

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; amending ss.
 39 1009.98 and 1011.48, F.S.; conforming cross-references;
 40 amending s. 196.192, F.S.; specifying educational
 41 institutions as exempt entities for purposes of exemptions
 42 from ad valorem taxation for property owned by exempt
 43 entities; providing an effective date.

44
 45 Be It Enacted by the Legislature of the State of Florida:

46
 47 Section 1. Subsection (4) of section 216.136, Florida
 48 Statutes, is amended to read:

49 216.136 Consensus estimating conferences; duties and
 50 principals.--

51 (4) EDUCATION ESTIMATING CONFERENCE.--

52 (a) The Education Estimating Conference shall develop such
 53 official information relating to the state public and private
 54 educational system, including forecasts of student enrollments,
 55 the number of students qualified for state financial aid
 56 programs, ~~and~~ and for the William L. Boyd, IV, Florida Resident

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

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

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

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

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

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

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

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

143 1005.32 Licensure by means of accreditation.--

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

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

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

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

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

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

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

160 1007.24 Statewide course numbering system.--

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

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

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

188 1009.01 Definitions.--The term:

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

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

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

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

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

203 1009.21 Determination of resident status for tuition
 204 purposes and student eligibility for state financial aid awards
 205 and tuition assistance grants.-- Students shall be classified as
 206 residents or nonresidents for the purpose of assessing tuition
 207 in community colleges and state universities and for the purpose
 208 of determining student eligibility for state financial aid
 209 awards and tuition assistance grants.

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

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

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

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

223 1009.76, s. 1009.77, s. 1009.89, or s. 1009.891.

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

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

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

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

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

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

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

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

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

279 supervision, and control of the child.

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

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

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

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

315 (b) Each institution of higher learning shall:

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

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

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

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

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

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

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

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

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

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

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

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

391 more than once to any one person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

444 1009.22 Workforce education postsecondary student fees.--

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

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

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

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

489 1009.23 Community college student fees.--

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

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

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

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

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

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

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

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

587 this subsection.

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

591 1009.24 State university student fees.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

744 1009.25 Fee exemptions.--

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

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

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

759 1009.265 State employee fee waivers.--

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

774 Section 11. Paragraph (b) of subsection (2) of section
775 1009.98, Florida Statutes, is amended to read:

776 1009.98 Stanley G. Tate Florida Prepaid College Program.--

777 (2) PREPAID COLLEGE PLANS.--At a minimum, the board shall
778 make advance payment contracts available for two independent
779 plans to be known as the community college plan and the
780 university plan. The board may also make advance payment
781 contracts available for a dormitory residence plan. The board
782 may restrict the number of participants in the community college

783 plan, university plan, and dormitory residence plan,
784 respectively. However, any person denied participation solely on
785 the basis of such restriction shall be granted priority for
786 participation during the succeeding year.

787 (b)1. Through the university plan, the advance payment
788 contract shall provide prepaid registration fees for a specified
789 number of undergraduate semester credit hours not to exceed the
790 average number of hours required for the conference of a
791 baccalaureate degree. Qualified beneficiaries shall bear the
792 cost of any laboratory fees associated with enrollment in
793 specific courses. Each qualified beneficiary shall be classified
794 as a resident for tuition purposes pursuant to s. 1009.21,
795 regardless of his or her actual legal residence.

796 2. Effective July 1, 1998, the board may provide advance
797 payment contracts for additional fees delineated in s.
798 1009.24 (9) - (12) ~~(8) - (11)~~, for a specified number of undergraduate
799 semester credit hours not to exceed the average number of hours
800 required for the conference of a baccalaureate degree, in
801 conjunction with advance payment contracts for registration
802 fees. Such contracts shall provide prepaid coverage for the sum
803 of such fees, to a maximum of 45 percent of the cost of
804 registration fees. University plan contracts purchased prior to
805 July 1, 1998, shall be limited to the payment of registration
806 fees as defined in s. 1009.97.

807 3. Effective July 1, 2007, the board may provide advance
808 payment contracts for the tuition differential authorized in s.
809 1009.24 (16) ~~(15)~~ for a specified number of undergraduate semester
810 credit hours, which may not exceed the average number of hours

811 required for the conference of a baccalaureate degree, in
 812 conjunction with advance payment contracts for registration
 813 fees.

814 Section 12. Subsection (5) of section 1011.48, Florida
 815 Statutes, is amended to read:

816 1011.48 Establishment of educational research centers for
 817 child development.--

818 (5) Each educational research center for child development
 819 shall be funded by a portion of the Capital Improvement Trust
 820 Fund fee established by the Board of Governors pursuant to s.
 821 1009.24 (8) ~~(7)~~. Each university that establishes a center shall
 822 receive a portion of such fees collected from the students
 823 enrolled at that university, usable only at that university,
 824 equal to 22.5 cents per student per credit hour taken per term,
 825 based on the summer term and fall and spring semesters. This
 826 allocation shall be used by the university only for the
 827 establishment and operation of a center as provided by this
 828 section and rules adopted hereunder. Said allocation may be made
 829 only after all bond obligations required to be paid from such
 830 fees have been met.

831 Section 13. Section 196.192, Florida Statutes, is amended
 832 to read:

833 196.192 Exemptions from ad valorem taxation.--Subject to
 834 the provisions of this chapter:

835 (1) All property owned by an exempt entity, including
 836 educational institutions, and used exclusively for exempt
 837 purposes shall be totally exempt from ad valorem taxation.

838 (2) All property owned by an exempt entity, including

839 educational institutions, and used predominantly for exempt
840 purposes shall be exempted from ad valorem taxation to the
841 extent of the ratio that such predominant use bears to the
842 nonexempt use.

843 (3) All tangible personal property loaned or leased by a
844 natural person, by a trust holding property for a natural
845 person, or by an exempt entity to an exempt entity for public
846 display or exhibition on a recurrent schedule is exempt from ad
847 valorem taxation if the property is loaned or leased for no
848 consideration or for nominal consideration.

849

850 For purposes of this section, each use to which the property is
851 being put must be considered in granting an exemption from ad
852 valorem taxation, including any economic use in addition to any
853 physical use. For purposes of this section, property owned by a
854 limited liability company, the sole member of which is an exempt
855 entity, shall be treated as if the property were owned directly
856 by the exempt entity. This section does not apply in determining
857 the exemption for property owned by governmental units pursuant
858 to s. 196.199.

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