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1                   A bill to be entitled  
2           An act relating to postsecondary education; amending s.  
3           1009.22, F.S.; revising provisions relating to workforce  
4           education postsecondary student fees; specifying the out-  
5           of-state fee per contact hour; authorizing district school  
6           boards and community college boards of trustees to adopt  
7           an out-of-state fee within a specified range; prohibiting  
8           the fee from exceeding a certain percentage of the tuition  
9           per credit hour and the out-of-state fee per credit hour;  
10          requiring that such fees be used to enhance instructional  
11          technology resources; prohibiting the fee from being  
12          included in any award under the Florida Bright Futures  
13          Scholarship Program; amending s. 1009.23, F.S.; providing  
14          an exemption relating to establishment of the community  
15          college activity and service student fee; authorizing an  
16          increase in the amount of fees collected for financial aid  
17          purposes; increasing the amount of financial aid fees that  
18          may be used to assist students who meet specified  
19          criteria; conforming provisions relating to community  
20          college student fees to changes made by the act; amending  
21          s. 1011.52, F.S.; requiring the first accredited medical  
22          school to enter into an annual operating agreement with a  
23          government-owned hospital meeting specified criteria;  
24          providing for maintenance of the affiliation; requiring  
25          submission of documentation of the agreement to the  
26          Department of Education prior to payment from an annual  
27          appropriation; providing effective dates.

28  
29   Be It Enacted by the Legislature of the State of Florida:

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30  
31 Section 1. Paragraphs (c), (d), and (e) of subsection (3)  
32 of section 1009.22, Florida Statutes, as amended by chapter 2007-  
33 329, Laws of Florida, are amended to read:

34 1009.22 Workforce education postsecondary student fees.--

35 (3)

36 (c) Effective January 1, 2008, standard ~~resident~~ tuition  
37 shall be \$1.67 per contact hour for programs leading to a career  
38 certificate or an applied technology diploma and 83 cents for  
39 adult general education programs. The out-of-state fee per  
40 contact hour shall be three times the standard tuition per  
41 contact hour.

42 (d) Beginning with the 2008-2009 fiscal year and each year  
43 thereafter, the ~~standard resident~~ tuition and the out-of-state  
44 fee per contact hour shall increase at the beginning of each fall  
45 semester at a rate equal to inflation, unless otherwise provided  
46 in the General Appropriations Act. The Office of Economic and  
47 Demographic Research shall report the rate of inflation to the  
48 President of the Senate, the Speaker of the House of  
49 Representatives, the Governor, and the State Board of Education  
50 each year prior to March 1. For purposes of this paragraph, the  
51 rate of inflation shall be defined as the rate of the 12-month  
52 percentage change in the Consumer Price Index for All Urban  
53 Consumers, U.S. City Average, All Items, or successor reports as  
54 reported by the United States Department of Labor, Bureau of  
55 Labor Statistics, or its successor for December of the previous  
56 year. In the event the percentage change is negative, the  
57 ~~standard resident~~ tuition and out-of-state fee shall remain at  
58 the same level as the prior fiscal year.

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59 (e) Each district school board and each community college  
60 board of trustees may adopt ~~resident~~ tuition and out-of-state  
61 fees that may vary no more than ~~is within the range of~~ 5 percent  
62 below and to 5 percent above the combined total of the standard  
63 tuition and out-of-state fees established in paragraph (c).

64 Section 2. Effective July 1, 2009, and applicable beginning  
65 with the fall term of the 2009-2010 academic year, subsection (7)  
66 of section 1009.22, Florida Statutes, as amended by chapter 2007-  
67 329, Laws of Florida, is amended to read:

68 1009.22 Workforce education postsecondary student fees.--

69 (7) Each district school board and community college board  
70 of trustees is authorized to establish a separate fee for  
71 technology, not to exceed 5 percent of tuition ~~\$1.80~~ per credit  
72 hour or credit-hour equivalent for resident students and not to  
73 exceed 5 percent of tuition and the out-of-state fee ~~not more~~  
74 ~~than \$5.40~~ per credit hour or credit-hour equivalent for  
75 nonresident students, ~~or the equivalent, to be expended in~~  
76 ~~accordance with technology improvement plans.~~ Revenues generated  
77 from the technology fee shall be used to enhance instructional  
78 technology resources for students and faculty and shall not be  
79 included in any award under the Florida Bright Futures  
80 Scholarship Program. ~~The technology fee may apply only to~~  
81 ~~associate degree programs and courses.~~ Fifty percent of  
82 technology fee revenues may be pledged by a community college  
83 board of trustees as a dedicated revenue source for the repayment  
84 of debt, including lease-purchase agreements, not to exceed the  
85 useful life of the asset being financed. Revenues generated from  
86 the technology fee may not be bonded.

