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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/22/2014	.	
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	.	
	.	

The Committee on Appropriations (Bradley) recommended the following:

1 **Senate Substitute for Amendment (824504) (with title**
2 **amendment)**

3
4 Delete lines 368 - 410
5 and insert:

6 Section 6. Paragraphs (c) through (g) of subsection (3) of
7 section 1009.22, Florida Statutes, are amended to read:

8 1009.22 Workforce education postsecondary student fees.—

9 (3)

10 (c) Unless otherwise provided in the General Appropriations



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11 Act, effective July 1, 2014 ~~2011~~, for programs leading to a
12 career certificate or an applied technology diploma, the
13 standard tuition shall be \$2.33 ~~\$2.22~~ per contact hour for
14 residents and nonresidents and the out-of-state fee shall be
15 \$6.99 ~~\$6.66~~ per contact hour. For adult general education
16 programs, a block tuition of \$45 per half year or \$30 per term
17 shall be assessed for residents and nonresidents, and the out-
18 of-state fee shall be \$135 per half year or \$90 per term. Each
19 district school board and Florida College System institution
20 board of trustees shall adopt policies and procedures for the
21 collection of and accounting for the expenditure of the block
22 tuition. All funds received from the block tuition shall be used
23 only for adult general education programs. Students enrolled in
24 adult general education programs may not be assessed the fees
25 authorized in subsection (5), subsection (6), or subsection (7).

26 ~~(d) Beginning with the 2008-2009 fiscal year and each year~~
27 ~~thereafter, the tuition and the out-of-state fee per contact~~
28 ~~hour shall increase at the beginning of each fall semester at a~~
29 ~~rate equal to inflation, unless otherwise provided in the~~
30 ~~General Appropriations Act. The Office of Economic and~~
31 ~~Demographic Research shall report the rate of inflation to the~~
32 ~~President of the Senate, the Speaker of the House of~~
33 ~~Representatives, the Governor, and the State Board of Education~~
34 ~~each year prior to March 1. For purposes of this paragraph, the~~
35 ~~rate of inflation shall be defined as the rate of the 12-month~~
36 ~~percentage change in the Consumer Price Index for All Urban~~
37 ~~Consumers, U.S. City Average, All Items, or successor reports as~~
38 ~~reported by the United States Department of Labor, Bureau of~~
39 ~~Labor Statistics, or its successor for December of the previous~~



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40 ~~year. In the event the percentage change is negative, the~~
41 ~~tuition and out-of-state fee shall remain at the same level as~~
42 ~~the prior fiscal year.~~

43 ~~(d)~~(e) Each district school board and each Florida College
44 System institution board of trustees may adopt tuition and out-
45 of-state fees that may vary no more than 5 percent below and 5
46 percent above the combined total of the standard tuition and
47 out-of-state fees established in paragraph (c).

48 ~~(e)~~(f) The maximum increase in resident tuition for any
49 school district or Florida College System institution during the
50 2007-2008 fiscal year shall be 5 percent over the tuition
51 charged during the 2006-2007 fiscal year.

52 ~~(f)~~(g) The State Board of Education may adopt, by rule, the
53 definitions and procedures that district school boards and
54 Florida College System institution boards of trustees shall use
55 in the calculation of cost borne by students.

56 Section 7. Subsection (3), paragraph (a) of subsection
57 (16), and subsection (17) of section 1009.23, Florida Statutes,
58 are amended to read:

59 1009.23 Florida College System institution student fees.—

60 (3) (a) Unless otherwise provided in the General
61 Appropriations Act, effective July 1, 2014 ~~2011~~, for advanced
62 and professional, postsecondary vocational, developmental
63 education, and educator preparation institute programs, the
64 standard tuition shall be \$71.98 ~~\$68.56~~ per credit hour for
65 residents and nonresidents, and the out-of-state fee shall be
66 \$215.94 ~~\$205.82~~ per credit hour.

