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1 A bill to be entitled

2 An act relating to tuition and fees for higher education;  
3 amending s. 1009.22, F.S., relating to postsecondary  
4 student fees for workforce education; deleting provisions  
5 requiring the State Board of Education to adopt a fee  
6 schedule; providing standard resident tuition for the  
7 career certificate, applied technology diploma, and adult  
8 general education courses; providing for annual tuition  
9 adjustments based on inflation; authorizing district  
10 school boards and community college boards to adopt  
11 tuition within a specified range; limiting the amount of  
12 the increase during the 2007-2008 fiscal year; amending s.  
13 1009.23, F.S., relating to community college student fees;  
14 providing standard tuition and fees for community college  
15 programs for students who are residents or nonresidents  
16 for tuition purposes; deleting provisions requiring the  
17 State Board of Education to adopt a fee schedule in the  
18 absence of a provision in an appropriations act; providing  
19 for annual tuition and fee adjustments based on inflation;  
20 providing restrictions; amending s. 1009.24, F.S.,  
21 relating to state university student fees; providing an  
22 amount for resident undergraduate tuition; providing for  
23 annual tuition adjustments based on inflation; providing  
24 an effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28 Section 1. Subsections (3), (10), (11), (12), and (13) of

29 section 1009.22, Florida Statutes, are amended to read:

30 1009.22 Workforce education postsecondary student fees.--

31 (3) (a) ~~The Commissioner of Education shall provide to the~~  
 32 ~~State Board of Education no later than December 31 of each year~~  
 33 ~~a schedule of fees for workforce development education,~~  
 34 ~~excluding continuing workforce education, for school districts~~  
 35 ~~and community colleges. The fee schedule shall be based on the~~  
 36 ~~amount of student fees necessary to produce 25 percent of the~~  
 37 ~~prior year's average cost of a course of study leading to a~~  
 38 ~~certificate or diploma. Except as otherwise provided by law,~~  
 39 fees for students who are nonresidents ~~not residents~~ for tuition  
 40 purposes must offset the full cost of instruction. Fee-nonexempt  
 41 students enrolled in vocational-preparatory instruction shall be  
 42 charged fees equal to the fees charged for certificate career  
 43 education instruction. Each community college that conducts  
 44 college-preparatory and vocational-preparatory instruction in  
 45 the same class section may charge a single fee for both types of  
 46 instruction.

47 (b) Fees for continuing workforce education shall be  
 48 locally determined by the district school board or community  
 49 college board. However, at least 50 percent of the expenditures  
 50 for the continuing workforce education program provided by the  
 51 community college or school district must be derived from fees.

52 (c) Effective January 1, 2008, standard resident tuition  
 53 per contact hour shall be \$1.67 for courses leading to a career  
 54 certificate or an applied technology diploma and 83 cents for  
 55 adult general education courses. ~~The State Board of Education~~  
 56 ~~shall adopt a fee schedule for school districts and community~~

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57 ~~colleges that produces the fee revenues calculated pursuant to~~  
58 ~~paragraph (a). The schedule so calculated shall take effect,~~  
59 ~~unless otherwise specified in the General Appropriations Act.~~

60 (d) Beginning with the 2008-2009 fiscal year and each year  
61 thereafter, the standard resident tuition per contact hour shall  
62 increase at the beginning of each fall semester at a rate equal  
63 to inflation, unless otherwise provided in the General  
64 Appropriations Act. The Office of Economic and Demographic  
65 Research shall report the rate of inflation to the President of  
66 the Senate, the Speaker of the House of Representatives, the  
67 Governor, and the State Board of Education each year prior to  
68 March 1. For purposes of this paragraph, the rate of inflation  
69 shall be defined as the rate of the 12-month percentage change  
70 in the Consumer Price Index for All Urban Consumers, U.S. City  
71 Average, All Items, or successor reports as reported by the  
72 United States Department of Labor, Bureau of Labor Statistics,  
73 or its successor for December of the previous year. In the event  
74 the percentage change is negative, the standard resident tuition  
75 shall remain at the same level as the prior fiscal year.

76 (e) Each district school board and each community college  
77 board of trustees may adopt resident tuition that is within the  
78 range of 5 percent below to 5 percent above the standard  
79 tuition.

80 (f) The maximum increase in resident tuition for any  
81 school district or community college during the 2007-2008 fiscal  
82 year shall be 5 percent over the tuition charged during the  
83 2006-2007 fiscal year.

84 (g) ~~(d)~~ The State Board of Education shall adopt, by rule,

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85 the definitions and procedures that district school boards shall  
86 use in the calculation of cost borne by students.

