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2014 Legislature

1  
2 An act relating to postsecondary education tuition and  
3 fees; amending s. 1009.98, F.S.; revising the  
4 definition of the term "tuition differential";  
5 revising the purchase date of an advance payment  
6 contract as it relates to the amount paid by the  
7 Florida Prepaid College Board to a state university on  
8 behalf of a qualified beneficiary; limiting the amount  
9 paid by the board to a state university on behalf of a  
10 qualified beneficiary; amending ss. 1009.22 and  
11 1009.23, F.S.; revising the standard tuition and out-  
12 of-state fee for certain workforce education  
13 postsecondary programs and certain programs at Florida  
14 College System institutions; deleting a provision  
15 relating to an increase in tuition and the out-of-  
16 state fee at a rate equal to inflation; amending s.  
17 1009.24, F.S.; revising state university resident  
18 undergraduate tuition; deleting a provision relating  
19 to an increase in resident undergraduate tuition at a  
20 rate equal to inflation; authorizing the Board of  
21 Governors to approve the establishment of or an  
22 increase in tuition differential for a state research  
23 university designated as a preeminent state research  
24 university; revising the annual percentage increase  
25 allowed in the aggregate sum of tuition and the



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26 | tuition differential; providing requirements for an  
27 | increase in the tuition differential for certain  
28 | universities; amending s. 1009.26, F.S.; requiring a  
29 | state university, Florida College System institution,  
30 | career center operated by a school district, or  
31 | charter technical career center to waive undergraduate  
32 | tuition for a recipient of a Purple Heart or another  
33 | combat decoration superior in precedence under certain  
34 | conditions; providing for the waiver of out-of-state  
35 | fees for students based on certain attendance,  
36 | graduation, and enrollment requirements; requiring  
37 | reporting to the Board of Governors and the State  
38 | Board of Education relating to the number and value of  
39 | the fee waivers; providing requirements for  
40 | calculating the state university systemwide enrollment  
41 | of nonresident students; restricting eligibility for  
42 | state financial aid; requiring a state university, a  
43 | Florida College System institution, a career center  
44 | operated by a school district, or a charter technical  
45 | career center to prioritize enrollment of certain  
46 | veterans; amending s. 1009.21, F.S., relating to the  
47 | determination of resident status for tuition purposes;  
48 | revising the definition of the term "parent"; revising  
49 | a residency requirement for a dependent child;  
50 | prohibiting denial of classification as a resident for



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51 | tuition purposes based on certain immigration status;  
 52 | revising requirements relating to classification as a  
 53 | resident for tuition purposes based on marriage;  
 54 | providing an effective date.

56 | Be It Enacted by the Legislature of the State of Florida:

58 | Section 1. Subsection (10) of section 1009.98, Florida  
 59 | Statutes, is amended to read:

60 | 1009.98 Stanley G. Tate Florida Prepaid College Program.—

61 | (10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.—

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

63 | 1. "Actuarial reserve" means the amount by which the  
 64 | expected value of the assets exceeds ~~exceed~~ the expected value  
 65 | of the liabilities of the trust fund.

66 | 2. "Dormitory fees" means the fees included under advance  
 67 | payment contracts pursuant to paragraph (2) (d).

68 | 3. "Fiscal year" means the fiscal year of the state  
 69 | pursuant to s. 215.01.

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

72 | 5. "Tuition differential" means the fee covered by advance  
 73 | payment contracts sold pursuant to subparagraph (2) (b) 3. The  
 74 | base rate for the tuition differential fee for the 2012-2013  
 75 | fiscal year is established at \$37.03 per credit hour. The base



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76 rate for the tuition differential in subsequent years is the  
77 amount assessed ~~paid by the board~~ for the tuition differential  
78 for the preceding year adjusted pursuant to subparagraph (b)2.

