

1                   A bill to be entitled  
2     An act relating to postsecondary education; amending s.  
3     216.136, F.S.; revising provisions relating to student  
4     enrollment projections, and adjustments thereto, for the  
5     state educational system developed by the Education  
6     Estimating Conference; amending s. 1005.32, F.S.; revising  
7     requirements for application for licensure by  
8     accreditation by an independent postsecondary educational  
9     institution; amending s. 1009.01, F.S.; providing  
10    definitions relating to postsecondary education; amending  
11    s. 1009.21, F.S.; providing that determination of resident  
12    status applies to eligibility for state financial aid  
13    awards and tuition assistance grants; revising  
14    definitions; revising provisions relating to qualification  
15    as a resident for tuition purposes; providing for  
16    reclassification of status; providing duties of  
17    institutions of higher education; amending s. 1009.22,  
18    F.S.; revising provisions relating to the workforce  
19    education postsecondary student capital improvement fee;  
20    amending s. 1009.23, F.S.; providing an exemption relating  
21    to establishment of the community college activity and  
22    service student fee; authorizing rulemaking; amending s.  
23    1009.24, F.S.; revising provisions relating to state  
24    university student fees; providing for the establishment  
25    of tuition and fees at the undergraduate and graduate  
26    levels and for professional programs; revising provisions  
27    relating to use of the student financial aid fee; revising  
28    provisions relating to establishment of the undergraduate

29 tuition differential; amending s. 1009.25, F.S.; revising  
30 provisions authorizing student fee exemptions by community  
31 colleges; defining "fee-paying student"; creating s.  
32 1009.286, F.S.; providing requirements for additional  
33 payment by state university students for certain credit  
34 hours exceeding degree program requirements; providing  
35 criteria for calculating credit hours; authorizing an  
36 exemption; amending ss. 1009.98 and 1011.48, F.S.;  
37 conforming cross-references; providing an effective date.  
38

39 Be It Enacted by the Legislature of the State of Florida:  
40

41 Section 1. Subsection (4) of section 216.136, Florida  
42 Statutes, is amended to read:

43 216.136 Consensus estimating conferences; duties and  
44 principals.--

45 (4) EDUCATION ESTIMATING CONFERENCE.--

46 (a) The Education Estimating Conference shall develop such  
47 official information relating to the state public and private  
48 educational system, including forecasts of student enrollments,  
49 the number of students qualified for state financial aid  
50 programs, ~~and~~ for the William L. Boyd, IV, Florida Resident  
51 Access Grant Program, and for the Access to Better Learning and  
52 Education Grant Program and the appropriation required to fund  
53 the full award amounts for each program, fixed capital outlay  
54 needs, and Florida Education Finance Program formula needs, as  
55 the conference determines is needed for the state planning and  
56 budgeting system.

57        (b) The conference's initial projections of enrollments in  
58 public schools shall be forwarded by the conference to each  
59 school district no later than 2 months prior to the start of the  
60 regular session of the Legislature. Each school district may, in  
61 writing, request adjustments to the initial projections. Any  
62 adjustment request shall be submitted to the conference no later  
63 than 1 month prior to the start of the regular session of the  
64 Legislature and shall be considered by the principals of the  
65 conference. A school district may amend its adjustment request,  
66 in writing, during the first 3 weeks of the legislative session,  
67 and such amended adjustment request shall be considered by the  
68 principals of the conference. For any adjustment so requested,  
69 the district shall indicate and explain, using definitions  
70 adopted by the conference, the components of anticipated  
71 enrollment changes that correspond to continuation of current  
72 programs with workload changes; program improvement; program  
73 reduction or elimination; initiation of new programs; and any  
74 other information that may be needed by the Legislature. For  
75 public schools, the conference shall submit its full-time  
76 equivalent student consensus estimate to the Legislature no  
77 later than 1 month after the start of the regular session of the  
78 Legislature. No conference estimate may be changed without the  
79 agreement of the full conference.

80        (c) The conference shall estimate a state-level demand  
81 pool for postsecondary education that includes all delivery  
82 systems, public and private. The conference shall calculate the  
83 level of public postsecondary enrollment from the initial demand  
84 value. Once the state-level public sector demand has been

85 established, the conference shall use current policies and  
86 relationships to allocate the demand into the appropriate  
87 delivery systems within the public sector. The conference's  
88 initial projections of enrollments in public postsecondary  
89 institutions shall be forwarded by the conference to the State  
90 Board of Education and the Board of Governors no later than 2  
91 months prior to the start of the regular session of the  
92 Legislature for distribution to their respective institutions.  
93 Each institution may, in writing, request adjustments to the  
94 initial projections. Any adjustment request shall be submitted  
95 to the conference no later than 1 month prior to the start of  
96 the regular session of the Legislature and shall be considered  
97 by the principals of the conference. A public postsecondary  
98 institution may amend its adjustment request, in writing, during  
99 the first 3 weeks of the legislative session, and such amended  
100 adjustment request shall be considered by the principals of the  
101 conference. For any adjustment so requested, the institution  
102 shall indicate and explain, using definitions adopted by the  
103 conference, the components of anticipated enrollment changes  
104 that correspond to continuation of current programs with  
105 workload changes; program improvement; program reduction or  
106 elimination; initiation of new programs; and any other  
107 information that may be needed by the Legislature. The  
108 conference shall submit its full-time equivalent student  
109 consensus estimate for public postsecondary education to the  
110 Legislature no later than 1 month after the start of the regular  
111 session of the Legislature. No conference estimate may be  
112 changed without the agreement of the full conference.

