and dependent children, attending a community college or state  
 318 university within 50 miles of the military establishment where  
 319 they are stationed.

320 (k) Active duty members of a foreign nation's military who  
 321 are serving as liaison officers and are residing or stationed in  
 322 this state, and their spouses and dependent children, attending  
 323 a community college or state university within 50 miles of the  
 324 military establishment where the foreign liaison officer is  
 325 stationed.

326 (l) Full-time employees of international multilateral  
 327 organizations based in Florida that are recognized by the United  
 328 States Department of State and their spouses and dependent  
 329 children.

330 (11) A student, other than a nonimmigrant alien within the  
 331 meaning of 8 U.S.C. s. 1101(a)(15), who meets all of the  
 332 following requirements shall be exempt from paying nonresident

333 tuition at community colleges and state universities:

334 (a) The student has resided in Florida with a parent, as  
 335 defined in paragraph (1)(f), for at least 3 consecutive years  
 336 immediately preceding the date the student received a high  
 337 school diploma or its equivalent and has attended a Florida high  
 338 school for at least 3 consecutive school years during such time.

339 (b) The student has provided to a community college or a  
 340 state university an affidavit stating that the student will file  
 341 an application to become a permanent resident of the United  
 342 States at the earliest opportunity he or she is eligible to do  
 343 so.

344  
 345 The exemption provided pursuant to this subsection shall be  
 346 limited to the top 2,000 students in academic performance in  
 347 Florida high schools who register and enroll at a community  
 348 college or state university under the exemption.

349 ~~(12)~~(11) The State Board of Education shall by rule  
 350 designate classifications of students as residents or  
 351 nonresidents for tuition purposes at community colleges and  
 352 state universities.

353 Section 4. For the purpose of incorporating the amendment  
 354 to section 1009.21, Florida Statutes, in a reference thereto,  
 355 paragraph (a) of subsection (1) of section 1009.40, Florida  
 356 Statutes, is reenacted to read:

357 1009.40 General requirements for student eligibility for  
 358 state financial aid.--

359 (1)(a) The general requirements for eligibility of  
360 students for state financial aid awards consist of the  
361 following:

362 1. Achievement of the academic requirements of and  
363 acceptance at a state university or community college; a nursing  
364 diploma school approved by the Florida Board of Nursing; a  
365 Florida college, university, or community college which is  
366 accredited by an accrediting agency recognized by the State  
367 Board of Education; any Florida institution the credits of which  
368 are acceptable for transfer to state universities; any career  
369 center; or any private career institution accredited by an  
370 accrediting agency recognized by the State Board of Education.

371 2. Residency in this state for no less than 1 year  
372 preceding the award of aid for a program established pursuant to  
373 s. 1009.50, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.54, s.  
374 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s.  
375 1009.68, s. 1009.72, s. 1009.73, s. 1009.76, s. 1009.77, or s.  
376 1009.89. Residency in this state must be for purposes other than  
377 to obtain an education. Resident status for purposes of  
378 receiving state financial aid awards shall be determined in the  
379 same manner as resident status for tuition purposes pursuant to  
380 s. 1009.21 and rules of the State Board of Education.

381 3. Submission of certification attesting to the accuracy,  
382 completeness, and correctness of information provided to  
383 demonstrate a student's eligibility to receive state financial  
384 aid awards. Falsification of such information shall result in  
385 the denial of any pending application and revocation of any  
386 award currently held to the extent that no further payments

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387 shall be made. Additionally, students who knowingly make false  
388 statements in order to receive state financial aid awards shall  
389 be guilty of a misdemeanor of the second degree subject to the  
390 provisions of s. 837.06 and shall be required to return all  
391 state financial aid awards wrongfully obtained.

392 Section 5. If any provision of this act or the application  
393 thereof to any person or circumstance is held invalid, the  
394 invalidity shall not affect other provisions or applications of  
395 the act which can be given effect without the invalid provision  
396 or application, and to this end the provisions of this act are  
397 declared severable.

398 Section 6. This act shall take effect July 1, 2005.