

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 programs;
10 providing for annual tuition adjustments based
11 on inflation; authorizing district school
12 boards and community college boards to adopt
13 tuition within a specified range; limiting the
14 amount of the increase during the 2007-2008
15 fiscal year; providing an appropriation and
16 requiring the Department of Education to
17 allocate such funds; amending s. 1009.23, F.S.,
18 relating to community college student fees;
19 providing fees for educator preparation
20 institute programs; providing tuition and fees
21 for community college programs for students who
22 are residents or nonresidents for tuition
23 purposes; deleting provisions requiring the
24 State Board of Education to adopt a fee
25 schedule in the absence of a provision in an
26 appropriations act; providing for annual
27 tuition and fee adjustments based on inflation;
28 providing restrictions; providing an
29 appropriation and requiring the Department of
30 Education to allocate such funds; amending s.
31 1009.24, F.S., relating to state university

1 student fees; providing an amount for resident
2 undergraduate tuition; providing for annual
3 tuition adjustments based on inflation;
4 providing authority for a technology fee
5 beginning with the 2009-2010 fall term;
6 providing for the use of fee revenues;
7 providing an appropriation and requiring the
8 Board of Governors to allocate the funds;
9 requiring certain school districts, community
10 colleges, and state universities to submit
11 plans to the State Board of Education or the
12 Board of Governors specifying the amount and
13 percent of funds generated by the tuition
14 increase which will be used for need-based
15 financial aid for state residents; requiring a
16 summary of such reports be provided to the
17 Governor and the Legislature; requiring each
18 institution to notify students who will receive
19 additional aid; authorizing community colleges
20 to transfer certain funds; providing for future
21 expiration of such provisions; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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

28 1009.22 Workforce education postsecondary student
29 fees.--

30 (3)(a) ~~The Commissioner of Education shall provide to~~
31 ~~the State Board of Education no later than December 31 of each~~

1 ~~year a schedule of fees for workforce development education,~~
2 ~~excluding continuing workforce education, for school districts~~
3 ~~and community colleges. The fee schedule shall be based on the~~
4 ~~amount of student fees necessary to produce 25 percent of the~~
5 ~~prior year's average cost of a course of study leading to a~~
6 ~~certificate or diploma. Except as otherwise provided by law,~~
7 fees for students who are nonresidents ~~not residents~~ for
8 tuition purposes must offset the full cost of instruction.
9 Fee-nonexempt students enrolled in vocational-preparatory
10 instruction shall be charged fees equal to the fees charged
11 for certificate career education instruction. Each community
12 college that conducts college-preparatory and
13 vocational-preparatory instruction in the same class section
14 may charge a single fee for both types of instruction.

15 (b) Fees for continuing workforce education shall be
16 locally determined by the district school board or community
17 college board. However, at least 50 percent of the
18 expenditures for the continuing workforce education program
19 provided by the community college or school district must be
20 derived from fees.

21 (c) Effective January 1, 2008, standard resident
22 tuition shall be \$1.67 per contact hour for programs leading
23 to a career certificate or an applied technology diploma and
24 83 cents for adult general education programs. The State Board
25 ~~of Education shall adopt a fee schedule for school districts~~
26 ~~and community colleges that produces the fee revenues~~
27 ~~calculated pursuant to paragraph (a). The schedule so~~
28 ~~calculated shall take effect, unless otherwise specified in~~
29 ~~the General Appropriations Act.~~

30 (d) Beginning with the 2008-2009 fiscal year and each
31 year thereafter, the standard resident tuition per contact

1 hour shall increase at the beginning of each fall semester at
2 a rate equal to inflation, unless otherwise provided in the
3 General Appropriations Act. The Office of Economic and
4 Demographic Research shall report the rate of inflation to the
5 President of the Senate, the Speaker of the House of
6 Representatives, the Governor, and the State Board of
7 Education each year prior to March 1. For purposes of this
8 paragraph, the rate of inflation shall be defined as the rate
9 of the 12-month percentage change in the Consumer Price Index
10 for All Urban Consumers, U.S. City Average, All Items, or
11 successor reports as reported by the United States Department
12 of Labor, Bureau of Labor Statistics, or its successor for
13 December of the previous year. In the event the percentage
14 change is negative, the standard resident tuition shall remain
15 at the same level as the prior fiscal year.

16 (e) Each district school board and each community
17 college board of trustees may adopt resident tuition that is
18 within the range of 5 percent below to 5 percent above the
19 standard tuition.

20 (f) The maximum increase in resident tuition for any
21 school district or community college during the 2007-2008
22 fiscal year shall be 5 percent over the tuition charged during
23 the 2006-2007 fiscal year.

24 (g)(d) The State Board of Education shall adopt, by
25 rule, the definitions and procedures that district school
26 boards and community college boards of trustees shall use in
27 the calculation of cost borne by students.

