

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. 1007.24, F.S.; revising
10 provisions regarding determination of equivalency of
11 courses; amending s. 1009.01, F.S.; providing definitions
12 relating to postsecondary education; amending s. 1009.21,
13 F.S.; providing that determination of resident status
14 applies to eligibility for state financial aid awards and
15 tuition assistance grants; revising definitions; revising
16 provisions relating to qualification as a resident for
17 tuition purposes; providing for reclassification of
18 status; providing duties of institutions of higher
19 education; amending s. 1009.22, F.S.; revising provisions
20 relating to the workforce education postsecondary student
21 capital improvement fee; amending s. 1009.23, F.S.;
22 providing an exemption relating to establishment of the
23 community college activity and service student fee;
24 authorizing an increase in the amount of fees collected
25 for financial aid purposes; increasing the amount of
26 financial aid fees that may be used to assist students who
27 meet specified criteria; authorizing rulemaking; amending
28 s. 1009.24, F.S.; revising provisions relating to state

29 university student fees; providing for the establishment
 30 of tuition and fees at the undergraduate and graduate
 31 levels and for professional programs; revising provisions
 32 relating to use of the student financial aid fee; revising
 33 provisions relating to establishment and conditions of the
 34 undergraduate tuition differential; amending s. 1009.25,
 35 F.S.; revising provisions authorizing student fee
 36 exemptions by community colleges; defining "fee-paying
 37 student"; amending s. 1009.265, F.S.; revising conditions
 38 for the use of state employee fee waivers; creating s.
 39 1009.286, F.S.; providing requirements for additional
 40 payment by state university students for certain credit
 41 hours exceeding degree program requirements; providing
 42 criteria for calculating credit hours; authorizing an
 43 exemption; amending ss. 1009.98 and 1011.48, F.S.;
 44 conforming cross-references; providing an effective date.

45

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

47

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

50 216.136 Consensus estimating conferences; duties and
 51 principals.--

52 (4) EDUCATION ESTIMATING CONFERENCE.--

53 (a) The Education Estimating Conference shall develop such
 54 official information relating to the state public and private
 55 educational system, including forecasts of student enrollments,
 56 the number of students qualified for state financial aid

57 | programs, ~~and~~ for the William L. Boyd, IV, Florida Resident
58 | Access Grant Program, and for the Access to Better Learning and
59 | Education Grant Program and the appropriation required to fund
60 | the full award amounts for each program, fixed capital outlay
61 | needs, and Florida Education Finance Program formula needs, as
62 | the conference determines is needed for the state planning and
63 | budgeting system.

64 | **(b)** The conference's initial projections of enrollments in
65 | public schools shall be forwarded by the conference to each
66 | school district no later than 2 months prior to the start of the
67 | regular session of the Legislature. Each school district may, in
68 | writing, request adjustments to the initial projections. Any
69 | adjustment request shall be submitted to the conference no later
70 | than 1 month prior to the start of the regular session of the
71 | Legislature and shall be considered by the principals of the
72 | conference. A school district may amend its adjustment request,
73 | in writing, during the first 3 weeks of the legislative session,
74 | and such amended adjustment request shall be considered by the
75 | principals of the conference. For any adjustment so requested,
76 | the district shall indicate and explain, using definitions
77 | adopted by the conference, the components of anticipated
78 | enrollment changes that correspond to continuation of current
79 | programs with workload changes; program improvement; program
80 | reduction or elimination; initiation of new programs; and any
81 | other information that may be needed by the Legislature. For
82 | public schools, the conference shall submit its full-time
83 | equivalent student consensus estimate to the Legislature no
84 | later than 1 month after the start of the regular session of the

85 Legislature. No conference estimate may be changed without the
86 agreement of the full conference.

87 (c) The conference shall estimate a state-level demand
88 pool for postsecondary education that includes all delivery
89 systems, public and private. The conference shall calculate the
90 level of public postsecondary enrollment from the initial demand
91 value. Once the state-level public sector demand has been
92 established, the conference shall use current policies and
93 relationships to allocate the demand into the appropriate
94 delivery systems within the public sector. The conference's
95 initial projections of enrollments in public postsecondary
96 institutions shall be forwarded by the conference to the State
97 Board of Education and the Board of Governors no later than 2
98 months prior to the start of the regular session of the
99 Legislature for distribution to their respective institutions.
100 Each institution may, in writing, request adjustments to the
101 initial projections. Any adjustment request shall be submitted
102 to the conference no later than 1 month prior to the start of
103 the regular session of the Legislature and shall be considered
104 by the principals of the conference. A public postsecondary
105 institution may amend its adjustment request, in writing, during
106 the first 3 weeks of the legislative session, and such amended
107 adjustment request shall be considered by the principals of the
108 conference. For any adjustment so requested, the institution
109 shall indicate and explain, using definitions adopted by the
110 conference, the components of anticipated enrollment changes
111 that correspond to continuation of current programs with
112 workload changes; program improvement; program reduction or

113 elimination; initiation of new programs; and any other
114 information that may be needed by the Legislature. The
115 conference shall submit its full-time equivalent student
116 consensus estimate for public postsecondary education to the
117 Legislature no later than 1 month after the start of the regular
118 session of the Legislature. No conference estimate may be
119 changed without the agreement of the full conference.