113        (d) ~~(b)~~ No later than 2 months prior to the start of the  
114 regular session of the Legislature, the conference shall forward  
115 to each eligible postsecondary education institution its initial  
116 projections of the number of students qualified for state  
117 financial aid programs and the appropriation required to fund  
118 those students at the full award amount. Each postsecondary  
119 education institution may request, in writing, adjustments to  
120 the initial projection. Any adjustment request must be submitted  
121 to the conference no later than 1 month prior to the start of  
122 the regular session of the Legislature and shall be considered  
123 by the principals of the conference. For any adjustment so  
124 requested, the postsecondary education institution shall  
125 indicate and explain, using definitions adopted by the  
126 conference, the components of anticipated changes that  
127 correspond to continuation of current programs with enrollment  
128 changes, program reduction or elimination, initiation of new  
129 programs, award amount increases or decreases, and any other  
130 information that is considered by the conference. The conference  
131 shall submit its consensus estimate to the Legislature no later  
132 than 1 month after the start of the regular session of the  
133 Legislature. No conference estimate may be changed without the  
134 agreement of the full conference.

135        Section 2. Subsection (1) of section 1005.32, Florida  
136 Statutes, is amended to read:

137        1005.32 Licensure by means of accreditation.--

138        (1) An independent postsecondary educational institution  
139 that meets the following criteria may apply for a license by  
140 means of accreditation from the commission:

141 (a) The institution has operated legally in this state for  
 142 at least 5 consecutive years.

143 (b) The institution holds institutional accreditation by  
 144 an accrediting agency evaluated and approved by the commission  
 145 as having standards substantially equivalent to the commission's  
 146 licensure standards.

147 (c) The institution has no unresolved complaints or  
 148 actions in the past 12 months.

149 (d) The institution meets minimum requirements for  
 150 financial responsibility as determined by the commission.

151 ~~(e) The institution is a Florida corporation.~~

152 Section 3. Subsection (3) of section 1009.01, Florida  
 153 Statutes, is amended, and subsections (4), (5), and (6) are  
 154 added to that section, to read:

155 1009.01 Definitions.--The term:

156 (3) "Tuition differential" means the supplemental fee  
 157 charged to a student for instruction provided by a public  
 158 university in this state pursuant to s. 1009.24 (16) ~~(15)~~.

159 (4) "Undergraduate tuition" means the basic fee charged to  
 160 a student for instruction provided by a state university in a  
 161 lower-level course or in an upper-level course.

162 (5) "Graduate tuition" means the basic fee charged to a  
 163 student for instruction provided by a state university in a  
 164 graduate-level course. Graduate-level courses do not include  
 165 courses in professional programs.

166 (6) "Professional program" means a program in dentistry,  
 167 law, medicine, pharmacy, or veterinary medicine.

168 Section 4. Section 1009.21, Florida Statutes, is amended

169 to read:

170 1009.21 Determination of resident status for tuition  
 171 purposes and student eligibility for state financial aid awards  
 172 and tuition assistance grants.-- Students shall be classified as  
 173 residents or nonresidents for the purpose of assessing tuition  
 174 in community colleges and state universities and for the purpose  
 175 of determining student eligibility for state financial aid  
 176 awards and tuition assistance grants.

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

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

182 (b) "Initial enrollment" means the first day of class at  
 183 an institution of higher education.

184 (c) ~~(b)~~ ~~The term~~ "Institution of higher education" means  
 185 any public community college or state university or any  
 186 institution eligible to participate in a program established  
 187 pursuant to s. 1009.50, s. 1009.505, s. 1009.51, s. 1009.52, s.  
 188 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s. 1009.60, s.  
 189 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s. 1009.73, s.  
 190 1009.76, s. 1009.77, s. 1009.89, or s. 1009.891.

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

196 (e) "Nonresident for tuition purposes" means a person who

197 does not qualify for the in-state tuition rate.