67 (b) Unless otherwise provided in the General Appropriations
68 Act, effective July 1, 2014 ~~2011~~, for baccalaureate degree



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69 programs, the following tuition and fee rates shall apply:

70 1. The tuition shall be \$91.79 ~~\$87.42~~ per credit hour for
71 students who are residents for tuition purposes.

72 2. The sum of the tuition and the out-of-state fee per
73 credit hour for students who are nonresidents for tuition
74 purposes shall be no more than 85 percent of the sum of the
75 tuition and the out-of-state fee at the state university nearest
76 the Florida College System institution.

77 ~~(c) Beginning with the 2008-2009 fiscal year and each year~~
78 ~~thereafter, the tuition and the out-of-state fee shall increase~~
79 ~~at the beginning of each fall semester at a rate equal to~~
80 ~~inflation, unless otherwise provided in the General~~
81 ~~Appropriations Act. The Office of Economic and Demographic~~
82 ~~Research shall report the rate of inflation to the President of~~
83 ~~the Senate, the Speaker of the House of Representatives, the~~
84 ~~Governor, and the State Board of Education each year prior to~~
85 ~~March 1. For purposes of this paragraph, the rate of inflation~~
86 ~~shall be defined as the rate of the 12-month percentage change~~
87 ~~in the Consumer Price Index for All Urban Consumers, U.S. City~~
88 ~~Average, All Items, or successor reports as reported by the~~
89 ~~United States Department of Labor, Bureau of Labor Statistics,~~
90 ~~or its successor for December of the previous year. In the event~~
91 ~~the percentage change is negative, the tuition and the out-of-~~
92 ~~state fee per credit hour shall remain at the same levels as the~~
93 ~~prior fiscal year.~~

94 (16) (a) Each Florida College System institution may assess
95 a student who enrolls in a course listed in the distance
96 learning catalog, established pursuant to s. 1006.735 ~~s.~~
97 ~~1006.73~~, a per-credit-hour distance learning course user fee.



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98 For purposes of assessing this fee, a distance learning course
99 is a course in which at least 80 percent of the direct
100 instruction of the course is delivered using some form of
101 technology when the student and instructor are separated by time
102 or space, or both.

103 (17) Each Florida College System institution that accepts
104 transient students, pursuant to s. 1006.735 ~~s. 1006.73~~, may
105 establish a transient student fee not to exceed \$5 per course
106 for processing the transient student admissions application.

107 Section 8. Paragraphs (a), (b), and (e) of subsection (4),
108 paragraph (t) of subsection (14), paragraph (b) of subsection
109 (16), and paragraph (a) of subsection (17) of section 1009.24,
110 Florida Statutes, are amended, to read:

111 1009.24 State university student fees.—

112 (4) (a) Unless otherwise provided in the General
113 Appropriations Act, effective July 1, 2014 ~~2011~~, the resident
114 undergraduate tuition for lower-level and upper-level coursework
115 shall be \$105.07 ~~\$103.32~~ per credit hour.

116 ~~(b) Beginning with the 2008-2009 fiscal year and each year~~
117 ~~thereafter, the resident undergraduate tuition per credit hour~~
118 ~~shall increase at the beginning of each fall semester at a rate~~
119 ~~equal to inflation, unless otherwise provided in the General~~
120 ~~Appropriations Act. The Office of Economic and Demographic~~
121 ~~Research shall report the rate of inflation to the President of~~
122 ~~the Senate, the Speaker of the House of Representatives, the~~
123 ~~Governor, and the Board of Governors each year prior to March 1.~~
124 ~~For purposes of this paragraph, the rate of inflation shall be~~
125 ~~defined as the rate of the 12-month percentage change in the~~
126 ~~Consumer Price Index for All Urban Consumers, U.S. City Average,~~



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127 ~~All Items, or successor reports as reported by the United States~~
128 ~~Department of Labor, Bureau of Labor Statistics, or its~~
129 ~~successor for December of the previous year. In the event the~~
130 ~~percentage change is negative, the resident undergraduate~~
131 ~~tuition shall remain at the same level as the prior fiscal year.~~