120 (d) ~~(b)~~ No later than 2 months prior to the start of the
121 regular session of the Legislature, the conference shall forward
122 to each eligible postsecondary education institution its initial
123 projections of the number of students qualified for state
124 financial aid programs and the appropriation required to fund
125 those students at the full award amount. Each postsecondary
126 education institution may request, in writing, adjustments to
127 the initial projection. Any adjustment request must be submitted
128 to the conference no later than 1 month prior to the start of
129 the regular session of the Legislature and shall be considered
130 by the principals of the conference. For any adjustment so
131 requested, the postsecondary education institution shall
132 indicate and explain, using definitions adopted by the
133 conference, the components of anticipated changes that
134 correspond to continuation of current programs with enrollment
135 changes, program reduction or elimination, initiation of new
136 programs, award amount increases or decreases, and any other
137 information that is considered by the conference. The conference
138 shall submit its consensus estimate to the Legislature no later
139 than 1 month after the start of the regular session of the

140 Legislature. No conference estimate may be changed without the
 141 agreement of the full conference.

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

144 1005.32 Licensure by means of accreditation.--

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

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

150 (b) The institution holds institutional accreditation by
 151 an accrediting agency evaluated and approved by the commission
 152 as having standards substantially equivalent to the commission's
 153 licensure standards.

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

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

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

159 Section 3. Subsection (7) of section 1007.24, Florida
 160 Statutes, is amended to read:

161 1007.24 Statewide course numbering system.--

162 (7) Any student who transfers among postsecondary
 163 institutions that are fully accredited by a regional or national
 164 accrediting agency recognized by the United States Department of
 165 Education and that participate in the statewide course numbering
 166 system shall be awarded credit by the receiving institution for
 167 courses satisfactorily completed by the student at the previous

168 institutions. Credit shall be awarded if the courses are judged
 169 by the appropriate statewide course numbering system faculty
 170 committees representing school districts, public postsecondary
 171 educational institutions, and participating nonpublic
 172 postsecondary educational institutions to be academically
 173 equivalent to courses offered at the receiving institution,
 174 including equivalency of faculty credentials, regardless of the
 175 United States Department of Education recognized accrediting
 176 agency and public or nonpublic control of the previous
 177 institution. The Department of Education shall ensure that
 178 credits to be accepted by a receiving institution are generated
 179 in courses for which the faculty possess credentials that are
 180 comparable to those required by the accrediting association of
 181 the receiving institution. The award of credit may be limited to
 182 courses that are entered in the statewide course numbering
 183 system. Credits awarded pursuant to this subsection shall
 184 satisfy institutional requirements on the same basis as credits
 185 awarded to native students.

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

189 1009.01 Definitions.--The term:

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

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

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

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

202 Section 5. Section 1009.21, Florida Statutes, is amended
 203 to read:

204 1009.21 Determination of resident status for tuition
 205 purposes and student eligibility for state financial aid awards
 206 and tuition assistance grants.-- Students shall be classified as
 207 residents or nonresidents for the purpose of assessing tuition
 208 in community colleges and state universities and for the purpose
 209 of determining student eligibility for state financial aid
 210 awards and tuition assistance grants.

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

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

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

218 (c) ~~(b)~~ ~~The term~~ "Institution of higher education" means
 219 any public community college or state university or any
 220 institution eligible to participate in a program established
 221 pursuant to s. 1009.50, s. 1009.505, s. 1009.51, s. 1009.52, s.
 222 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s. 1009.60, s.
 223 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s. 1009.73, s.

224 1009.76, s. 1009.77, s. 1009.89, or s. 1009.891.

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

230 (e) "Nonresident for tuition purposes" means a person who
 231 does not qualify for the in-state tuition rate.

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

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

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

239 1. A person or, if that person is a dependent child, his
 240 or her parent or parents must have established legal residence
 241 in this state and must have maintained legal residence in this
 242 state for at least 12 consecutive months immediately prior to
 243 his or her initial enrollment in an institution of higher
 244 education qualification. Legal residence must be established by
 245 written or electronic verification that includes two or more of
 246 the following Florida documents that demonstrate clear and
 247 convincing evidence of continuous residence in the state for at
 248 least 12 consecutive months prior to the student's initial
 249 enrollment in an institution of higher education: a voter
 250 information card pursuant to s. 97.071; a driver's license; an
 251 identification card issued by the State of Florida; a vehicle

252 registration; a declaration of domicile; proof of purchase of a
253 permanent home; a transcript from a Florida high school; a
254 Florida high school equivalency diploma and transcript; proof of
255 permanent full-time employment; proof of 12 consecutive months
256 of payment of utility bills; a domicile lease and proof of 12
257 consecutive months of payments; or other official state or court
258 documents evidencing legal ties to Florida. No single piece of
259 evidence shall be conclusive.