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

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

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

205 1. A person or, if that person is a dependent child, his  
 206 or her parent or parents must have established legal residence  
 207 in this state and must have maintained legal residence in this  
 208 state for at least 12 consecutive months immediately prior to  
 209 his or her initial enrollment in an institution of higher  
 210 education qualification. Legal residence must be established by  
 211 written or electronic verification that includes two or more of  
 212 the following Florida documents that demonstrate clear and  
 213 convincing evidence of continuous residence in the state for at  
 214 least 12 consecutive months prior to the student's initial  
 215 enrollment in an institution of higher education: a voter  
 216 information card pursuant to s. 97.071; a driver's license; an  
 217 identification card issued by the State of Florida; a vehicle  
 218 registration; a declaration of domicile; proof of purchase of a  
 219 permanent home; a transcript from a Florida high school; a  
 220 Florida high school equivalency diploma and transcript; proof of  
 221 permanent full-time employment; proof of 12 consecutive months  
 222 of payment of utility bills; a domicile lease and proof of 12  
 223 consecutive months of payments; or other official state or court  
 224 documents evidencing legal ties to Florida. No single piece of

225 evidence shall be conclusive.

226       2. Every applicant for admission to an institution of  
 227 higher education shall be required to make a statement as to his  
 228 or her length of residence in the state and, further, shall  
 229 establish that his or her presence or, if the applicant is a  
 230 dependent child, the presence of his or her parent or parents in  
 231 the state currently is, and during the requisite 12-month  
 232 qualifying period was, for the purpose of maintaining a bona  
 233 fide domicile, rather than for the purpose of maintaining a mere  
 234 temporary residence or abode incident to enrollment in an  
 235 institution of higher education.

236       (b) However, with respect to a dependent child living with  
 237 an adult relative other than the child's parent, such child may  
 238 qualify as a resident for tuition purposes if the adult relative  
 239 is a legal resident who has maintained legal residence in this  
 240 state for at least 12 consecutive months immediately prior to  
 241 the child's initial enrollment in an institution of higher  
 242 education ~~qualification~~, provided the child has resided  
 243 continuously with such relative for the 5 years immediately  
 244 prior to the child's initial enrollment ~~qualification~~, during  
 245 which time the adult relative has exercised day-to-day care,  
 246 supervision, and control of the child.

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

253        (d) A person who is classified as a nonresident for  
254 tuition purposes may become eligible for reclassification as a  
255 resident for tuition purposes if that person or, if that person  
256 is a dependent child, his or her parent presents clear and  
257 convincing evidence that supports permanent residency in this  
258 state rather than temporary residency for the purpose of  
259 pursuing an education, such as documentation of full-time  
260 permanent employment for the prior 12 months or the purchase of  
261 a home in this state and residence therein for the prior 12  
262 months. If a person who is a dependent child and his or her  
263 parent move to this state while such child is a high school  
264 student and the child graduates from a high school in this  
265 state, the child may become eligible for reclassification as a  
266 resident for tuition purposes when the parent qualifies for  
267 permanent residency.

268        (3) (a) An individual shall not be classified as a resident  
269 for tuition purposes and, thus, shall not be eligible to receive  
270 the in-state tuition rate until he or she has provided such  
271 evidence related to legal residence and its duration or, if that  
272 individual is a dependent child, documentation of his or her  
273 parent's legal residence and its duration, as well as  
274 documentation confirming his or her status as a dependent child,  
275 as may be required by law and by officials of the institution of  
276 higher education from which he or she seeks the in-state tuition  
277 rate. The documentation shall provide clear and convincing  
278 evidence that residency in this state was for a minimum of 12  
279 consecutive months prior to the student's initial enrollment in  
280 an institution of higher education. No single piece of evidence

281 shall be conclusive.

282 (b) Each institution of higher learning shall:

283 1. Determine whether an applicant who has been granted  
 284 admission to that institution is a dependent child.

285 2. Affirmatively determine that an applicant who has been  
 286 granted admission to that institution as a Florida resident  
 287 meets the residency requirements of this section at the time of  
 288 initial enrollment.

289 (4) With respect to a dependent child, the legal residence  
 290 of such individual's parent or parents is prima facie evidence  
 291 of the individual's legal residence, which evidence may be  
 292 reinforced or rebutted, relative to the age and general  
 293 circumstances of the individual, by the other evidence of legal  
 294 residence required of or presented by the individual. However,  
 295 the legal residence of an individual whose parent or parents are  
 296 domiciled outside this state is not prima facie evidence of the  
 297 individual's legal residence if that individual has lived in  
 298 this state for 5 consecutive years prior to enrolling or  
 299 reregistering at the institution of higher education at which  
 300 resident status for tuition purposes is sought.

301 (5) In making a domiciliary determination related to the  
 302 classification of a person as a resident or nonresident for  
 303 tuition purposes, the domicile of a married person, irrespective  
 304 of sex, shall be determined, as in the case of an unmarried  
 305 person, by reference to all relevant evidence of domiciliary  
 306 intent. For the purposes of this section:

307 (a) A person shall not be precluded from establishing or  
 308 maintaining legal residence in this state and subsequently

309 | qualifying or continuing to qualify as a resident for tuition  
310 | purposes solely by reason of marriage to a person domiciled  
311 | outside this state, even when that person's spouse continues to  
312 | be domiciled outside of this state, provided such person  
313 | maintains his or her legal residence in this state.

314 |       (b) A person shall not be deemed to have established or  
315 | maintained a legal residence in this state and subsequently to  
316 | have qualified or continued to qualify as a resident for tuition  
317 | purposes solely by reason of marriage to a person domiciled in  
318 | this state.