79 (b) Effective with the 2009-2010 academic year and  
80 thereafter, and notwithstanding ~~the provisions of~~ s. 1009.24,  
81 the amount paid by the board to any state university on behalf  
82 of a qualified beneficiary of an advance payment contract whose  
83 contract was purchased before July 1, 2024 ~~2009~~, shall be:

84 1. As to registration fees, if the actuarial reserve is  
85 less than 5 percent of the expected liabilities of the trust  
86 fund, the board shall pay the state universities 5.5 percent  
87 above the amount assessed for registration fees in the preceding  
88 fiscal year. If the actuarial reserve is between 5 percent and 6  
89 percent of the expected liabilities of the trust fund, the board  
90 shall pay the state universities 6 percent above the amount  
91 assessed for registration fees in the preceding fiscal year. If  
92 the actuarial reserve is between 6 percent and 7.5 percent of  
93 the expected liabilities of the trust fund, the board shall pay  
94 the state universities 6.5 percent above the amount assessed for  
95 registration fees in the preceding fiscal year. If the actuarial  
96 reserve is equal to or greater than 7.5 percent of the expected  
97 liabilities of the trust fund, the board shall pay the state  
98 universities 7 percent above the amount assessed for  
99 registration fees in the preceding fiscal year, whichever is  
100 greater.



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101           2. As to the tuition differential, if the actuarial  
102 reserve is less than 5 percent of the expected liabilities of  
103 the trust fund, the board shall pay the state universities 5.5  
104 percent above the base rate for the tuition differential fee in  
105 the preceding fiscal year. If the actuarial reserve is between 5  
106 percent and 6 percent of the expected liabilities of the trust  
107 fund, the board shall pay the state universities 6 percent above  
108 the base rate for the tuition differential fee in the preceding  
109 fiscal year. If the actuarial reserve is between 6 percent and  
110 7.5 percent of the expected liabilities of the trust fund, the  
111 board shall pay the state universities 6.5 percent above the  
112 base rate for the tuition differential fee in the preceding  
113 fiscal year. If the actuarial reserve is equal to or greater  
114 than 7.5 percent of the expected liabilities of the trust fund,  
115 the board shall pay the state universities 7 percent above the  
116 base rate for the tuition differential fee in the preceding  
117 fiscal year.

118           3. As to local fees, the board shall pay the state  
119 universities 5 percent above the amount assessed for local fees  
120 in the preceding fiscal year.

121           4. As to dormitory fees, the board shall pay the state  
122 universities 6 percent above the amount assessed for dormitory  
123 fees in the preceding fiscal year.

124           5. Qualified beneficiaries of advance payment contracts  
125 purchased before July 1, 2007, are exempt from paying any



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126 | tuition differential fee.

127 |       (c) Notwithstanding the amount assessed for registration  
128 | fees, the tuition differential, or local fees, the amount paid  
129 | by the board to any state university on behalf of a qualified  
130 | beneficiary of an advance payment contract purchased before July  
131 | 1, 2024, may not exceed 100 percent of the amount charged by the  
132 | state university for the aggregate sum of those fees.

133 |       (d) Notwithstanding the amount assessed for dormitory  
134 | fees, the amount paid by the board to any state university on  
135 | behalf of a qualified beneficiary of an advance payment contract  
136 | purchased before July 1, 2024, may not exceed 100 percent of the  
137 | amount charged by the state university for dormitory fees.

138 |       (e)~~(e)~~ The board shall pay state universities the actual  
139 | amount assessed in accordance with law for registration fees,  
140 | the tuition differential, local fees, and dormitory fees for  
141 | advance payment contracts purchased on or after July 1, 2024  
142 | ~~2009~~.

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

145 |       Section 2. Paragraphs (c) through (g) of subsection (3) of  
146 | section 1009.22, Florida Statutes, are amended to read:

147 |       1009.22 Workforce education postsecondary student fees.—

148 |       (3)

149 |       (c) Effective July 1, 2014 ~~2011~~, for programs leading to a  
150 | career certificate or an applied technology diploma, the



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151 standard tuition shall be \$2.33 ~~\$2.22~~ per contact hour for  
152 residents and nonresidents and the out-of-state fee shall be  
153 \$6.99 ~~\$6.66~~ per contact hour. For adult general education  
154 programs, a block tuition of \$45 per half year or \$30 per term  
155 shall be assessed ~~for residents and nonresidents, and the out-~~  
156 ~~of-state fee shall be \$135 per half year or \$90 per term.~~ Each  
157 district school board and Florida College System institution  
158 board of trustees shall adopt policies and procedures for the  
159 collection of and accounting for the expenditure of the block  
160 tuition. All funds received from the block tuition shall be used  
161 only for adult general education programs. Students enrolled in  
162 adult general education programs may not be assessed the fees  
163 authorized in subsection (5), subsection (6), or subsection (7).

