

By the Committee on Higher Education Appropriations; and
Senator Lynn

605-469-08

1 A bill to be entitled
2 An act relating to tuition and fees for higher
3 education; amending s. 1009.22, F.S., relating
4 to postsecondary student fees for workforce
5 education; deleting provisions requiring the
6 State Board of Education to adopt a fee
7 schedule; providing standard resident tuition
8 for the career certificate, applied technology
9 diploma, and adult general education courses;
10 authorizing district school boards and
11 community college boards to adopt tuition
12 within a specified range; limiting the amount
13 of the increase during the 2007-2008 fiscal
14 year; providing an appropriation and requiring
15 the Department of Education to allocate such
16 funds; amending s. 1009.23, F.S., relating to
17 community college student tuition and fees;
18 providing standard resident and nonresident
19 tuition and fees for community college
20 programs; deleting provisions requiring the
21 State Board of Education to adopt the fee
22 schedule in the absence of a provision in an
23 appropriations act; providing an appropriation
24 and requiring the Department of Education to
25 allocate such funds; amending s. 1009.24, F.S.,
26 relating to state university student fees;
27 providing an amount for resident undergraduate
28 tuition; providing for imposition of a
29 technology fee beginning with the 2009-2010
30 fall term; providing for the use of fee
31 revenues; providing an appropriation and

1 requiring the Board of Governors to allocate
2 the funds; providing an effective date.

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

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6 Section 1. Subsections (3), (10), (11), (12), and (13)
7 of section 1009.22, Florida Statutes, are amended to read:

8 1009.22 Workforce education postsecondary student
9 fees.--

10 (3)(a) ~~The Commissioner of Education shall provide to~~
11 ~~the State Board of Education no later than December 31 of each~~
12 ~~year a schedule of fees for workforce development education,~~
13 ~~excluding continuing workforce education, for school districts~~
14 ~~and community colleges. The fee schedule shall be based on the~~
15 ~~amount of student fees necessary to produce 25 percent of the~~
16 ~~prior year's average cost of a course of study leading to a~~
17 ~~certificate or diploma.~~ Except as otherwise provided by law,
18 fees for students who are not residents for tuition purposes
19 must offset the full cost of instruction. Fee-nonexempt
20 students enrolled in vocational-preparatory instruction shall
21 be charged fees equal to the fees charged for certificate
22 career education instruction. Each community college that
23 conducts college-preparatory and vocational-preparatory
24 instruction in the same class section may charge a single fee
25 for both types of instruction.

26 (b) Fees for continuing workforce education shall be
27 locally determined by the district school board or community
28 college board. However, at least 50 percent of the
29 expenditures for the continuing workforce education program
30 provided by the community college or school district must be
31 derived from fees.

1 (c) Effective January 1, 2008, standard resident
2 tuition per contact hour shall be \$1.67 for programs leading
3 to a career certificate or an applied technology diploma and
4 83 cents for adult general education programs. The State Board
5 of Education shall adopt a fee schedule for school districts
6 and community colleges that produces the fee revenues
7 calculated pursuant to paragraph (a). The schedule so
8 calculated shall take effect, unless otherwise specified in
9 the General Appropriations Act.

10 (d) Each district school board and each community
11 college board of trustees may adopt resident tuition that is
12 within the range of 5 percent below to 5 percent above the
13 standard tuition.

14 (e) The maximum increase in resident tuition for any
15 school district or community college during the 2007-2008
16 fiscal year shall be 5 percent over the tuition charged during
17 the 2006-2007 fiscal year.

18 (f)(d) The State Board of Education shall adopt, by
19 rule, the definitions and procedures that district school
20 boards shall use in the calculation of cost borne by students.

21 (10) ~~Each year the State Board of Education shall~~
22 ~~review and evaluate the percentage of the cost of adult~~
23 ~~programs and certificate career education programs supported~~
24 ~~through student fees. For students who are residents for~~
25 ~~tuition purposes, the schedule adopted pursuant to subsection~~
26 ~~(3) must produce revenues equal to 25 percent of the prior~~
27 ~~year's average program cost for college preparatory and~~
28 ~~certificate level workforce development programs. Fees for~~
29 ~~continuing workforce education shall be locally determined by~~
30 ~~the district school board or community college board. However,~~
31 ~~at least 50 percent of the expenditures for the continuing~~

1 ~~workforce education program provided by the community college~~
2 ~~or school district must be derived from fees. Except as~~
3 ~~otherwise provided by law, fees for students who are not~~
4 ~~residents for tuition purposes must offset the full cost of~~
5 ~~instruction.~~

6 (10)~~(11)~~ Each school district and community college
7 may assess a service charge for the payment of tuition and
8 fees in installments. Such service charge must be approved by
9 the district school board or community college board of
10 trustees.