319 |       (c) In determining the domicile of a married person,  
320 | irrespective of sex, the fact of the marriage and the place of  
321 | domicile of such person's spouse shall be deemed relevant  
322 | evidence to be considered in ascertaining domiciliary intent.

323 |       (6) Any nonresident person, irrespective of sex, who  
324 | marries a legal resident of this state or marries a person who  
325 | later becomes a legal resident may, upon becoming a legal  
326 | resident of this state, accede to the benefit of the spouse's  
327 | immediately precedent duration as a legal resident for purposes  
328 | of satisfying the 12-month durational requirement of this  
329 | section.

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

334 |       (8) A person who has been properly classified as a  
335 | resident for tuition purposes but who, while enrolled in an  
336 | institution of higher education in this state, loses his or her

337 resident tuition status because the person or, if he or she is a  
338 dependent child, the person's parent or parents establish  
339 domicile or legal residence elsewhere shall continue to enjoy  
340 the in-state tuition rate for a statutory grace period, which  
341 period shall be measured from the date on which the  
342 circumstances arose that culminated in the loss of resident  
343 tuition status and shall continue for 12 months. However, if the  
344 12-month grace period ends during a semester or academic term  
345 for which such former resident is enrolled, such grace period  
346 shall be extended to the end of that semester or academic term.

347 (9) Any person who ceases to be enrolled at or who  
348 graduates from an institution of higher education while  
349 classified as a resident for tuition purposes and who  
350 subsequently abandons his or her domicile in this state shall be  
351 permitted to reenroll at an institution of higher education in  
352 this state as a resident for tuition purposes without the  
353 necessity of meeting the 12-month durational requirement of this  
354 section if that person has reestablished his or her domicile in  
355 this state within 12 months of such abandonment and continuously  
356 maintains the reestablished domicile during the period of  
357 enrollment. The benefit of this subsection shall not be accorded  
358 more than once to any one person.

359 (10) The following persons shall be classified as  
360 residents for tuition purposes:

361 (a) Active duty members of the Armed Services of the  
362 United States residing or stationed in this state, their  
363 spouses, and dependent children, and active members of the  
364 Florida National Guard who qualify under s. 250.10(7) and (8)

365 | for the tuition assistance program.

366 |       (b) Active duty members of the Armed Services of the  
 367 | United States and their spouses and dependents attending a  
 368 | public community college or state university within 50 miles of  
 369 | the military establishment where they are stationed, if such  
 370 | military establishment is within a county contiguous to Florida.

371 |       (c) United States citizens living on the Isthmus of  
 372 | Panama, who have completed 12 consecutive months of college work  
 373 | at the Florida State University Panama Canal Branch, and their  
 374 | spouses and dependent children.

375 |       (d) Full-time instructional and administrative personnel  
 376 | employed by state public schools, community colleges, and  
 377 | institutions of higher education, as defined in s. 1000.04, and  
 378 | their spouses and dependent children.

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

383 |       (f) Southern Regional Education Board's Academic Common  
 384 | Market graduate students attending Florida's state universities.

385 |       (g) Full-time employees of state agencies or political  
 386 | subdivisions of the state when the student fees are paid by the  
 387 | state agency or political subdivision for the purpose of job-  
 388 | related law enforcement or corrections training.

389 |       (h) McKnight Doctoral Fellows and Finalists who are United  
 390 | States citizens.

391 |       (i) United States citizens living outside the United  
 392 | States who are teaching at a Department of Defense Dependent

393 School or in an American International School and who enroll in  
 394 a graduate level education program which leads to a Florida  
 395 teaching certificate.

396 (j) Active duty members of the Canadian military residing  
 397 or stationed in this state under the North American Air Defense  
 398 (NORAD) agreement, and their spouses and dependent children,  
 399 attending a community college or state university within 50  
 400 miles of the military establishment where they are stationed.

401 (k) Active duty members of a foreign nation's military who  
 402 are serving as liaison officers and are residing or stationed in  
 403 this state, and their spouses and dependent children, attending  
 404 a community college or state university within 50 miles of the  
 405 military establishment where the foreign liaison officer is  
 406 stationed.

407 (11) The State Board of Education and the Board of  
 408 Governors shall adopt rules to implement this section.