164 ~~(d) Beginning with the 2008-2009 fiscal year and each year~~  
165 ~~thereafter, the tuition and the out of state fee per contact~~  
166 ~~hour shall increase at the beginning of each fall semester at a~~  
167 ~~rate equal to inflation, unless otherwise provided in the~~  
168 ~~General Appropriations Act. The Office of Economic and~~  
169 ~~Demographic Research shall report the rate of inflation to the~~  
170 ~~President of the Senate, the Speaker of the House of~~  
171 ~~Representatives, the Governor, and the State Board of Education~~  
172 ~~each year prior to March 1. For purposes of this paragraph, the~~  
173 ~~rate of inflation shall be defined as the rate of the 12-month~~  
174 ~~percentage change in the Consumer Price Index for All Urban~~  
175 ~~Consumers, U.S. City Average, All Items, or successor reports as~~



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176 ~~reported by the United States Department of Labor, Bureau of~~  
177 ~~Labor Statistics, or its successor for December of the previous~~  
178 ~~year. In the event the percentage change is negative, the~~  
179 ~~tuition and out-of-state fee shall remain at the same level as~~  
180 ~~the prior fiscal year.~~

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

186 (e)~~(f)~~ The maximum increase in resident tuition for any  
187 school district or Florida College System institution during the  
188 2007-2008 fiscal year shall be 5 percent over the tuition  
189 charged during the 2006-2007 fiscal year.

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

194 Section 3. Subsection (3) of section 1009.23, Florida  
195 Statutes, is amended to read:

196 1009.23 Florida College System institution student fees.-

197 (3) (a) Effective July 1, 2014 ~~2011~~, for advanced and  
198 professional, postsecondary vocational, developmental education,  
199 and educator preparation institute programs, the standard  
200 tuition shall be \$71.98 ~~\$68.56~~ per credit hour for residents and





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201 nonresidents, and the out-of-state fee shall be \$215.94 ~~\$205.82~~  
202 per credit hour.

203 (b) Effective July 1, 2014 ~~2011~~, for baccalaureate degree  
204 programs, the following tuition and fee rates shall apply:

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

207 2. The sum of the tuition and the out-of-state fee per  
208 credit hour for students who are nonresidents for tuition  
209 purposes shall be no more than 85 percent of the sum of the  
210 tuition and the out-of-state fee at the state university nearest  
211 the Florida College System institution.

212 ~~(c) Beginning with the 2008-2009 fiscal year and each year~~  
213 ~~thereafter, the tuition and the out-of-state fee shall increase~~  
214 ~~at the beginning of each fall semester at a rate equal to~~  
215 ~~inflation, unless otherwise provided in the General~~  
216 ~~Appropriations Act. The Office of Economic and Demographic~~  
217 ~~Research shall report the rate of inflation to the President of~~  
218 ~~the Senate, the Speaker of the House of Representatives, the~~  
219 ~~Governor, and the State Board of Education each year prior to~~  
220 ~~March 1. For purposes of this paragraph, the rate of inflation~~  
221 ~~shall be defined as the rate of the 12-month percentage change~~  
222 ~~in the Consumer Price Index for All Urban Consumers, U.S. City~~  
223 ~~Average, All Items, or successor reports as reported by the~~  
224 ~~United States Department of Labor, Bureau of Labor Statistics,~~  
225 ~~or its successor for December of the previous year. In the event~~



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226 ~~the percentage change is negative, the tuition and the out-of-~~  
227 ~~state fee per credit hour shall remain at the same levels as the~~  
228 ~~prior fiscal year.~~

229 Section 4. Subsections (4) and (16) of section 1009.24,  
230 Florida Statutes, are amended to read:

231 1009.24 State university student fees.—

232 (4) (a) Effective July 1, 2014 ~~2011~~, the resident  
233 undergraduate tuition for lower-level and upper-level coursework  
234 shall be \$105.07 ~~\$103.32~~ per credit hour.