28 ~~(10) Each year the State Board of Education shall~~
29 ~~review and evaluate the percentage of the cost of adult~~
30 ~~programs and certificate career education programs supported~~
31 ~~through student fees. For students who are residents for~~

1 ~~tuition purposes, the schedule adopted pursuant to subsection~~
2 ~~(3) must produce revenues equal to 25 percent of the prior~~
3 ~~year's average program cost for college preparatory and~~
4 ~~certificate level workforce development programs. Fees for~~
5 ~~continuing workforce education shall be locally determined by~~
6 ~~the district school board or community college board. However,~~
7 ~~at least 50 percent of the expenditures for the continuing~~
8 ~~workforce education program provided by the community college~~
9 ~~or school district must be derived from fees. Except as~~
10 ~~otherwise provided by law, fees for students who are not~~
11 ~~residents for tuition purposes must offset the full cost of~~
12 ~~instruction.~~

13 (10)~~(11)~~ Each school district and community college
14 may assess a service charge for the payment of tuition and
15 fees in installments. Such service charge must be approved by
16 the district school board or community college board of
17 trustees.

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

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1 ~~(12)(13)~~ Each school district and community college
2 shall report only those students who have actually enrolled in
3 instruction provided or supervised by instructional personnel
4 under contract with the district or community college in
5 calculations of actual full-time enrollments for state funding
6 purposes. A student who has been exempted from taking a course
7 or who has been granted academic or technical credit through
8 means other than actual coursework completed at the granting
9 institution may not be calculated for enrollment in the course
10 from which the student has been exempted or for which the
11 student has been granted credit. School districts and
12 community colleges that report enrollments in violation of
13 this subsection shall be penalized at a rate equal to 2 times
14 the value of such enrollments. Such penalty shall be charged
15 against the following year's allocation from workforce
16 education funds and shall revert to the General Revenue Fund.

17 Section 2. The nonrecurring sum of \$629,614 from the
18 General Revenue Fund is appropriated to the Department of
19 Education for the 2007-2008 fiscal year for Aid to Local
20 Governments, Grants and Aids, Workforce Development. These
21 funds are provided to fund one-half of the estimated annual
22 revenue generated from a 5-percent increase in tuition for
23 fee-paying students in school districts for the 2007-2008
24 fiscal year. The department shall allocate the funds among the
25 districts in the same proportion as each district's
26 proportionate share of the total estimated tuition and fee
27 revenue for career certificate or applied technology diploma
28 and adult general education programs for all districts for the
29 2007-2008 fiscal year.

30 Section 3. Subsections (1), (3), and (4) of section
31 1009.23, Florida Statutes, are amended to read:

1 1009.23 Community college student fees.--

2 (1) Unless otherwise provided, this section applies
3 only to fees charged for college credit instruction leading to
4 an associate in arts degree, an associate in applied science
5 degree, an associate in science degree, or a baccalaureate
6 degree ~~authorized by the State Board of Education~~ pursuant to
7 s. 1007.33 or s. 1004.73, and for noncollege credit
8 college-preparatory courses defined in s. 1004.02, and for
9 educator preparation institute programs defined in s. 1004.85.

10 (3)(a) Effective January 1, 2008, for advanced and
11 professional, postsecondary vocational, college preparatory,
12 and educator preparation institute programs, the following
13 tuition and fee rates shall apply:

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

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

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

23 1. The sum of the tuition and the technology fee shall
24 be \$65.47 per credit hour for students who are residents for
25 tuition purposes.

26 2. The sum of the tuition, the technology fee, and the
27 out-of-state fee per credit hour for students who are
28 nonresidents for tuition purposes shall be no more than 85
29 percent of the sum of the tuition and the out-of-state fee at
30 the state university nearest the community college.

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1 (c) Beginning with the 2008-2009 fiscal year and each
2 year thereafter, the tuition and fees specified in paragraphs
3 (a) and (b) shall increase at the beginning of each fall
4 semester at a rate equal to inflation, unless otherwise
5 provided in the General Appropriations Act. The Office of
6 Economic and Demographic Research shall report the rate of
7 inflation to the President of the Senate, the Speaker of the
8 House of Representatives, the Governor, and the State Board of
9 Education each year prior to March 1. For purposes of this
10 paragraph, the rate of inflation shall be defined as the rate
11 of the 12-month percentage change in the Consumer Price Index
12 for All Urban Consumers, U.S. City Average, All Items, or
13 successor reports as reported by the United States Department
14 of Labor, Bureau of Labor Statistics, or its successor for
15 December of the previous year. In the event the percentage
16 change is negative, the sum of the tuition and the technology
17 fee per credit hour and the out-of-state fee per credit hour
18 shall remain at the same levels as the prior fiscal year. The
19 ~~State Board of Education shall adopt by December 31 of each~~
20 ~~year a resident fee schedule for the following fall for~~
21 ~~advanced and professional, associate in science degree, and~~
22 ~~college preparatory programs that produce revenues in the~~
23 ~~amount of 25 percent of the full prior year's cost of these~~
24 ~~programs. Fees for courses in college preparatory programs and~~
25 ~~associate in arts and associate in science degree programs may~~
26 ~~be established at the same level. In the absence of a~~
27 ~~provision to the contrary in an appropriations act, the fee~~
28 ~~schedule shall take effect and the colleges shall expend the~~
29 ~~funds on instruction. If the Legislature provides for an~~
30 ~~alternative fee schedule in an appropriations act, the fee~~
31 ~~schedule shall take effect the subsequent fall semester.~~