409 Section 5. Subsection (6) of section 1009.22, Florida  
 410 Statutes, is amended to read:

411 1009.22 Workforce education postsecondary student fees.--

412 (6) Each district school board and community college board  
 413 of trustees may establish a separate fee for capital  
 414 improvements, technology enhancements, or equipping buildings  
 415 which may not exceed 5 percent of tuition for resident students  
 416 or 5 percent of tuition and out-of-state fees for nonresident  
 417 students. Funds collected by community colleges through these  
 418 fees may be bonded only for the purpose of financing or  
 419 refinancing new construction and equipment, renovation, or  
 420 remodeling of educational facilities. The fee shall be collected

421 as a component part of the tuition and fees, paid into a  
422 separate account, and expended only to construct and equip,  
423 maintain, improve, or enhance the certificate career education  
424 or adult education facilities of the school district or  
425 community college. Projects funded through the use of the  
426 capital improvement fee must meet the survey and construction  
427 requirements of chapter 1013. Pursuant to s. 216.0158, each  
428 district school board and community college board of trustees  
429 shall identify each project, including maintenance projects,  
430 proposed to be funded in whole or in part by such fee. Capital  
431 improvement fee revenues may be pledged by a board of trustees  
432 as a dedicated revenue source to the repayment of debt,  
433 including lease-purchase agreements and revenue bonds, with a  
434 term not to exceed 20 years, and not to exceed the useful life  
435 of the asset being financed, only for the new construction and  
436 equipment, renovation, or remodeling of educational facilities.  
437 Community colleges may use the services of the Division of Bond  
438 Finance of the State Board of Administration to issue any bonds  
439 authorized through the provisions of this subsection. Any such  
440 bonds issued by the Division of Bond Finance shall be in  
441 compliance with the provisions of the State Bond Act. Bonds  
442 issued pursuant to the State Bond Act shall be validated in the  
443 manner provided by chapter 75. The complaint for such validation  
444 shall be filed in the circuit court of the county where the seat  
445 of state government is situated, the notice required to be  
446 published by s. 75.06 shall be published only in the county  
447 where the complaint is filed, and the complaint and order of the  
448 circuit court shall be served only on the state attorney of the

449 circuit in which the action is pending. A maximum of 15 percent  
 450 ~~cents per credit hour~~ may be allocated from the capital  
 451 improvement fee for child care centers conducted by the district  
 452 school board or community college board of trustees.

453 Section 6. Subsections (7) and (12) of section 1009.23,  
 454 Florida Statutes, are amended to read:

455 1009.23 Community college student fees.--

456 (7) Each community college board of trustees may establish  
 457 a separate activity and service fee not to exceed 10 percent of  
 458 the tuition fee, according to rules of the State Board of  
 459 Education. The student activity and service fee shall be  
 460 collected as a component part of the tuition and fees. The  
 461 student activity and service fees shall be paid into a student  
 462 activity and service fund at the community college and shall be  
 463 expended for lawful purposes to benefit the student body in  
 464 general. These purposes include, but are not limited to, student  
 465 publications and grants to duly recognized student  
 466 organizations, the membership of which is open to all students  
 467 at the community college without regard to race, sex, or  
 468 religion. No community college shall be required to lower any  
 469 activity and service fee approved by the board of trustees of  
 470 the community college and in effect prior to October 26, 2007,  
 471 in order to comply with the provisions of this subsection.

472 (12) (a) In addition to tuition, out-of-state, financial  
 473 aid, capital improvement, student activity and service, and  
 474 technology fees authorized in this section, each community  
 475 college board of trustees is authorized to establish fee  
 476 schedules for the following user fees and fines: laboratory

477 fees; parking fees and fines; library fees and fines; fees and  
478 fines relating to facilities and equipment use or damage; access  
479 or identification card fees; duplicating, photocopying, binding,  
480 or microfilming fees; standardized testing fees; diploma  
481 replacement fees; transcript fees; application fees; graduation  
482 fees; and late fees related to registration and payment. Such  
483 user fees and fines shall not exceed the cost of the services  
484 provided and shall only be charged to persons receiving the  
485 service. A community college may not charge any fee except as  
486 authorized by law ~~or rules of the State Board of Education.~~  
487 Parking fee revenues may be pledged by a community college board  
488 of trustees as a dedicated revenue source for the repayment of  
489 debt, including lease-purchase agreements and revenue bonds with  
490 terms not exceeding 20 years and not exceeding the useful life  
491 of the asset being financed. Community colleges shall use the  
492 services of the Division of Bond Finance of the State Board of  
493 Administration to issue any revenue bonds authorized by the  
494 provisions of this subsection. Any such bonds issued by the  
495 Division of Bond Finance shall be in compliance with the  
496 provisions of the State Bond Act. Bonds issued pursuant to the  
497 State Bond Act shall be validated in the manner established in  
498 chapter 75. The complaint for such validation shall be filed in  
499 the circuit court of the county where the seat of state  
500 government is situated, the notice required to be published by  
501 s. 75.06 shall be published only in the county where the  
502 complaint is filed, and the complaint and order of the circuit  
503 court shall be served only on the state attorney of the circuit  
504 in which the action is pending.

505           (b) The State Board of Education may adopt rules pursuant  
 506 to ss. 120.536(1) and 120.54 to administer the provisions of  
 507 this subsection.

508           Section 7. Subsections (4), (7), and (16) of section  
 509 1009.24, Florida Statutes, as amended by chapter 2007-329, Laws  
 510 of Florida, are amended to read:

511           1009.24 State university student fees.--

512           (4)(a)1. Effective January 1, 2008, ~~the resident~~  
 513 undergraduate tuition ~~for lower level and upper level coursework~~  
 514 shall be \$77.39 per credit hour.