132 (d) ~~(e)~~ The sum of the activity and service, health, and
133 athletic fees a student is required to pay to register for a
134 course may ~~shall~~ not exceed 40 percent of the tuition
135 established in law or in the General Appropriations Act. No
136 university shall be required to lower any fee in effect on the
137 effective date of this act in order to comply with this
138 subsection. Within the 40 percent cap, universities may not
139 increase the aggregate sum of activity and service, health, and
140 athletic fees more than 5 percent per year, or the same
141 percentage increase in tuition authorized under paragraph (a)
142 ~~(b)~~, whichever is greater, unless specifically authorized in law
143 or in the General Appropriations Act. A university may increase
144 its athletic fee to defray the costs associated with changing
145 National Collegiate Athletic Association divisions. Any such
146 increase in the athletic fee may exceed both the 40 percent cap
147 and the 5 percent cap imposed by this subsection. Any such
148 increase must be approved by the athletic fee committee in the
149 process outlined in subsection (12) and may not ~~cannot~~ exceed \$2
150 per credit hour. Notwithstanding ~~the provisions of~~ ss. 1009.534,
151 1009.535, and 1009.536, that portion of any increase in an
152 athletic fee pursuant to this subsection which ~~that~~ causes the
153 sum of the activity and service, health, and athletic fees to
154 exceed the 40 percent cap or the annual increase in such fees to
155 exceed the 5 percent cap may ~~shall~~ not be included in



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156 calculating the amount a student receives for a Florida Academic
157 Scholars award, a Florida Medallion Scholars award, or a Florida
158 Gold Seal Vocational Scholars award. Notwithstanding this
159 paragraph and subject to approval by the board of trustees, each
160 state university may ~~is authorized to~~ exceed the 5 percent ~~5-~~
161 ~~percent~~ cap on the annual increase to the aggregate sum of
162 activity and service, health, and athletic fees for the 2010-
163 2011 fiscal year. Any such increase may ~~shall~~ not exceed 15
164 percent or the amount required to reach the 2009-2010 fiscal
165 year statewide average for the aggregate sum of activity and
166 service, health, and athletic fees at the main campuses,
167 whichever is greater. The aggregate sum of the activity and
168 service, health, and athletic fees may ~~shall~~ not exceed 40
169 percent of tuition. Any increase in the activity and service
170 fee, health fee, or athletic fee must be approved by the
171 appropriate fee committee pursuant to subsection (10),
172 subsection (11), or subsection (12).

173 (14) Except as otherwise provided in subsection (15), each
174 university board of trustees is authorized to establish the
175 following fees:

176 (t) A transient student fee that may not exceed \$5 per
177 course for accepting a transient student and processing the
178 transient student admissions application pursuant to s. 1006.735
179 ~~s. 1006.73~~.

180
181 With the exception of housing rental rates and except as
182 otherwise provided, fees assessed pursuant to paragraphs (h)-(s)
183 shall be based on reasonable costs of services. The Board of
184 Governors shall adopt regulations and timetables necessary to



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185 implement the fees and fines authorized under this subsection.
186 The fees assessed under this subsection may be used for debt
187 only as authorized under s. 1010.62.

188 (16) Each university board of trustees may establish a
189 tuition differential for undergraduate courses upon receipt of
190 approval from the Board of Governors. The tuition differential
191 shall promote improvements in the quality of undergraduate
192 education and shall provide financial aid to undergraduate
193 students who exhibit financial need.

194 (b) Each tuition differential is subject to the following
195 conditions:

196 1. The tuition differential may be assessed on one or more
197 undergraduate courses or on all undergraduate courses at a state
198 university.

199 2. The tuition differential may vary by course or courses,
200 campus or center location, and by institution. Each university
201 board of trustees shall strive to maintain and increase
202 enrollment in degree programs related to math, science, high
203 technology, and other state or regional high-need fields when
204 establishing tuition differentials by course.