1 (4) Each community college board of trustees shall
2 establish tuition and out-of-state fees, which may vary no
3 more than 10 percent below and 15 percent above the combined
4 total of the standard tuition and fees established in
5 subsection (3) fee schedule adopted by the State Board of
6 ~~Education and the technology fee adopted by a board of~~
7 ~~trustees~~, provided that any amount from 10 to 15 percent above
8 the standard tuition and fees established in subsection (3)
9 shall be fee schedule is used only to support safety and
10 security purposes. In order to assess an additional amount for
11 safety and security purposes, a community college board of
12 trustees must provide written justification to the State Board
13 of Education based on criteria approved by the board of
14 trustees, including, but not limited to, criteria such as
15 local crime data and information, and strategies for the
16 implementation of local safety plans. Should a college decide
17 to increase the tuition and fees fee, the funds raised by
18 increasing the tuition and fees fee must be expended solely
19 for additional safety and security purposes and shall not
20 supplant funding expended in the 1998-1999 budget for safety
21 and security purposes.

22 Section 4. The nonrecurring sum of \$11,446,858 from
23 the General Revenue Fund is appropriated to the Department of
24 Education for the 2007-2008 fiscal year for Aid to Local
25 Governments, Grants and Aids, Community Colleges Program Fund.
26 These funds are provided to fund one-half of the estimated
27 annual revenue generated from a 5-percent increase in tuition
28 for students in community colleges for the 2007-2008 fiscal
29 year. The department shall allocate the funds among the
30 community colleges in the same proportion as each college's
31 proportionate share of the total estimated tuition and fee

1 revenue for all community colleges for the 2007-2008 fiscal
2 year.

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

6 1009.24 State university student fees.--

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

10 (b) Beginning with the 2008-2009 fiscal year and each
11 year thereafter, the resident undergraduate tuition per credit
12 hour shall increase at the beginning of each fall semester at
13 a rate equal to inflation, unless otherwise provided in the
14 General Appropriations Act. The Office of Economic and
15 Demographic Research shall report the rate of inflation to the
16 President of the Senate, the Speaker of the House of
17 Representatives, the Governor, and the Board of Governors each
18 year prior to March 1. For purposes of this paragraph, the
19 rate of inflation shall be defined as the rate of the 12-month
20 percentage change in the Consumer Price Index for All Urban
21 Consumers, U.S. City Average, All Items, or successor reports
22 as reported by the United States Department of Labor, Bureau
23 of Labor Statistics, or its successor for December of the
24 previous year. In the event the percentage change is negative,
25 the resident undergraduate tuition shall remain at the same
26 level as the prior fiscal year. ~~Except as otherwise provided~~
27 by law, undergraduate tuition shall be established annually in
28 the General Appropriations Act.

29 (c) The Board of Governors, or the board's designee,
30 may establish tuition for graduate and professional programs,
31 and out-of-state fees for all programs. The sum of tuition and

1 out-of-state fees assessed to nonresident students must be
2 sufficient to offset the full instructional cost of serving
3 such students. However, adjustments to out-of-state fees or
4 tuition for graduate and professional programs pursuant to
5 this section may not exceed 10 percent in any year.

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

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

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

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

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

26 Section 7. By November 21, 2007, each school district
27 that provides postsecondary workforce education, each
28 community college, and each state university shall submit a
29 plan to the State Board of Education or the Board of
30 Governors, as appropriate, specifying the amount and percent
31 of the funds generated by the 5-percent tuition increase in

1 the Spring 2008 term which will be used for need-based
2 financial aid for Florida residents. By November 30, 2007, the
3 State Board of Education and the Board of Governors shall
4 provide a summary report of the plans to the Executive Office
5 of the Governor, the Chair of the Senate Fiscal Policy and
6 Calendar Committee, and the Chair of the House Policy and
7 Budget Council. By December 7, 2007, each institution shall
8 notify the students who will receive additional need-based aid
9 in their Spring 2008 term financial aid packages. For the
10 purpose of implementing this section and notwithstanding s.
11 1009.23 (8)(a), Florida Statutes, each community college is
12 authorized to transfer the amount allocated for need-based
13 financial aid, as specified in the required plan, from the
14 general current fund to the loan, endowment, or scholarship
15 fund. This section expires July 1, 2008.

16 Section 8. This act shall take effect upon becoming a
17 law.

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