260 2. Every applicant for admission to an institution of
261 higher education shall be required to make a statement as to his
262 or her length of residence in the state and, further, shall
263 establish that his or her presence or, if the applicant is a
264 dependent child, the presence of his or her parent or parents in
265 the state currently is, and during the requisite 12-month
266 qualifying period was, for the purpose of maintaining a bona
267 fide domicile, rather than for the purpose of maintaining a mere
268 temporary residence or abode incident to enrollment in an
269 institution of higher education.

270 (b) However, with respect to a dependent child living with
271 an adult relative other than the child's parent, such child may
272 qualify as a resident for tuition purposes if the adult relative
273 is a legal resident who has maintained legal residence in this
274 state for at least 12 consecutive months immediately prior to
275 the child's initial enrollment in an institution of higher
276 education ~~qualification~~, provided the child has resided
277 continuously with such relative for the 5 years immediately
278 prior to the child's initial enrollment ~~qualification~~, during
279 which time the adult relative has exercised day-to-day care,

280 supervision, and control of the child.

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

287 (d) A person who is classified as a nonresident for
288 tuition purposes may become eligible for reclassification as a
289 resident for tuition purposes if that person or, if that person
290 is a dependent child, his or her parent presents clear and
291 convincing evidence that supports permanent residency in this
292 state rather than temporary residency for the purpose of
293 pursuing an education, such as documentation of full-time
294 permanent employment for the prior 12 months or the purchase of
295 a home in this state and residence therein for the prior 12
296 months. If a person who is a dependent child and his or her
297 parent move to this state while such child is a high school
298 student and the child graduates from a high school in this
299 state, the child may become eligible for reclassification as a
300 resident for tuition purposes when the parent qualifies for
301 permanent residency.

302 (3)(a) An individual shall not be classified as a resident
303 for tuition purposes and, thus, shall not be eligible to receive
304 the in-state tuition rate until he or she has provided such
305 evidence related to legal residence and its duration or, if that
306 individual is a dependent child, documentation of his or her
307 parent's legal residence and its duration, as well as

308 documentation confirming his or her status as a dependent child,
309 as may be required by law and by officials of the institution of
310 higher education from which he or she seeks the in-state tuition
311 rate. The documentation shall provide clear and convincing
312 evidence that residency in this state was for a minimum of 12
313 consecutive months prior to the student's initial enrollment in
314 an institution of higher education. No single piece of evidence
315 shall be conclusive.

316 (b) Each institution of higher learning shall:

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

319 2. Affirmatively determine that an applicant who has been
320 granted admission to that institution as a Florida resident
321 meets the residency requirements of this section at the time of
322 initial enrollment.

323 (4) With respect to a dependent child, the legal residence
324 of such individual's parent or parents is prima facie evidence
325 of the individual's legal residence, which evidence may be
326 reinforced or rebutted, relative to the age and general
327 circumstances of the individual, by the other evidence of legal
328 residence required of or presented by the individual. However,
329 the legal residence of an individual whose parent or parents are
330 domiciled outside this state is not prima facie evidence of the
331 individual's legal residence if that individual has lived in
332 this state for 5 consecutive years prior to enrolling or
333 reregistering at the institution of higher education at which
334 resident status for tuition purposes is sought.

335 (5) In making a domiciliary determination related to the

336 classification of a person as a resident or nonresident for
337 tuition purposes, the domicile of a married person, irrespective
338 of sex, shall be determined, as in the case of an unmarried
339 person, by reference to all relevant evidence of domiciliary
340 intent. For the purposes of this section:

341 (a) A person shall not be precluded from establishing or
342 maintaining legal residence in this state and subsequently
343 qualifying or continuing to qualify as a resident for tuition
344 purposes solely by reason of marriage to a person domiciled
345 outside this state, even when that person's spouse continues to
346 be domiciled outside of this state, provided such person
347 maintains his or her legal residence in this state.

348 (b) A person shall not be deemed to have established or
349 maintained a legal residence in this state and subsequently to
350 have qualified or continued to qualify as a resident for tuition
351 purposes solely by reason of marriage to a person domiciled in
352 this state.

353 (c) In determining the domicile of a married person,
354 irrespective of sex, the fact of the marriage and the place of
355 domicile of such person's spouse shall be deemed relevant
356 evidence to be considered in ascertaining domiciliary intent.

357 (6) Any nonresident person, irrespective of sex, who
358 marries a legal resident of this state or marries a person who
359 later becomes a legal resident may, upon becoming a legal
360 resident of this state, accede to the benefit of the spouse's
361 immediately precedent duration as a legal resident for purposes
362 of satisfying the 12-month durational requirement of this
363 section.