205 3. For each state university that has total research and
206 development expenditures for all fields of at least \$100 million
207 per year as reported annually to the National Science
208 Foundation, the aggregate sum of tuition and the tuition
209 differential may ~~not~~ be increased by no more than 6 ~~15~~ percent
210 of the total charged for the aggregate sum of these fees in the
211 preceding fiscal year. For each state university that has total
212 research and development expenditures for all fields of less
213 than \$100 million per year as reported annually to the National



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214 Science Foundation, the aggregate sum of tuition and the tuition
215 differential may not be increased by more than 6 ~~15~~ percent of
216 the total charged for the aggregate sum of these fees in the
217 preceding fiscal year.

218 4. The aggregate sum of undergraduate tuition and fees per
219 credit hour, including the tuition differential, may not exceed
220 the national average of undergraduate tuition and fees at 4-year
221 degree-granting public postsecondary educational institutions.

222 5. The tuition differential may ~~shall~~ not be included in
223 any award under the Florida Bright Futures Scholarship Program
224 established pursuant to ss. 1009.53-1009.538.

225 6. Beneficiaries having prepaid tuition contracts pursuant
226 to s. 1009.98(2)(b) which were in effect on July 1, 2007, and
227 which remain in effect, are exempt from the payment of the
228 tuition differential.

229 7. The tuition differential may not be charged to any
230 student who was in attendance at the university before July 1,
231 2007, and who maintains continuous enrollment.

232 8. The tuition differential may be waived by the university
233 for students who meet the eligibility requirements for the
234 Florida public student assistance grant established in s.
235 1009.50.

236 9. Subject to approval by the Board of Governors, the
237 tuition differential authorized pursuant to this subsection may
238 take effect with the 2009 fall term.

239 (17)(a) A state university may assess a student who enrolls
240 in a course listed in the distance learning catalog, established
241 pursuant to s. 1006.735 ~~s. 1006.73~~, a per-credit-hour distance
242 learning course fee. For purposes of assessing this fee, a



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243 distance learning course is a course in which at least 80
244 percent of the direct instruction of the course is delivered
245 using some form of technology when the student and instructor
246 are separated by time or space, or both.

247 Section 9. Subsection (10) of section 1009.98, Florida
248 Statutes, is amended to read:

249 1009.98 Stanley G. Tate Florida Prepaid College Program.—

250 (10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.—

251 (a) As used in this subsection, the term:

252 1. "Actuarial reserve" means the amount by which the
253 expected value of the assets exceeds ~~exceed~~ the expected value
254 of the liabilities of the trust fund.

255 2. "Dormitory fees" means the fees included under advance
256 payment contracts pursuant to paragraph (2) (d).

257 3. "Fiscal year" means the fiscal year of the state
258 pursuant to s. 215.01.

259 4. "Local fees" means the fees covered by an advance
260 payment contract provided pursuant to subparagraph (2) (b)2.

261 5. "Tuition differential" means the fee covered by advance
262 payment contracts sold pursuant to subparagraph (2) (b)3. The
263 base rate for the tuition differential fee for the 2012-2013
264 fiscal year is established at \$37.03 per credit hour. The base
265 rate for the tuition differential in subsequent years is the
266 amount assessed ~~paid by the board~~ for the tuition differential
267 for the preceding year adjusted pursuant to subparagraph (b)2.

268 (b) Effective with the 2009-2010 academic year and
269 thereafter, and notwithstanding the provisions of s. 1009.24,
270 the amount paid by the board to any state university on behalf
271 of a qualified beneficiary of an advance payment contract whose



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272 contract was purchased before July 1, 2024 ~~2009~~, shall be:

273 1. As to registration fees, if the actuarial reserve is
274 less than 5 percent of the expected liabilities of the trust
275 fund, the board shall pay the state universities 5.5 percent
276 above the amount assessed for registration fees in the preceding
277 fiscal year. If the actuarial reserve is between 5 percent and 6
278 percent of the expected liabilities of the trust fund, the board
279 shall pay the state universities 6 percent above the amount
280 assessed for registration fees in the preceding fiscal year. If
281 the actuarial reserve is between 6 percent and 7.5 percent of
282 the expected liabilities of the trust fund, the board shall pay
283 the state universities 6.5 percent above the amount assessed for
284 registration fees in the preceding fiscal year. If the actuarial
285 reserve is equal to or greater than 7.5 percent of the expected
286 liabilities of the trust fund, the board shall pay the state
287 universities 7 percent above the amount assessed for
288 registration fees in the preceding fiscal year, whichever is
289 greater.

290 2. As to the tuition differential, if the actuarial reserve
291 is less than 5 percent of the expected liabilities of the trust
292 fund, the board shall pay the state universities 5.5 percent
293 above the base rate for the tuition differential fee in the
294 preceding fiscal year. If the actuarial reserve is between 5
295 percent and 6 percent of the expected liabilities of the trust
296 fund, the board shall pay the state universities 6 percent above
297 the base rate for the tuition differential fee in the preceding
298 fiscal year. If the actuarial reserve is between 6 percent and
299 7.5 percent of the expected liabilities of the trust fund, the
300 board shall pay the state universities 6.5 percent above the



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301 base rate for the tuition differential fee in the preceding
302 fiscal year. If the actuarial reserve is equal to or greater
303 than 7.5 percent of the expected liabilities of the trust fund,
304 the board shall pay the state universities 7 percent above the
305 base rate for the tuition differential fee in the preceding
306 fiscal year.

307 3. As to local fees, the board shall pay the state
308 universities 5 percent above the amount assessed for local fees
309 in the preceding fiscal year.

310 4. As to dormitory fees, the board shall pay the state
311 universities 6 percent above the amount assessed for dormitory
312 fees in the preceding fiscal year.

313 5. Qualified beneficiaries of advance payment contracts
314 purchased before July 1, 2007, are exempt from paying any
315 tuition differential fee.

316 (c) Notwithstanding the amount assessed for registration
317 fees, the tuition differential fee, or local fees, the amount
318 paid by the board to any state university on behalf of a
319 qualified beneficiary of an advance payment contract purchased
320 before July 1, 2024, may not exceed 100 percent of the amount
321 charged by the state university for the aggregate sum of those
322 fees.

323 (d) Notwithstanding the amount assessed for dormitory fees,
324 the amount paid by the board to any state university on behalf
325 of a qualified beneficiary of an advance payment contract
326 purchased before July 1, 2024, may not exceed 100 percent of the
327 amount charged by the state university for dormitory fees.

328 (e)-(e) The board shall pay state universities the actual
329 amount assessed in accordance with law for registration fees,



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330 the tuition differential, local fees, and dormitory fees for
331 advance payment contracts purchased on or after July 1, 2024
332 ~~2009~~.

333 (f)~~(d)~~ The board shall annually evaluate or cause to be
334 evaluated the actuarial soundness of the trust fund.

335 Section 10. Subsection (10) of section 1011.80, Florida
336 Statutes, is amended to read:

337 1011.80 Funds for operation of workforce education
338 programs.—

339 (10) A high school student dually enrolled under s.
340 1007.271 in a workforce education program operated by a Florida
341 College System institution or school district career center
342 generates the amount calculated for workforce education funding,
343 including any payment of performance funding, and the
344 proportional share of full-time equivalent enrollment generated
345 through the Florida Education Finance Program for the student's
346 enrollment in a high school. If a high school student is dually
347 enrolled in a Florida College System institution program,
348 including a program conducted at a high school, the Florida
349 College System institution earns the funds generated for
350 workforce education funding, and the school district earns the
351 proportional share of full-time equivalent funding from the
352 Florida Education Finance Program. If a student is dually
353 enrolled in a career center operated by the same district as the
354 district in which the student attends high school, that district
355 earns the funds generated for workforce education funding and
356 also earns the proportional share of full-time equivalent
357 funding from the Florida Education Finance Program. If a student
358 is dually enrolled in a workforce education program provided by