515           2.(b) Beginning with the 2008-2009 fiscal year and each  
 516 year thereafter, the ~~resident~~ undergraduate tuition per credit  
 517 hour shall increase at the beginning of each fall semester at a  
 518 rate equal to inflation, unless otherwise provided in the  
 519 General Appropriations Act. The Office of Economic and  
 520 Demographic Research shall report the rate of inflation to the  
 521 President of the Senate, the Speaker of the House of  
 522 Representatives, the Governor, and the Board of Governors each  
 523 year prior to March 1. For purposes of this subparagraph  
 524 ~~paragraph~~, the rate of inflation shall be defined as the rate of  
 525 the 12-month percentage change in the Consumer Price Index for  
 526 All Urban Consumers, U.S. City Average, All Items, or successor  
 527 reports as reported by the United States Department of Labor,  
 528 Bureau of Labor Statistics, or its successor for December of the  
 529 previous year. In the event the percentage change is negative,  
 530 the ~~resident~~ undergraduate tuition shall remain at the same  
 531 level as the prior fiscal year.

532           3. The Board of Governors, or the board's designee, may

533 establish the out-of-state fee for undergraduate courses. The  
534 sum of the undergraduate tuition and the out-of-state fee  
535 assessed to nonresident students for undergraduate courses must  
536 be sufficient to offset the full instructional cost of serving  
537 such students. However, adjustments to the out-of-state fee  
538 pursuant to this subparagraph may not exceed 10 percent in any  
539 year.

540 (b) ~~(e)~~ The Board of Governors, or the board's designee,  
541 may establish ~~tuition for graduate~~ tuition and ~~professional~~  
542 ~~programs,~~ and the out-of-state fee fees for graduate-level  
543 ~~courses~~ all programs. The sum of graduate tuition and the out-  
544 of-state fee fees assessed to nonresident students for graduate-  
545 level courses must be sufficient to offset the full  
546 instructional cost of serving such students. However,  
547 adjustments to the out-of-state fee fees or graduate tuition ~~for~~  
548 ~~graduate and professional programs~~ pursuant to this paragraph  
549 ~~section~~ may not exceed 10 percent in any year.

550 (c) Each university board of trustees may establish  
551 tuition and the out-of-state fee for each professional program  
552 offered by the university. The sum of tuition and the out-of-  
553 state fee assessed to nonresident students in professional  
554 programs must be sufficient to offset the full instructional  
555 cost of serving such students. Adjustments to tuition or the  
556 out-of-state fee for any student who was enrolled in a  
557 professional program prior to the Fall 2008 term and maintains  
558 continuous enrollment in good academic standing in such program  
559 as determined by the university may not exceed 10 percent in any  
560 year.

561           (d) The sum of the activity and service, health, and  
562 athletic fees a student is required to pay to register for a  
563 course shall not exceed 40 percent of the tuition established in  
564 law or in the General Appropriations Act. No university shall be  
565 required to lower any fee in effect on the effective date of  
566 this act in order to comply with this paragraph ~~subsection~~.  
567 Within the 40 percent cap, universities may not increase the  
568 aggregate sum of activity and service, health, and athletic fees  
569 more than 5 percent per year unless specifically authorized in  
570 law or in the General Appropriations Act. A university may  
571 increase its athletic fee to defray the costs associated with  
572 changing National Collegiate Athletic Association divisions. Any  
573 such increase in the athletic fee may exceed both the 40 percent  
574 cap and the 5 percent cap imposed by this paragraph ~~subsection~~.  
575 Any such increase must be approved by the athletic fee committee  
576 in the process outlined in subsection (12) and cannot exceed \$2  
577 per credit hour. Notwithstanding the provisions of ss. 1009.534,  
578 1009.535, and 1009.536, that portion of any increase in an  
579 athletic fee pursuant to this paragraph ~~subsection~~ that causes  
580 the sum of the activity and service, health, and athletic fees  
581 to exceed the 40 percent cap or the annual increase in such fees  
582 to exceed the 5 percent cap shall not be included in calculating  
583 the amount a student receives for a Florida Academic Scholars  
584 award, a Florida Medallion Scholars award, or a Florida Gold  
585 Seal Vocational Scholars award.

586           (e) This subsection does not prohibit a university from  
587 increasing or assessing optional fees related to specific  
588 activities if payment of such fees is not required as a part of

589 registration for courses.