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

368 (8) A person who has been properly classified as a
369 resident for tuition purposes but who, while enrolled in an
370 institution of higher education in this state, loses his or her
371 resident tuition status because the person or, if he or she is a
372 dependent child, the person's parent or parents establish
373 domicile or legal residence elsewhere shall continue to enjoy
374 the in-state tuition rate for a statutory grace period, which
375 period shall be measured from the date on which the
376 circumstances arose that culminated in the loss of resident
377 tuition status and shall continue for 12 months. However, if the
378 12-month grace period ends during a semester or academic term
379 for which such former resident is enrolled, such grace period
380 shall be extended to the end of that semester or academic term.

381 (9) Any person who ceases to be enrolled at or who
382 graduates from an institution of higher education while
383 classified as a resident for tuition purposes and who
384 subsequently abandons his or her domicile in this state shall be
385 permitted to reenroll at an institution of higher education in
386 this state as a resident for tuition purposes without the
387 necessity of meeting the 12-month durational requirement of this
388 section if that person has reestablished his or her domicile in
389 this state within 12 months of such abandonment and continuously
390 maintains the reestablished domicile during the period of
391 enrollment. The benefit of this subsection shall not be accorded

392 more than once to any one person.

393 (10) The following persons shall be classified as
394 residents for tuition purposes:

395 (a) Active duty members of the Armed Services of the
396 United States residing or stationed in this state, their
397 spouses, and dependent children, and active members of the
398 Florida National Guard who qualify under s. 250.10(7) and (8)
399 for the tuition assistance program.

400 (b) Active duty members of the Armed Services of the
401 United States and their spouses and dependents attending a
402 public community college or state university within 50 miles of
403 the military establishment where they are stationed, if such
404 military establishment is within a county contiguous to Florida.

405 (c) United States citizens living on the Isthmus of
406 Panama, who have completed 12 consecutive months of college work
407 at the Florida State University Panama Canal Branch, and their
408 spouses and dependent children.

409 (d) Full-time instructional and administrative personnel
410 employed by state public schools, community colleges, and
411 institutions of higher education, as defined in s. 1000.04, and
412 their spouses and dependent children.

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

417 (f) Southern Regional Education Board's Academic Common
418 Market graduate students attending Florida's state universities.

419 (g) Full-time employees of state agencies or political

420 subdivisions of the state when the student fees are paid by the
 421 state agency or political subdivision for the purpose of job-
 422 related law enforcement or corrections training.

423 (h) McKnight Doctoral Fellows and Finalists who are United
 424 States citizens.

425 (i) United States citizens living outside the United
 426 States who are teaching at a Department of Defense Dependent
 427 School or in an American International School and who enroll in
 428 a graduate level education program which leads to a Florida
 429 teaching certificate.

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

435 (k) Active duty members of a foreign nation's military who
 436 are serving as liaison officers and are residing or stationed in
 437 this state, and their spouses and dependent children, attending
 438 a community college or state university within 50 miles of the
 439 military establishment where the foreign liaison officer is
 440 stationed.

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

443 Section 6. Subsection (6) of section 1009.22, Florida
 444 Statutes, is amended to read:

445 1009.22 Workforce education postsecondary student fees.--

446 (6) Each district school board and community college board
 447 of trustees may establish a separate fee for capital

448 improvements, technology enhancements, or equipping buildings
449 which may not exceed 5 percent of tuition for resident students
450 or 5 percent of tuition and out-of-state fees for nonresident
451 students. Funds collected by community colleges through these
452 fees may be bonded only for the purpose of financing or
453 refinancing new construction and equipment, renovation, or
454 remodeling of educational facilities. The fee shall be collected
455 as a component part of the tuition and fees, paid into a
456 separate account, and expended only to construct and equip,
457 maintain, improve, or enhance the certificate career education
458 or adult education facilities of the school district or
459 community college. Projects funded through the use of the
460 capital improvement fee must meet the survey and construction
461 requirements of chapter 1013. Pursuant to s. 216.0158, each
462 district school board and community college board of trustees
463 shall identify each project, including maintenance projects,
464 proposed to be funded in whole or in part by such fee. Capital
465 improvement fee revenues may be pledged by a board of trustees
466 as a dedicated revenue source to the repayment of debt,
467 including lease-purchase agreements and revenue bonds, with a
468 term not to exceed 20 years, and not to exceed the useful life
469 of the asset being financed, only for the new construction and
470 equipment, renovation, or remodeling of educational facilities.
471 Community colleges may use the services of the Division of Bond
472 Finance of the State Board of Administration to issue any bonds
473 authorized through the provisions of this subsection. Any such
474 bonds issued by the Division of Bond Finance shall be in
475 compliance with the provisions of the State Bond Act. Bonds

476 issued pursuant to the State Bond Act shall be validated in the
 477 manner provided by chapter 75. The complaint for such validation
 478 shall be filed in the circuit court of the county where the seat
 479 of state government is situated, the notice required to be
 480 published by s. 75.06 shall be published only in the county
 481 where the complaint is filed, and the complaint and order of the
 482 circuit court shall be served only on the state attorney of the
 483 circuit in which the action is pending. A maximum of 15 percent
 484 ~~cents per credit hour~~ may be allocated from the capital
 485 improvement fee for child care centers conducted by the district
 486 school board or community college board of trustees.