87 Section 3. Paragraph (a) of subsection (3), subsection (7),

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88 and paragraphs (a) and (c) of subsection (8) of section 1009.23,  
89 Florida Statutes, as amended by chapter 2007-329, Laws of  
90 Florida, are amended to read:

91 1009.23 Community college student fees.--

92 (3) (a) Effective January 1, 2008, for advanced and  
93 professional, postsecondary vocational, college preparatory, and  
94 educator preparation institute programs, the following tuition  
95 and fee rates shall apply:

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

99 2. The sum of the standard tuition and~~7~~ the technology fee  
100 shall be \$51.35 per credit hour~~7~~ and the out-of-state fee shall  
101 be \$154.14 per credit hour for students who are nonresidents for  
102 tuition purposes.

103 (7) Each community college board of trustees may establish  
104 a separate activity and service fee not to exceed 10 percent of  
105 the tuition fee, according to rules of the State Board of  
106 Education. The student activity and service fee shall be  
107 collected as a component part of the tuition and fees. The  
108 student activity and service fees shall be paid into a student  
109 activity and service fund at the community college and shall be  
110 expended for lawful purposes to benefit the student body in  
111 general. These purposes include, but are not limited to, student  
112 publications and grants to duly recognized student organizations,  
113 the membership of which is open to all students at the community  
114 college without regard to race, sex, or religion. No community  
115 college shall be required to lower any activity and service fee  
116 approved by the board of trustees of the community college and in

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117 effect prior to October 26, 2007, in order to comply with the  
118 provisions of this subsection.

119 (8) (a) Each community college board of trustees is  
120 authorized to establish a separate fee for financial aid purposes  
121 in an additional amount up to, but not to exceed, 5 percent of  
122 the total student tuition or out-of-state fees collected. Each  
123 community college board of trustees may collect up to an  
124 additional 2 percent if the amount generated by the total  
125 financial aid fee is less than \$500,000 ~~\$250,000~~. If the amount  
126 generated is less than \$500,000 ~~\$250,000~~, a community college  
127 that charges tuition and out-of-state fees at least equal to the  
128 average fees established by rule may transfer from the general  
129 current fund to the scholarship fund an amount equal to the  
130 difference between \$500,000 ~~\$250,000~~ and the amount generated by  
131 the total financial aid fee assessment. No other transfer from  
132 the general current fund to the loan, endowment, or scholarship  
133 fund, by whatever name known, is authorized.

134 (c) Up to 25 percent or \$600,000 ~~\$300,000~~, whichever is  
135 greater, of the financial aid fees collected may be used to  
136 assist students who demonstrate academic merit; who participate  
137 in athletics, public service, cultural arts, and other  
138 extracurricular programs as determined by the institution; or who  
139 are identified as members of a targeted gender or ethnic minority  
140 population. The financial aid fee revenues allocated for athletic  
141 scholarships and fee exemptions provided pursuant to s.  
142 1009.25(3) for athletes shall be distributed equitably as  
143 required by s. 1000.05(3) (d). A minimum of 75 percent of the  
144 balance of these funds for new awards shall be used to provide  
145 financial aid based on absolute need, and the remainder of the

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146 funds shall be used for academic merit purposes and other  
147 purposes approved by the boards of trustees. Such other purposes  
148 shall include the payment of child care fees for students with  
149 financial need. The State Board of Education shall develop  
150 criteria for making financial aid awards. Each college shall  
151 report annually to the Department of Education on the revenue  
152 collected pursuant to this paragraph, the amount carried forward,  
153 the criteria used to make awards, the amount and number of awards  
154 for each criterion, and a delineation of the distribution of such  
155 awards. The report shall include an assessment by category of the  
156 financial need of every student who receives an award, regardless  
157 of the purpose for which the award is received. Awards which are  
158 based on financial need shall be distributed in accordance with a  
159 nationally recognized system of need analysis approved by the  
160 State Board of Education. An award for academic merit shall  
161 require a minimum overall grade point average of 3.0 on a 4.0  
162 scale or the equivalent for both initial receipt of the award and  
163 renewal of the award.

164 Section 4. Effective July 1, 2009, and applicable beginning  
165 with the fall term of the 2009-2010 academic year, subsections  
166 (3) and (10) of section 1009.23, Florida Statutes, as amended by  
167 chapter 2007-329, Laws of Florida, and as amended by this act,  
168 are amended to read:

169 1009.23 Community college student fees.--

170 (3)(a) Effective January 1, 2008, for advanced and  
171 professional, postsecondary vocational, college preparatory, and  
172 educator preparation institute programs, the following tuition  
173 and fee rates shall apply:

174 1. The ~~sum of the standard tuition and the technology fee~~

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175 shall be \$51.35 per credit hour for students who are residents  
176 for tuition purposes.