235 ~~(b) Beginning with the 2008-2009 fiscal year and each year~~  
236 ~~thereafter, the resident undergraduate tuition per credit hour~~  
237 ~~shall increase at the beginning of each fall semester at a rate~~  
238 ~~equal to inflation, unless otherwise provided in the General~~  
239 ~~Appropriations Act. The Office of Economic and Demographic~~  
240 ~~Research shall report the rate of inflation to the President of~~  
241 ~~the Senate, the Speaker of the House of Representatives, the~~  
242 ~~Governor, and the Board of Governors each year prior to March 1.~~  
243 ~~For purposes of this paragraph, the rate of inflation shall be~~  
244 ~~defined as the rate of the 12-month percentage change in the~~  
245 ~~Consumer Price Index for All Urban Consumers, U.S. City Average,~~  
246 ~~All Items, or successor reports as reported by the United States~~  
247 ~~Department of Labor, Bureau of Labor Statistics, or its~~  
248 ~~successor for December of the previous year. In the event the~~  
249 ~~percentage change is negative, the resident undergraduate~~  
250 ~~tuition shall remain at the same level as the prior fiscal year.~~



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251        (b)~~(e)~~ The Board of Governors, or the board's designee,  
252 may establish tuition for graduate and professional programs,  
253 and out-of-state fees for all programs. Except as otherwise  
254 provided in this section, the sum of tuition and out-of-state  
255 fees assessed to nonresident students must be sufficient to  
256 offset the full instructional cost of serving such students.  
257 However, adjustments to out-of-state fees or tuition for  
258 graduate programs and professional programs may not exceed 15  
259 percent in any year.

260        (c)~~(d)~~ The Board of Governors may consider and approve  
261 flexible tuition policies as requested by a university board of  
262 trustees in accordance with ~~the provisions of~~ subsection (15)  
263 only to the extent such policies are in alignment with the  
264 mission of the university and do not increase the state's fiscal  
265 liability or obligations, including, but not limited to, any  
266 fiscal liability or obligation for programs authorized under ss.  
267 1009.53-1009.538 and ss. 1009.97-1009.984.

268        (d)~~(e)~~ The sum of the activity and service, health, and  
269 athletic fees a student is required to pay to register for a  
270 course may ~~shall~~ not exceed 40 percent of the tuition  
271 established in law or in the General Appropriations Act. No  
272 university shall be required to lower any fee in effect on the  
273 effective date of this act in order to comply with this  
274 subsection. Within the 40 percent cap, universities may not  
275 increase the aggregate sum of activity and service, health, and



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276 athletic fees more than 5 percent per year, ~~or the same~~  
277 ~~percentage increase in tuition authorized under paragraph (b),~~  
278 ~~whichever is greater,~~ unless specifically authorized in law or  
279 in the General Appropriations Act. A university may increase its  
280 athletic fee to defray the costs associated with changing  
281 National Collegiate Athletic Association divisions. Any such  
282 increase in the athletic fee may exceed both the 40 percent cap  
283 and the 5 percent cap imposed by this subsection. Any such  
284 increase must be approved by the athletic fee committee in the  
285 process outlined in subsection (12) and may not ~~cannot~~ exceed \$2  
286 per credit hour. Notwithstanding ~~the provisions of~~ ss. 1009.534,  
287 1009.535, and 1009.536, that portion of any increase in an  
288 athletic fee pursuant to this subsection which ~~that~~ causes the  
289 sum of the activity and service, health, and athletic fees to  
290 exceed the 40 percent cap or the annual increase in such fees to  
291 exceed the 5 percent cap may ~~shall~~ not be included in  
292 calculating the amount a student receives for a Florida Academic  
293 Scholars award, a Florida Medallion Scholars award, or a Florida  
294 Gold Seal Vocational Scholars award. Notwithstanding this  
295 paragraph and subject to approval by the board of trustees, each  
296 state university may ~~is authorized to~~ exceed the 5-percent cap  
297 on the annual increase to the aggregate sum of activity and  
298 service, health, and athletic fees for the 2010-2011 fiscal  
299 year. Any such increase may ~~shall~~ not exceed 15 percent or the  
300 amount required to reach the 2009-2010 fiscal year statewide