11 (11)~~(12)~~ Any school district or community college that
12 reports students who have not paid fees in an approved manner
13 in calculations of full-time equivalent enrollments for state
14 funding purposes shall be penalized at a rate equal to 2 times
15 the value of such enrollments. Such penalty shall be charged
16 against the following year's allocation from workforce
17 education funds or the Community College Program Fund and
18 shall revert to the General Revenue Fund. The State Board of
19 Education shall specify, in rule, approved methods of student
20 fee payment. Such methods must include, but need not be
21 limited to, student fee payment; payment through federal,
22 state, or institutional financial aid; and employer fee
23 payments.

24 (12)~~(13)~~ Each school district and community college
25 shall report only those students who have actually enrolled in
26 instruction provided or supervised by instructional personnel
27 under contract with the district or community college in
28 calculations of actual full-time enrollments for state funding
29 purposes. A student who has been exempted from taking a course
30 or who has been granted academic or technical credit through
31 means other than actual coursework completed at the granting

1 institution may not be calculated for enrollment in the course
2 from which the student has been exempted or for which the
3 student has been granted credit. School districts and
4 community colleges that report enrollments in violation of
5 this subsection shall be penalized at a rate equal to 2 times
6 the value of such enrollments. Such penalty shall be charged
7 against the following year's allocation from workforce
8 education funds and shall revert to the General Revenue Fund.

9 Section 2. The nonrecurring sum of \$629,614 from the
10 General Revenue Fund is appropriated to the Department of
11 Education for the 2007-2008 fiscal year for Aid to Local
12 Governments, Grants and Aids, Workforce Development. These
13 funds are provided to fund one-half of the estimated annual
14 revenue generated from a 5-percent increase in tuition for
15 fee-paying students in school districts for the 2007-2008
16 fiscal year. The department shall allocate the funds among the
17 districts in the same proportion as each district's resident
18 student tuition revenue is of the total for all districts.

19 Section 3. Subsections (3) and (4) of section 1009.23,
20 Florida Statutes, are amended to read:

21 1009.23 Community college student fees.--

22 (3)(a) Effective January 1, 2008, the sum of the
23 standard tuition and technology fee per credit hour for the
24 following programs: advanced and professional; postsecondary
25 vocational; college preparatory; and educator preparatory
26 shall be \$51.35 for residents.

27 (b) Effective January 1, 2008, the sum of the standard
28 tuition, out-of-state fee, and technology fee per credit hour
29 for the following programs: advanced and professional;
30 postsecondary vocational; college preparatory; and educator
31 preparatory shall be \$154.14 for nonresidents.

1 (c) Effective January 1, 2008, the sum of the standard
2 tuition and technology fee per credit hour for baccalaureate
3 programs shall be \$65.47 for residents and the tuition and
4 out-of-state fees for nonresidents shall be no more than 85
5 percent of the tuition and out-of-state fees at the public
6 university nearest the community college. ~~The State Board of~~
7 ~~Education shall adopt by December 31 of each year a resident~~
8 ~~fee schedule for the following fall for advanced and~~
9 ~~professional, associate in science degree, and~~
10 ~~college preparatory programs that produce revenues in the~~
11 ~~amount of 25 percent of the full prior year's cost of these~~
12 ~~programs. Fees for courses in college preparatory programs and~~
13 ~~associate in arts and associate in science degree programs may~~
14 ~~be established at the same level. In the absence of a~~
15 ~~provision to the contrary in an appropriations act, the fee~~
16 ~~schedule shall take effect and the colleges shall expend the~~
17 ~~funds on instruction. If the Legislature provides for an~~
18 ~~alternative fee schedule in an appropriations act, the fee~~
19 ~~schedule shall take effect the subsequent fall semester.~~

20 (4) Each community college board of trustees shall
21 establish tuition and out-of-state fees, which may vary no
22 more than 10 percent below and 15 percent above the combined
23 total of the standard tuition fee schedule in subsection (3)
24 ~~adopted by the State Board of Education and the technology fee~~
25 ~~adopted by a board of trustees~~, provided that any amount from
26 10 to 15 percent above the tuition fee schedule is used only
27 to support safety and security purposes. In order to assess an
28 additional amount for safety and security purposes, a
29 community college board of trustees must provide written
30 justification to the State Board of Education based on
31 criteria approved by the board of trustees, including, but not

1 | limited to, criteria such as local crime data and information,
2 | and strategies for the implementation of local safety plans.
3 | Should a college decide to increase the tuition ~~fee~~, the funds
4 | raised by increasing the tuition ~~fee~~ must be expended solely
5 | for additional safety and security purposes and shall not
6 | supplant funding expended in the 1998-1999 budget for safety
7 | and security purposes.