177 2. The ~~sum of the~~ standard tuition and the ~~technology fee~~  
178 shall be \$51.35 per credit hour and the out-of-state fee shall be  
179 \$154.14 per credit hour for students who are nonresidents for  
180 tuition purposes.

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

183 1. The ~~sum of the~~ tuition and the ~~technology fee~~ shall be  
184 \$65.47 per credit hour for students who are residents for tuition  
185 purposes.

186 2. The sum of the tuition, ~~the technology fee,~~ and the out-  
187 of-state fee per credit hour for students who are nonresidents  
188 for tuition purposes shall be no more than 85 percent of the sum  
189 of the tuition and the out-of-state fee at the state university  
190 nearest the community college.

191 (c) Beginning with the 2008-2009 fiscal year and each year  
192 thereafter, the tuition and the out-of-state fee ~~fees specified~~  
193 ~~in paragraphs (a) and (b)~~ shall increase at the beginning of each  
194 fall semester at a rate equal to inflation, unless otherwise  
195 provided in the General Appropriations Act. The Office of  
196 Economic and Demographic Research shall report the rate of  
197 inflation to the President of the Senate, the Speaker of the  
198 House of Representatives, the Governor, and the State Board of  
199 Education each year prior to March 1. For purposes of this  
200 paragraph, the rate of inflation shall be defined as the rate of  
201 the 12-month percentage change in the Consumer Price Index for  
202 All Urban Consumers, U.S. City Average, All Items, or successor  
203 reports as reported by the United States Department of Labor,

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204 Bureau of Labor Statistics, or its successor for December of the  
205 previous year. In the event the percentage change is negative,  
206 the ~~sum of the~~ tuition and the ~~technology fee per credit hour and~~  
207 the out-of-state fee per credit hour shall remain at the same  
208 levels as the prior fiscal year.

209 (10) Each community college board of trustees is authorized  
210 to establish a separate fee for technology, which may not exceed  
211 5 percent of tuition ~~\$1.80~~ per credit hour or credit-hour  
212 equivalent for resident students and may not exceed 5 percent of  
213 tuition and the out-of-state fee ~~not more than \$5.40~~ per credit  
214 hour or credit-hour equivalent for nonresident students, ~~to be~~  
215 ~~expended according to technology improvement plans.~~ Revenues  
216 generated from the technology fee shall be used to enhance  
217 instructional technology resources for students and faculty. The  
218 technology fee may apply to both college credit and college-  
219 preparatory instruction and shall not be included in any award  
220 under the Florida Bright Futures Scholarship Program. Fifty  
221 percent of technology fee revenues may be pledged by a community  
222 college board of trustees as a dedicated revenue source for the  
223 repayment of debt, including lease-purchase agreements, not to  
224 exceed the useful life of the asset being financed. Revenues  
225 generated from the technology fee may not be bonded.

226 Section 5. Subsection (2) of section 1011.52, Florida  
227 Statutes, is amended to read:

228 1011.52 Appropriation to first accredited medical school.--

229 (2) In order for a medical school to qualify under the  
230 provisions of this section and to be entitled to the benefits  
231 herein, such medical school:

232 (a) Must be primarily operated and established to offer,

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233 afford, and render a medical education to residents of the state  
234 qualifying for admission to such institution;

235 (b) Must be operated by a municipality or county of this  
236 state, or by a nonprofit organization heretofore or hereafter  
237 established exclusively for educational purposes;

238 (c) Must, upon the formation and establishment of an  
239 accredited medical school, transmit and file with the Department  
240 of Education documentary proof evidencing the facts that such  
241 institution has been certified and approved by the council on  
242 medical education and hospitals of the American Medical  
243 Association and has adequately met the requirements of that  
244 council in regard to its administrative facilities,  
245 administrative plant, clinical facilities, curriculum, and all  
246 other such requirements as may be necessary to qualify with the  
247 council as a recognized, approved, and accredited medical school;

248 (d) Must certify to the Department of Education the name,  
249 address, and educational history of each student approved and  
250 accepted for enrollment in such institution for the ensuing  
251 school year; ~~and.~~

252 (e) Must enter into an annual operating agreement each  
253 fiscal year with a government-owned hospital that is located in  
254 the same county as the medical school and that is a statutory  
255 teaching hospital as defined in s. 408.07(45). The annual  
256 operating agreement shall provide for the medical school to  
257 maintain the same level of affiliation with the hospital,  
258 including the level of services to indigent and charity care  
259 patients served by the hospital, which was in place in the prior  
260 fiscal year. Documentation of the operating agreement shall be  
261 submitted to the Department of Education prior to the payment of

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262 moneys from the annual appropriation.

263       Section 6. Except as otherwise expressly provided in this  
264 act, this act shall take effect July 1, 2008.