487 Section 7. Subsection (7), paragraphs (a) and (c) of
 488 subsection (8), and subsection (12) of section 1009.23, Florida
 489 Statutes, are amended to read:

490 1009.23 Community college student fees.--

491 (7) Each community college board of trustees may establish
 492 a separate activity and service fee not to exceed 10 percent of
 493 the tuition fee, according to rules of the State Board of
 494 Education. The student activity and service fee shall be
 495 collected as a component part of the tuition and fees. The
 496 student activity and service fees shall be paid into a student
 497 activity and service fund at the community college and shall be
 498 expended for lawful purposes to benefit the student body in
 499 general. These purposes include, but are not limited to, student
 500 publications and grants to duly recognized student
 501 organizations, the membership of which is open to all students
 502 at the community college without regard to race, sex, or
 503 religion. No community college shall be required to lower any

504 activity and service fee approved by the board of trustees of
505 the community college and in effect prior to October 26, 2007,
506 in order to comply with the provisions of this subsection.

507 (8) (a) Each community college board of trustees is
508 authorized to establish a separate fee for financial aid
509 purposes in an additional amount up to, but not to exceed, 5
510 percent of the total student tuition or out-of-state fees
511 collected. Each community college board of trustees may collect
512 up to an additional 2 percent if the amount generated by the
513 total financial aid fee is less than \$500,000 ~~\$250,000~~. If the
514 amount generated is less than \$500,000 ~~\$250,000~~, a community
515 college that charges tuition and out-of-state fees at least
516 equal to the average fees established by rule may transfer from
517 the general current fund to the scholarship fund an amount equal
518 to the difference between \$500,000 ~~\$250,000~~ and the amount
519 generated by the total financial aid fee assessment. No other
520 transfer from the general current fund to the loan, endowment,
521 or scholarship fund, by whatever name known, is authorized.

522 (c) Up to 25 percent or \$600,000 ~~\$300,000~~, whichever is
523 greater, of the financial aid fees collected may be used to
524 assist students who demonstrate academic merit; who participate
525 in athletics, public service, cultural arts, and other
526 extracurricular programs as determined by the institution; or
527 who are identified as members of a targeted gender or ethnic
528 minority population. The financial aid fee revenues allocated
529 for athletic scholarships and fee exemptions provided pursuant
530 to s. 1009.25(3) for athletes shall be distributed equitably as
531 required by s. 1000.05(3)(d). A minimum of 75 percent of the

532 balance of these funds for new awards shall be used to provide
533 financial aid based on absolute need, and the remainder of the
534 funds shall be used for academic merit purposes and other
535 purposes approved by the boards of trustees. Such other purposes
536 shall include the payment of child care fees for students with
537 financial need. The State Board of Education shall develop
538 criteria for making financial aid awards. Each college shall
539 report annually to the Department of Education on the revenue
540 collected pursuant to this paragraph, the amount carried
541 forward, the criteria used to make awards, the amount and number
542 of awards for each criterion, and a delineation of the
543 distribution of such awards. The report shall include an
544 assessment by category of the financial need of every student
545 who receives an award, regardless of the purpose for which the
546 award is received. Awards which are based on financial need
547 shall be distributed in accordance with a nationally recognized
548 system of need analysis approved by the State Board of
549 Education. An award for academic merit shall require a minimum
550 overall grade point average of 3.0 on a 4.0 scale or the
551 equivalent for both initial receipt of the award and renewal of
552 the award.

553 (12) (a) In addition to tuition, out-of-state, financial
554 aid, capital improvement, student activity and service, and
555 technology fees authorized in this section, each community
556 college board of trustees is authorized to establish fee
557 schedules for the following user fees and fines: laboratory
558 fees; parking fees and fines; library fees and fines; fees and
559 fines relating to facilities and equipment use or damage; access

560 or identification card fees; duplicating, photocopying, binding,
 561 or microfilming fees; standardized testing fees; diploma
 562 replacement fees; transcript fees; application fees; graduation
 563 fees; and late fees related to registration and payment. Such
 564 user fees and fines shall not exceed the cost of the services
 565 provided and shall only be charged to persons receiving the
 566 service. A community college may not charge any fee except as
 567 authorized by law ~~or rules of the State Board of Education.~~
 568 Parking fee revenues may be pledged by a community college board
 569 of trustees as a dedicated revenue source for the repayment of
 570 debt, including lease-purchase agreements and revenue bonds with
 571 terms not exceeding 20 years and not exceeding the useful life
 572 of the asset being financed. Community colleges shall use the
 573 services of the Division of Bond Finance of the State Board of
 574 Administration to issue any revenue bonds authorized by the
 575 provisions of this subsection. Any such bonds issued by the
 576 Division of Bond Finance shall be in compliance with the
 577 provisions of the State Bond Act. Bonds issued pursuant to the
 578 State Bond Act shall be validated in the manner established in
 579 chapter 75. The complaint for such validation shall be filed in
 580 the circuit court of the county where the seat of state
 581 government is situated, the notice required to be published by
 582 s. 75.06 shall be published only in the county where the
 583 complaint is filed, and the complaint and order of the circuit
 584 court shall be served only on the state attorney of the circuit
 585 in which the action is pending.