87 ~~(10) Each year the State Board of Education shall review~~  
88 ~~and evaluate the percentage of the cost of adult programs and~~  
89 ~~certificate career education programs supported through student~~  
90 ~~fees. For students who are residents for tuition purposes, the~~  
91 ~~schedule adopted pursuant to subsection (3) must produce~~  
92 ~~revenues equal to 25 percent of the prior year's average program~~  
93 ~~cost for college preparatory and certificate level workforce~~  
94 ~~development programs. Fees for continuing workforce education~~  
95 ~~shall be locally determined by the district school board or~~  
96 ~~community college board. However, at least 50 percent of the~~  
97 ~~expenditures for the continuing workforce education program~~  
98 ~~provided by the community college or school district must be~~  
99 ~~derived from fees. Except as otherwise provided by law, fees for~~  
100 ~~students who are not residents for tuition purposes must offset~~  
101 ~~the full cost of instruction.~~

102 (10)~~(11)~~ Each school district and community college may  
103 assess a service charge for the payment of tuition and fees in  
104 installments. Such service charge must be approved by the  
105 district school board or community college board of trustees.

106 (11)~~(12)~~ Any school district or community college that  
107 reports students who have not paid fees in an approved manner in  
108 calculations of full-time equivalent enrollments for state  
109 funding purposes shall be penalized at a rate equal to 2 times  
110 the value of such enrollments. Such penalty shall be charged  
111 against the following year's allocation from workforce education  
112 funds or the Community College Program Fund and shall revert to

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113 the General Revenue Fund. The State Board of Education shall  
 114 specify, in rule, approved methods of student fee payment. Such  
 115 methods must include, but need not be limited to, student fee  
 116 payment; payment through federal, state, or institutional  
 117 financial aid; and employer fee payments.

118 (12)~~(13)~~ Each school district and community college shall  
 119 report only those students who have actually enrolled in  
 120 instruction provided or supervised by instructional personnel  
 121 under contract with the district or community college in  
 122 calculations of actual full-time enrollments for state funding  
 123 purposes. A student who has been exempted from taking a course  
 124 or who has been granted academic or technical credit through  
 125 means other than actual coursework completed at the granting  
 126 institution may not be calculated for enrollment in the course  
 127 from which the student has been exempted or for which the  
 128 student has been granted credit. School districts and community  
 129 colleges that report enrollments in violation of this subsection  
 130 shall be penalized at a rate equal to 2 times the value of such  
 131 enrollments. Such penalty shall be charged against the following  
 132 year's allocation from workforce education funds and shall  
 133 revert to the General Revenue Fund.

134 Section 2. Subsections (3) and (4) of section 1009.23,  
 135 Florida Statutes, are amended to read:

136 1009.23 Community college student fees.--

137 (3)(a) Effective January 1, 2008, for advanced and  
 138 professional, postsecondary vocational, college preparatory, and  
 139 educator preparatory programs, the following tuition and fee  
 140 rates shall apply:

141 1. The sum of the standard tuition and the technology fee  
142 per credit hour shall be \$51.35 for students who are residents  
143 for tuition purposes.

144 2. The sum of the standard tuition, the technology fee,  
145 and the out-of-state fee per credit hour shall be \$154.14 for  
146 students who are nonresidents for tuition purposes.

147 (b) Effective January 1, 2008, for baccalaureate degree  
148 programs, the following tuition and fee rates shall apply:

149 1. The sum of the standard tuition and the technology fee  
150 per credit hour shall be \$65.47 for students who are residents  
151 for tuition purposes.

152 2. The sum of the standard tuition, the technology fee,  
153 and the out-of-state fee per credit hour for students who are  
154 nonresidents for tuition purposes shall be no more than 85  
155 percent of the sum of the tuition and the out-of-state fee at  
156 the state university nearest the community college.

157 (c) Beginning with the 2008-2009 fiscal year and each year  
158 thereafter, the sum of the standard tuition and the technology  
159 fee per credit hour and the out-of-state fee per credit hour  
160 shall increase at the beginning of each fall semester at a rate  
161 equal to inflation, unless otherwise provided in the General  
162 Appropriations Act. The Office of Economic and Demographic  
163 Research shall report the rate of inflation to the President of  
164 the Senate, the Speaker of the House of Representatives, the  
165 Governor, and the State Board of Education each year prior to  
166 March 1. For purposes of this paragraph, the rate of inflation  
167 shall be defined as the rate of the 12-month percentage change  
168 in the Consumer Price Index for All Urban Consumers, U.S. City

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169 Average, All Items, or successor reports as reported by the  
170 United States Department of Labor, Bureau of Labor Statistics,  
171 or its successor for December of the previous year. In the event  
172 the percentage change is negative, the sum of the standard  
173 tuition and the technology fee per credit hour and the out-of-  
174 state fee per credit hour shall remain at the same levels as the  
175 prior fiscal year. ~~The State Board of Education shall adopt by~~  
176 ~~December 31 of each year a resident fee schedule for the~~  
177 ~~following fall for advanced and professional, associate in~~  
178 ~~science degree, and college preparatory programs that produce~~  
179 ~~revenues in the amount of 25 percent of the full prior year's~~  
180 ~~cost of these programs. Fees for courses in college preparatory~~  
181 ~~programs and associate in arts and associate in science degree~~  
182 ~~programs may be established at the same level. In the absence of~~  
183 ~~a provision to the contrary in an appropriations act, the fee~~  
184 ~~schedule shall take effect and the colleges shall expend the~~  
185 ~~funds on instruction. If the Legislature provides for an~~  
186 ~~alternative fee schedule in an appropriations act, the fee~~  
187 ~~schedule shall take effect the subsequent fall semester.~~