8 | Section 4. The nonrecurring sum of \$11,446,858 from
9 | the General Revenue Fund is appropriated to the Department of
10 | Education for the 2007-2008 fiscal year for Aid to Local
11 | Governments, Grants and Aids, Community Colleges Program Fund.
12 | These funds are provided to fund one-half of the estimated
13 | annual revenue generated from a 5-percent increase in tuition
14 | for students in community colleges for the 2007-2008 fiscal
15 | year. The department shall allocate the funds among the
16 | community colleges in the same proportion as each college's
17 | resident student tuition revenue is of the total for all
18 | colleges.

19 | Section 5. Subsection (4) of section 1009.24, Florida
20 | Statutes, is amended, and paragraph (s) is added to subsection
21 | (13) of that section, to read:

22 | 1009.24 State university student fees.--

23 | (4) Effective January 1, 2008, the resident
24 | undergraduate tuition per credit hour for lower-level and
25 | upper-level coursework shall be \$77.39. ~~Except as otherwise~~
26 | ~~provided by law, undergraduate tuition shall be established~~
27 | ~~annually in the General Appropriations Act.~~ The Board of
28 | Governors, or the board's designee, may establish tuition for
29 | graduate and professional programs, and out-of-state fees for
30 | all programs. The sum of tuition and out-of-state fees
31 | assessed to nonresident students must be sufficient to offset

1 | the full instructional cost of serving such students. However,
2 | adjustments to out-of-state fees or tuition for graduate and
3 | professional programs pursuant to this section may not exceed
4 | 10 percent in any year. The sum of the activity and service,
5 | health, and athletic fees a student is required to pay to
6 | register for a course shall not exceed 40 percent of the
7 | tuition established in law or in the General Appropriations
8 | Act. No university shall be required to lower any fee in
9 | effect on the effective date of this act in order to comply
10 | with this subsection. Within the 40 percent cap, universities
11 | may not increase the aggregate sum of activity and service,
12 | health, and athletic fees more than 5 percent per year unless
13 | specifically authorized in law or in the General
14 | Appropriations Act. A university may increase its athletic fee
15 | to defray the costs associated with changing National
16 | Collegiate Athletic Association divisions. Any such increase
17 | in the athletic fee may exceed both the 40 percent cap and the
18 | 5 percent cap imposed by this subsection. Any such increase
19 | must be approved by the athletic fee committee in the process
20 | outlined in subsection (12) ~~(11)~~ and cannot exceed \$2 per
21 | credit hour. Notwithstanding the provisions of ss. 1009.534,
22 | 1009.535, and 1009.536, that portion of any increase in an
23 | athletic fee pursuant to this subsection that causes the sum
24 | of the activity and service, health, and athletic fees to
25 | exceed the 40 percent cap or the annual increase in such fees
26 | to exceed the 5 percent cap shall not be included in
27 | calculating the amount a student receives for a Florida
28 | Academic Scholars award, a Florida Medallion Scholars award,
29 | or a Florida Gold Seal Vocational Scholars award. This
30 | subsection does not prohibit a university from increasing or
31 | assessing optional fees related to specific activities if

1 payment of such fees is not required as a part of registration
2 for courses.

3 (13) Each university board of trustees is authorized
4 to establish the following fees:

5 (s) A technology fee of up to 5 percent of the tuition
6 per credit hour, beginning with the fall term of the 2009-2010
7 academic year. The revenue from this fee shall be used to
8 enhance instructional technology resources for students and
9 faculty. The technology fee shall not be included in any award
10 under the Florida Bright Futures Scholarship Program.

11 Section 6. The nonrecurring sum of \$9,547,941 from the
12 General Revenue Fund is appropriated to the Division of
13 Universities for the 2007-2008 fiscal year for Aid to Local
14 Governments, Grants and Aids, Education and General
15 Activities. These funds are provided to fund one-half of the
16 estimated annual revenue generated from a 5-percent increase
17 in tuition for resident students in undergraduate enrollment
18 in state universities for the 2007-2008 fiscal year. The Board
19 of Governors shall allocate the funds among the universities
20 in the same proportion as each university's lower-level and
21 upper-level resident student tuition revenue is of the total
22 for all universities.

23 Section 7. This act shall take effect upon becoming a
24 law.

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