586 (b) The State Board of Education may adopt rules pursuant
 587 to ss. 120.536(1) and 120.54 to administer the provisions of

588 this subsection.

589 Section 8. Subsections (4), (7), and (16) of section
 590 1009.24, Florida Statutes, as amended by chapter 2007-329, Laws
 591 of Florida, are amended to read:

592 1009.24 State university student fees.--

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

596 2. ~~(b)~~ Beginning with the 2008-2009 fiscal year and each
 597 year thereafter, the ~~resident~~ undergraduate tuition per credit
 598 hour shall increase at the beginning of each fall semester at a
 599 rate equal to inflation, unless otherwise provided in the
 600 General Appropriations Act. The Office of Economic and
 601 Demographic Research shall report the rate of inflation to the
 602 President of the Senate, the Speaker of the House of
 603 Representatives, the Governor, and the Board of Governors each
 604 year prior to March 1. For purposes of this subparagraph
 605 ~~paragraph~~, the rate of inflation shall be defined as the rate of
 606 the 12-month percentage change in the Consumer Price Index for
 607 All Urban Consumers, U.S. City Average, All Items, or successor
 608 reports as reported by the United States Department of Labor,
 609 Bureau of Labor Statistics, or its successor for December of the
 610 previous year. In the event the percentage change is negative,
 611 the ~~resident~~ undergraduate tuition shall remain at the same
 612 level as the prior fiscal year.

613 3. The Board of Governors, or the board's designee, may
 614 establish the out-of-state fee for undergraduate courses. The
 615 sum of the undergraduate tuition and the out-of-state fee

616 assessed to nonresident students for undergraduate courses must
617 be sufficient to offset the full instructional cost of serving
618 such students. However, adjustments to the out-of-state fee
619 pursuant to this subparagraph may not exceed 10 percent in any
620 year.

621 (b) ~~(e)~~ The Board of Governors, or the board's designee,
622 may establish ~~tuition for graduate~~ tuition and ~~professional~~
623 ~~programs,~~ and the out-of-state fee fees for graduate-level
624 ~~courses~~ all programs. The sum of graduate tuition and the out-
625 of-state fee fees assessed to nonresident students for graduate-
626 level courses must be sufficient to offset the full
627 instructional cost of serving such students. However,
628 adjustments to the out-of-state fee fees or graduate tuition ~~for~~
629 ~~graduate and professional programs~~ pursuant to this paragraph
630 ~~section~~ may not exceed 10 percent in any year.

631 (c) Each university board of trustees may establish
632 tuition and the out-of-state fee for each professional program
633 offered by the university. The sum of tuition and the out-of-
634 state fee assessed to nonresident students in professional
635 programs must be sufficient to offset the full instructional
636 cost of serving such students. Adjustments to tuition or the
637 out-of-state fee for any student who was enrolled in a
638 professional program prior to the Fall 2008 term and maintains
639 continuous enrollment in good academic standing in such program
640 as determined by the university may not exceed 10 percent in any
641 year.

642 (d) The sum of the activity and service, health, and
643 athletic fees a student is required to pay to register for a

644 course shall not exceed 40 percent of the tuition established in
645 law or in the General Appropriations Act. No university shall be
646 required to lower any fee in effect on the effective date of
647 this act in order to comply with this paragraph ~~subsection~~.
648 Within the 40 percent cap, universities may not increase the
649 aggregate sum of activity and service, health, and athletic fees
650 more than 5 percent per year unless specifically authorized in
651 law or in the General Appropriations Act. A university may
652 increase its athletic fee to defray the costs associated with
653 changing National Collegiate Athletic Association divisions. Any
654 such increase in the athletic fee may exceed both the 40 percent
655 cap and the 5 percent cap imposed by this paragraph ~~subsection~~.
656 Any such increase must be approved by the athletic fee committee
657 in the process outlined in subsection (12) and cannot exceed \$2
658 per credit hour. Notwithstanding the provisions of ss. 1009.534,
659 1009.535, and 1009.536, that portion of any increase in an
660 athletic fee pursuant to this paragraph ~~subsection~~ that causes
661 the sum of the activity and service, health, and athletic fees
662 to exceed the 40 percent cap or the annual increase in such fees
663 to exceed the 5 percent cap shall not be included in calculating
664 the amount a student receives for a Florida Academic Scholars
665 award, a Florida Medallion Scholars award, or a Florida Gold
666 Seal Vocational Scholars award.