188 (4) Each community college board of trustees shall  
189 establish tuition and out-of-state fees, which may vary no more  
190 than 10 percent below and 15 percent above the combined total of  
191 the standard tuition and fees established in subsection (3) fee  
192 ~~schedule adopted by the State Board of Education and the~~  
193 ~~technology fee adopted by a board of trustees, provided that any~~  
194 ~~amount from 10 to 15 percent above the~~ standard tuition and fees  
195 established in subsection (3) shall be ~~fee schedule is used only~~  
196 ~~to support safety and security purposes. In order to assess an~~

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197 additional amount for safety and security purposes, a community  
198 college board of trustees must provide written justification to  
199 the State Board of Education based on criteria approved by the  
200 board of trustees, including, but not limited to, criteria such  
201 as local crime data and information, and strategies for the  
202 implementation of local safety plans. Should a college decide to  
203 increase the tuition and fees ~~fee~~, the funds raised by  
204 increasing the tuition and fees ~~fee~~ must be expended solely for  
205 additional safety and security purposes and shall not supplant  
206 funding expended in the 1998-1999 budget for safety and security  
207 purposes.

208 Section 3. Subsection (4) of section 1009.24, Florida  
209 Statutes, is amended to read:

210 1009.24 State university student fees.--

211 (4) (a) Effective January 1, 2008, the resident  
212 undergraduate tuition per credit hour for lower-level and upper-  
213 level coursework shall be \$77.39.

214 (b) Beginning with the 2008-2009 fiscal year and each year  
215 thereafter, the resident undergraduate tuition per credit hour  
216 shall increase at the beginning of each fall semester at a rate  
217 equal to inflation, unless otherwise provided in the General  
218 Appropriations Act. The Office of Economic and Demographic  
219 Research shall report the rate of inflation to the President of  
220 the Senate, the Speaker of the House of Representatives, the  
221 Governor, and the Board of Governors each year prior to March 1.  
222 For purposes of this paragraph, the rate of inflation shall be  
223 defined as the rate of the 12-month percentage change in the  
224 Consumer Price Index for All Urban Consumers, U.S. City Average,



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225 All Items, or successor reports as reported by the United States  
226 Department of Labor, Bureau of Labor Statistics, or its  
227 successor for December of the previous year. In the event the  
228 percentage change is negative, the resident undergraduate  
229 tuition shall remain at the same level as the prior fiscal year.  
230 ~~Except as otherwise provided by law, undergraduate tuition shall~~  
231 ~~be established annually in the General Appropriations Act.~~

232 (c) The Board of Governors, or the board's designee, may  
233 establish tuition for graduate and professional programs, and  
234 out-of-state fees for all programs. The sum of tuition and out-  
235 of-state fees assessed to nonresident students must be  
236 sufficient to offset the full instructional cost of serving such  
237 students. However, adjustments to out-of-state fees or tuition  
238 for graduate and professional programs pursuant to this section  
239 may not exceed 10 percent in any year.

240 (d) The sum of the activity and service, health, and  
241 athletic fees a student is required to pay to register for a  
242 course shall not exceed 40 percent of the tuition established in  
243 law or in the General Appropriations Act. No university shall be  
244 required to lower any fee in effect on the effective date of  
245 this act in order to comply with this subsection. Within the 40  
246 percent cap, universities may not increase the aggregate sum of  
247 activity and service, health, and athletic fees more than 5  
248 percent per year unless specifically authorized in law or in the  
249 General Appropriations Act. A university may increase its  
250 athletic fee to defray the costs associated with changing  
251 National Collegiate Athletic Association divisions. Any such  
252 increase in the athletic fee may exceed both the 40 percent cap

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253 and the 5 percent cap imposed by this subsection. Any such  
254 increase must be approved by the athletic fee committee in the  
255 process outlined in subsection (12) ~~(11)~~ and cannot exceed \$2  
256 per credit hour. Notwithstanding the provisions of ss. 1009.534,  
257 1009.535, and 1009.536, that portion of any increase in an  
258 athletic fee pursuant to this subsection that causes the sum of  
259 the activity and service, health, and athletic fees to exceed  
260 the 40 percent cap or the annual increase in such fees to exceed  
261 the 5 percent cap shall not be included in calculating the  
262 amount a student receives for a Florida Academic Scholars award,  
263 a Florida Medallion Scholars award, or a Florida Gold Seal  
264 Vocational Scholars award.

265 (e) This subsection does not prohibit a university from  
266 increasing or assessing optional fees related to specific  
267 activities if payment of such fees is not required as a part of  
268 registration for courses.

269 Section 4. This act shall take effect upon becoming a law.