590 (7) A university board of trustees is authorized to  
591 collect for financial aid purposes an amount not to exceed 5  
592 percent of ~~the~~ tuition and the out-of-state fee. The revenues  
593 from fees are to remain at each campus and replace existing  
594 financial aid fees. Such funds shall be disbursed to students as  
595 quickly as possible. A minimum of 75 percent of funds from the  
596 student financial aid fee ~~for new financial aid awards~~ shall be  
597 used to provide financial aid based on absolute need. A student  
598 who has received an award prior to July 1, 1984, shall have his  
599 or her eligibility assessed on the same criteria that were used  
600 at the time of his or her original award. The Board of Governors  
601 shall develop criteria for making financial aid awards. Each  
602 university shall report annually to the Board of Governors and  
603 the Department of Education on the revenue collected pursuant to  
604 this subsection, the amount carried forward, the criteria used  
605 to make awards, the amount and number of awards for each  
606 criterion, and a delineation of the distribution of such awards.  
607 The report shall include an assessment by category of the  
608 financial need of every student who receives an award,  
609 regardless of the purpose for which the award is received.  
610 Awards which are based on financial need shall be distributed in  
611 accordance with a nationally recognized system of need analysis  
612 approved by the Board of Governors. An award for academic merit  
613 shall require a minimum overall grade point average of 3.0 on a  
614 4.0 scale or the equivalent for both initial receipt of the  
615 award and renewal of the award.

616 (16) The Board of Governors may establish a uniform

617 maximum undergraduate tuition differential that does not exceed  
618 40 percent of tuition for all universities that meet the  
619 criteria for Funding Level 1 under s. 1004.635(3), and may  
620 establish a uniform maximum undergraduate tuition differential  
621 that does not exceed 30 percent of tuition for all universities  
622 that have total research and development expenditures for all  
623 fields of at least \$100 million per year as reported annually to  
624 the National Science Foundation ~~meet the criteria for Funding~~  
625 ~~Level 2 under s. 1004.635(3)~~. However, the board shall ensure  
626 that the maximum tuition differential it establishes for  
627 universities meeting the Funding Level 1 criteria is at least 30  
628 percent greater than the maximum tuition differential the board  
629 establishes for universities that meet the required Funding  
630 ~~Level 2~~ criteria for research and development expenditures. The  
631 tuition differential is subject to the following conditions:  
632 (a) The sum of tuition and the tuition differential may  
633 not be increased by more than 15 percent of the total charged  
634 for these fees in the preceding fiscal year.  
635 (b) The tuition differential may not be calculated as a  
636 part of the scholarship programs established in ss. 1009.53-  
637 1009.537.  
638 (c) Beneficiaries having prepaid tuition contracts  
639 pursuant to s. 1009.98(2)(b) which were in effect on July 1,  
640 2007, and which remain in effect, are exempt from the payment of  
641 the tuition differential.  
642 (d) The tuition differential may not be charged to any  
643 student who was in attendance at the university before July 1,  
644 2007, and who maintains continuous enrollment.

645 (e) The tuition differential may be waived by the  
 646 university for students who meet the eligibility requirements  
 647 for the Florida public student assistance grant established in  
 648 s. 1009.50.

649 (f) A university board of trustees that has been  
 650 authorized by the Board of Governors to establish a tuition  
 651 differential pursuant to this subsection may establish the  
 652 tuition differential at a rate lower than the maximum tuition  
 653 differential established by the board, but may not exceed the  
 654 maximum tuition differential established by the board.

655 (g) The revenue generated from the tuition differential  
 656 must be spent solely for improving the quality of direct  
 657 undergraduate instruction and support services.

658 (h) Information relating to the annual receipt and  
 659 expenditure of the proceeds from the assessment of the tuition  
 660 differential shall be reported by the university in accordance  
 661 with guidelines established by the Board of Governors.

662 Section 8. Subsection (3) of section 1009.25, Florida  
 663 Statutes, is amended to read:

664 1009.25 Fee exemptions.--

665 (3) At the discretion of the community college board of  
 666 trustees, each community college is authorized to grant student  
 667 fee exemptions from all fees authorized in s. 1009.23 ~~adopted by~~  
 668 ~~the State Board of Education and the community college board of~~  
 669 ~~trustees~~ for up to 0.5 percent of the community college's prior  
 670 year fee-paying full-time equivalent students or 54 40 full-time  
 671 equivalent students, whichever is greater at each institution. A  
 672 "fee-paying student" means a student enrolled in college-

673 preparatory courses, an associate in arts degree program, an  
674 associate in science degree program, career-preparatory  
675 instruction, an educator preparation institute, or a  
676 baccalaureate degree program.

677 Section 9. Section 1009.286, Florida Statutes, is created  
678 to read:

679 1009.286 Additional student payment required for hours  
680 exceeding graduation requirements.--

681 (1) It is the intent of the Legislature to encourage each  
682 undergraduate student who enrolls in a state university to  
683 complete the student's respective degree program in the most  
684 efficient way possible while, at the same time, providing for  
685 access to additional college coursework. The Legislature  
686 therefore intends to enact a policy that provides incentives for  
687 efficient degree completion and requires a student to pay an  
688 excess hour surcharge equal to 50 percent of the tuition rate  
689 for each credit hour in excess of 120 percent of the number of  
690 credit hours required to complete the degree program in which he  
691 or she is enrolled.

692 (2) The provisions of this section shall become effective  
693 for students who enter a community college or a state university  
694 for the first time in the 2008-2009 academic year and  
695 thereafter.