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

671 (7) A university board of trustees is authorized to

672 collect for financial aid purposes an amount not to exceed 5
673 percent of ~~the~~ tuition and the out-of-state fee. The revenues
674 from fees are to remain at each campus and replace existing
675 financial aid fees. Such funds shall be disbursed to students as
676 quickly as possible. A minimum of 75 percent of funds from the
677 student financial aid fee ~~for new financial aid awards~~ shall be
678 used to provide financial aid based on absolute need. A student
679 who has received an award prior to July 1, 1984, shall have his
680 or her eligibility assessed on the same criteria that were used
681 at the time of his or her original award. The Board of Governors
682 shall develop criteria for making financial aid awards. Each
683 university shall report annually to the Board of Governors and
684 the Department of Education on the revenue collected pursuant to
685 this subsection, the amount carried forward, the criteria used
686 to make awards, the amount and number of awards for each
687 criterion, and a delineation of the distribution of such awards.
688 The report shall include an assessment by category of the
689 financial need of every student who receives an award,
690 regardless of the purpose for which the award is received.
691 Awards which are based on financial need shall be distributed in
692 accordance with a nationally recognized system of need analysis
693 approved by the Board of Governors. An award for academic merit
694 shall require a minimum overall grade point average of 3.0 on a
695 4.0 scale or the equivalent for both initial receipt of the
696 award and renewal of the award.

697 (16) The Board of Governors may establish a uniform
698 maximum undergraduate tuition differential that does not exceed
699 40 percent of tuition for all universities that meet the

700 criteria for Funding Level 1 under s. 1004.635(3), and may
 701 establish a uniform maximum undergraduate tuition differential
 702 that does not exceed 30 percent of tuition for all universities
 703 that have total research and development expenditures for all
 704 fields of at least \$100 million per year as reported annually to
 705 the National Science Foundation ~~meet the criteria for Funding~~
 706 ~~Level 2 under s. 1004.635(3)~~. However, the board shall ensure
 707 that the maximum tuition differential it establishes for
 708 universities meeting the Funding Level 1 criteria is at least 30
 709 percent greater than the maximum tuition differential the board
 710 establishes for universities that meet the required Funding
 711 ~~Level 2~~ criteria for research and development expenditures. The
 712 tuition differential is subject to the following conditions:

713 (a) The sum of tuition and the tuition differential may
 714 not be increased by more than 15 percent of the total charged
 715 for these fees in the preceding fiscal year.

716 (b) The tuition differential may not be calculated as a
 717 part of the scholarship programs established in ss. 1009.53-
 718 1009.537.

719 (c) Beneficiaries having prepaid tuition contracts
 720 pursuant to s. 1009.98(2)(b) which were in effect on July 1,
 721 2008 ~~2007~~, and which remain in effect, are exempt from the
 722 payment of the tuition differential.

723 (d) The tuition differential may not be charged to any
 724 student who was in attendance at the university before July 1,
 725 2007, and who maintains continuous enrollment.

726 (e) The tuition differential may be waived by the
 727 university for students who meet the eligibility requirements

728 for the Florida public student assistance grant established in
729 s. 1009.50.

730 (f) A university board of trustees that has been
731 authorized by the Board of Governors to establish a tuition
732 differential pursuant to this subsection may establish the
733 tuition differential at a rate lower than the maximum tuition
734 differential established by the board, but may not exceed the
735 maximum tuition differential established by the board.

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

739 (h) Information relating to the annual receipt and
740 expenditure of the proceeds from the assessment of the tuition
741 differential shall be reported by the university in accordance
742 with guidelines established by the Board of Governors.

743 Section 9. Subsection (3) of section 1009.25, Florida
744 Statutes, is amended to read:

745 1009.25 Fee exemptions.--

746 (3) At the discretion of the community college board of
747 trustees, each community college is authorized to grant student
748 fee exemptions from all fees authorized in s. 1009.23 ~~adopted by~~
749 ~~the State Board of Education and the community college board of~~
750 ~~trustees~~ for up to 0.5 percent of the community college's prior
751 year fee-paying full-time equivalent students or 54 40 full-time
752 equivalent students, whichever is greater ~~at each institution.~~ A
753 "fee-paying student" means a student enrolled in college-
754 preparatory courses, an associate in arts degree program, an
755 associate in science degree program, career-preparatory

756 instruction, an educator preparation institute, or a
757 baccalaureate degree program.

758 Section 10. Subsection (1) of section 1009.265, Florida
759 Statutes, is amended to read:

760 1009.265 State employee fee waivers.--

761 (1) As a benefit to the employer and employees of the
762 state, ~~subject to approval by an employee's agency head or the~~
763 ~~equivalent,~~ each state university and community college shall
764 waive tuition and fees for state employees to enroll for up to 6
765 credit hours of courses, including distance learning or online
766 courses, per term on a space-available basis. The employee must
767 have the approval of his or her supervisor to use the waiver to
768 take a course or courses during normal work hours. For purposes
769 of implementing this section, the space available in a course is
770 to be determined based on the number of seats or capacity
771 remaining in the course at the end of the drop-add period. State
772 employee fee waivers may not be used for dissertation, thesis,
773 directed individual study (DIS), or other one-to-one
774 instruction.