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359 a career center operated by a different school district, the
360 funds must be divided between the two school districts
361 proportionally from the two funding sources. A student may not
362 be reported for funding in a dual enrollment workforce education
363 program unless the student has completed the basic skills
364 assessment pursuant to s. 1004.91. A student who is coenrolled
365 in a K-12 education program and an adult education program may
366 be reported for purposes of funding in an adult education
367 program. If a student is coenrolled in core curricula courses
368 for credit recovery or dropout prevention purposes and does not
369 have a pattern of excessive absenteeism or habitual truancy or a
370 history of disruptive behavior in school, the student may be
371 reported for funding for up to two courses per year. Such a
372 student is exempt from the payment of the block tuition for
373 adult general education programs provided in s. 1009.22(3)(c) ~~s.~~
374 ~~1009.22(3)(d)~~. The Department of Education shall develop a list
375 of courses to be designated as core curricula courses for the
376 purposes of coenrollment.

377
378 ===== T I T L E A M E N D M E N T =====

379 And the title is amended as follows:

380 Delete lines 35 - 37

381 and insert:

382 deleting an obsolete provision; amending s. 1007.01,
383 F.S.; conforming a cross-reference; amending s.
384 1009.22, F.S.; revising the standard tuition and out-
385 of-state fees for workforce education postsecondary
386 programs leading to certain certificates and diplomas
387 at Florida College System institutions; deleting a



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388 provision relating to an increase in tuition and out-
389 of-state fees at a rate equal to inflation; deleting a
390 requirement that the Office of Economic and
391 Demographic Research annually report the rate of
392 inflation to the Governor, the Legislature, and the
393 State Board of Education; deleting the definition of
394 the term "rate of inflation"; amending s. 1009.23,
395 F.S.; revising the standard tuition and out-of-state
396 fees for certain programs at Florida College System
397 institutions; deleting a provision relating to an
398 increase in tuition and out-of-state fees at a rate
399 equal to inflation; deleting a requirement that the
400 Office of Economic and Demographic Research annually
401 report the rate of inflation to the Governor, the
402 Legislature, and the State Board of Education;
403 deleting the definition of the term "rate of
404 inflation"; conforming cross-references; amending s.
405 1009.24, F.S.; revising the resident undergraduate
406 tuition for lower-level and upper-level coursework;
407 deleting a provision related to an increase of the
408 resident undergraduate tuition at state universities
409 at a rate equal to inflation; deleting the requirement
410 of the Office of Economic and Demographic Research to
411 annually report the rate of inflation to the Governor,
412 the Legislature, and the Board of Governors; deleting
413 the definition of the term "rate of inflation";
414 conforming provisions to changes made by the act;
415 conforming a cross-reference; authorizing a state
416 university board of trustees to increase the aggregate



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417 sum of tuition and tuition differential for up to 6
418 percent of the total charged for the aggregate sum of
419 such fees in the preceding year; conforming a cross-
420 reference; amending s. 1009.98, F.S.; redefining the
421 term "tuition differential"; revising the purchase
422 date of an advance payment contract as it relates to
423 the amount paid by the Florida Prepaid College Board
424 to a state university on behalf of a qualified
425 beneficiary; prohibiting the amount of the aggregate
426 sum of registration fees, the tuition differential
427 fee, or local fees paid by the board to a state
428 university on behalf of a qualified beneficiary of an
429 advance payment contract from exceeding a certain
430 percentage of the amount charged by the state
431 university for the aggregate sum of those fees;
432 prohibiting the amount of the dormitory fees paid for
433 by the board to a state university on behalf of a
434 qualified beneficiary of an advance payment contract
435 from exceeding a certain percentage of the amount
436 charged by the state university for those fees;
437 conforming provisions to changes made by the act;
438 amending s. 1011.80, F.S.; conforming a cross-
439 reference; providing an effective date.