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

699 (a) All credit hours for courses taken at the state  
700 university from which the student is seeking a degree, including

701 repeated courses and failed courses, except as provided in s.  
 702 1009.285, and courses that are dropped after the university's  
 703 advertised last day of the drop and add period.

704 (b) All credit hours earned at another institution and  
 705 accepted for transfer by the state university toward the  
 706 student's undergraduate degree.

707 (4) For purposes of this section, credit hours earned  
 708 under the following circumstances are not calculated as hours  
 709 required to earn a degree:

710 (a) College credits earned through an articulated  
 711 accelerated mechanism identified in s. 1007.27.

712 (b) Credit hours earned through internship programs.

713 (c) Credit hours required for certification,  
 714 recertification, or certificate programs.

715 (d) Credit hours in courses from which a student must  
 716 withdraw due to reasons of medical or personal hardship.

717 (e) Credit hours taken by active-duty military personnel.

718 (f) Credit hours required to achieve a dual major  
 719 undertaken while pursuing a degree.

720 (g) Remedial and English as a Second Language credit  
 721 hours.

722 (h) Credit hours earned in military science courses  
 723 (R.O.T.C).

724 (5) Each postsecondary institution shall implement a  
 725 process for notifying students regarding this section. The  
 726 notice must be provided upon the student's initial enrollment in  
 727 the institution and again upon the student's having earned the  
 728 credit hours required to complete the degree program in which he

729 or she is enrolled. The notice must include a recommendation  
 730 that each student who intends to earn credit hours at the  
 731 institution beyond those required for his or her enrolled degree  
 732 program meet with his or her academic advisor.

733 (6) A student may be granted an exemption from the excess  
 734 hour surcharge imposed pursuant to this section only if an  
 735 appeal has been granted by the state university based upon  
 736 documented extenuating circumstances.

737 Section 10. Paragraph (b) of subsection (2) of section  
 738 1009.98, Florida Statutes, is amended to read:

739 1009.98 Stanley G. Tate Florida Prepaid College Program.--

740 (2) PREPAID COLLEGE PLANS.--At a minimum, the board shall  
 741 make advance payment contracts available for two independent  
 742 plans to be known as the community college plan and the  
 743 university plan. The board may also make advance payment  
 744 contracts available for a dormitory residence plan. The board  
 745 may restrict the number of participants in the community college  
 746 plan, university plan, and dormitory residence plan,  
 747 respectively. However, any person denied participation solely on  
 748 the basis of such restriction shall be granted priority for  
 749 participation during the succeeding year.

750 (b)1. Through the university plan, the advance payment  
 751 contract shall provide prepaid registration fees for a specified  
 752 number of undergraduate semester credit hours not to exceed the  
 753 average number of hours required for the conference of a  
 754 baccalaureate degree. Qualified beneficiaries shall bear the  
 755 cost of any laboratory fees associated with enrollment in  
 756 specific courses. Each qualified beneficiary shall be classified

757 as a resident for tuition purposes pursuant to s. 1009.21,  
 758 regardless of his or her actual legal residence.

759 2. Effective July 1, 1998, the board may provide advance  
 760 payment contracts for additional fees delineated in s.  
 761 1009.24 (9) - ~~(12)~~ ~~(8)~~ ~~(11)~~, for a specified number of undergraduate  
 762 semester credit hours not to exceed the average number of hours  
 763 required for the conference of a baccalaureate degree, in  
 764 conjunction with advance payment contracts for registration  
 765 fees. Such contracts shall provide prepaid coverage for the sum  
 766 of such fees, to a maximum of 45 percent of the cost of  
 767 registration fees. University plan contracts purchased prior to  
 768 July 1, 1998, shall be limited to the payment of registration  
 769 fees as defined in s. 1009.97.

770 3. Effective July 1, 2007, the board may provide advance  
 771 payment contracts for the tuition differential authorized in s.  
 772 1009.24 (16) ~~(15)~~ for a specified number of undergraduate semester  
 773 credit hours, which may not exceed the average number of hours  
 774 required for the conference of a baccalaureate degree, in  
 775 conjunction with advance payment contracts for registration  
 776 fees.

777 Section 11. Subsection (5) of section 1011.48, Florida  
 778 Statutes, is amended to read:

779 1011.48 Establishment of educational research centers for  
 780 child development.--

781 (5) Each educational research center for child development  
 782 shall be funded by a portion of the Capital Improvement Trust  
 783 Fund fee established by the Board of Governors pursuant to s.  
 784 1009.24 (8) ~~(7)~~. Each university that establishes a center shall

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785 receive a portion of such fees collected from the students  
786 enrolled at that university, usable only at that university,  
787 equal to 22.5 cents per student per credit hour taken per term,  
788 based on the summer term and fall and spring semesters. This  
789 allocation shall be used by the university only for the  
790 establishment and operation of a center as provided by this  
791 section and rules adopted hereunder. Said allocation may be made  
792 only after all bond obligations required to be paid from such  
793 fees have been met.

794 Section 12. This act shall take effect July 1, 2008.