775 Section 11. Section 1009.286, Florida Statutes, is created
776 to read:

777 1009.286 Additional student payment required for hours
778 exceeding graduation requirements.--

779 (1) It is the intent of the Legislature to encourage each
780 undergraduate student who enrolls in a state university to
781 complete the student's respective degree program in the most
782 efficient way possible while, at the same time, providing for
783 access to additional college coursework. The Legislature

784 therefore intends to enact a policy that provides incentives for
785 efficient degree completion and requires a student to pay an
786 excess hour surcharge equal to 50 percent of the tuition rate
787 for each credit hour in excess of 120 percent of the number of
788 credit hours required to complete the degree program in which he
789 or she is enrolled.

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

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

797 (a) All credit hours for courses taken at the state
798 university from which the student is seeking a degree, including
799 repeated courses and failed courses, except as provided in s.
800 1009.285, and courses that are dropped after the university's
801 advertised last day of the drop and add period.

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

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

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

810 (b) Credit hours earned through internship programs.

811 (c) Credit hours required for certification,

812 recertification, or certificate programs.

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

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

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

818 (g) Remedial and English as a Second Language credit
819 hours.

820 (h) Credit hours earned in military science courses
821 (R.O.T.C.).

822 (5) Each postsecondary institution shall implement a
823 process for notifying students regarding this section. The
824 notice must be provided upon the student's initial enrollment in
825 the institution and again upon the student's having earned the
826 credit hours required to complete the degree program in which he
827 or she is enrolled. The notice must include a recommendation
828 that each student who intends to earn credit hours at the
829 institution beyond those required for his or her enrolled degree
830 program meet with his or her academic advisor.

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

835 Section 12. Paragraph (b) of subsection (2) of section
836 1009.98, Florida Statutes, is amended to read:

837 1009.98 Stanley G. Tate Florida Prepaid College Program.--

838 (2) PREPAID COLLEGE PLANS.--At a minimum, the board shall
839 make advance payment contracts available for two independent

840 plans to be known as the community college plan and the
841 university plan. The board may also make advance payment
842 contracts available for a dormitory residence plan. The board
843 may restrict the number of participants in the community college
844 plan, university plan, and dormitory residence plan,
845 respectively. However, any person denied participation solely on
846 the basis of such restriction shall be granted priority for
847 participation during the succeeding year.

848 (b)1. Through the university plan, the advance payment
849 contract shall provide prepaid registration fees for a specified
850 number of undergraduate semester credit hours not to exceed the
851 average number of hours required for the conference of a
852 baccalaureate degree. Qualified beneficiaries shall bear the
853 cost of any laboratory fees associated with enrollment in
854 specific courses. Each qualified beneficiary shall be classified
855 as a resident for tuition purposes pursuant to s. 1009.21,
856 regardless of his or her actual legal residence.

857 2. Effective July 1, 1998, the board may provide advance
858 payment contracts for additional fees delineated in s.
859 1009.24(9)-(12)~~(8)-(11)~~, for a specified number of undergraduate
860 semester credit hours not to exceed the average number of hours
861 required for the conference of a baccalaureate degree, in
862 conjunction with advance payment contracts for registration
863 fees. Such contracts shall provide prepaid coverage for the sum
864 of such fees, to a maximum of 45 percent of the cost of
865 registration fees. University plan contracts purchased prior to
866 July 1, 1998, shall be limited to the payment of registration
867 fees as defined in s. 1009.97.

868 3. Effective July 1, 2007, the board may provide advance
869 payment contracts for the tuition differential authorized in s.
870 1009.24(16)~~(15)~~ for a specified number of undergraduate semester
871 credit hours, which may not exceed the average number of hours
872 required for the conference of a baccalaureate degree, in
873 conjunction with advance payment contracts for registration
874 fees.

875 Section 13. Subsection (5) of section 1011.48, Florida
876 Statutes, is amended to read:

877 1011.48 Establishment of educational research centers for
878 child development.--

879 (5) Each educational research center for child development
880 shall be funded by a portion of the Capital Improvement Trust
881 Fund fee established by the Board of Governors pursuant to s.
882 1009.24(8)~~(7)~~. Each university that establishes a center shall
883 receive a portion of such fees collected from the students
884 enrolled at that university, usable only at that university,
885 equal to 22.5 cents per student per credit hour taken per term,
886 based on the summer term and fall and spring semesters. This
887 allocation shall be used by the university only for the
888 establishment and operation of a center as provided by this
889 section and rules adopted hereunder. Said allocation may be made
890 only after all bond obligations required to be paid from such
891 fees have been met.

892 Section 14. This act shall take effect July 1, 2008.