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301 average for the aggregate sum of activity and service, health,  
302 and athletic fees at the main campuses, whichever is greater.  
303 The aggregate sum of the activity and service, health, and  
304 athletic fees may ~~shall~~ not exceed 40 percent of tuition. Any  
305 increase in the activity and service fee, health fee, or  
306 athletic fee must be approved by the appropriate fee committee  
307 pursuant to subsection (10), subsection (11), or subsection  
308 (12).

309 (e) ~~(f)~~ This subsection does not prohibit a university from  
310 increasing or assessing optional fees related to specific  
311 activities if payment of such fees is not required as a part of  
312 registration for courses.

313 (16) Each university board of trustees may establish a  
314 tuition differential for undergraduate courses upon receipt of  
315 approval from the Board of Governors. However, beginning July 1,  
316 2014, the Board of Governors may only approve the establishment  
317 of or an increase in tuition differential for a state research  
318 university designated as a preeminent state research university  
319 pursuant to s. 1001.7065(3). The tuition differential shall  
320 promote improvements in the quality of undergraduate education  
321 and shall provide financial aid to undergraduate students who  
322 exhibit financial need.

323 (a) Seventy percent of the revenues from the tuition  
324 differential shall be expended for purposes of undergraduate  
325 education. Such expenditures may include, but are not limited



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326 to, increasing course offerings, improving graduation rates,  
327 increasing the percentage of undergraduate students who are  
328 taught by faculty, decreasing student-faculty ratios, providing  
329 salary increases for faculty who have a history of excellent  
330 teaching in undergraduate courses, improving the efficiency of  
331 the delivery of undergraduate education through academic  
332 advisement and counseling, and reducing the percentage of  
333 students who graduate with excess hours. This expenditure for  
334 undergraduate education may not be used to pay the salaries of  
335 graduate teaching assistants. Except as otherwise provided in  
336 this subsection, the remaining 30 percent of the revenues from  
337 the tuition differential, or the equivalent amount of revenue  
338 from private sources, shall be expended to provide financial aid  
339 to undergraduate students who exhibit financial need, including  
340 students who are scholarship recipients under s. 1009.984, to  
341 meet the cost of university attendance. This expenditure for  
342 need-based financial aid shall not supplant the amount of need-  
343 based aid provided to undergraduate students in the preceding  
344 fiscal year from financial aid fee revenues, the direct  
345 appropriation for financial assistance provided to state  
346 universities in the General Appropriations Act, or from private  
347 sources. The total amount of tuition differential waived under  
348 subparagraph (b)8. may be included in calculating the  
349 expenditures for need-based financial aid to undergraduate  
350 students required by this subsection. If the entire tuition and



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351 fee costs of resident students who have applied for and received  
352 Pell Grant funds have been met and the university has excess  
353 funds remaining from the 30 percent of the revenues from the  
354 tuition differential required to be used to assist students who  
355 exhibit financial need, the university may expend the excess  
356 portion in the same manner as required for the other 70 percent  
357 of the tuition differential revenues.

358 (b) Each tuition differential is subject to the following  
359 conditions:

360 1. The tuition differential may be assessed on one or more  
361 undergraduate courses or on all undergraduate courses at a state  
362 university.

363 2. The tuition differential may vary by course or courses,  
364 by campus or center location, and by institution. Each  
365 university board of trustees shall strive to maintain and  
366 increase enrollment in degree programs related to math, science,  
367 high technology, and other state or regional high-need fields  
368 when establishing tuition differentials by course.

369 3. For each state university that is designated as a  
370 preeminent state research university by the Board of Governors,  
371 pursuant to s. 1001.7065 ~~has total research and development~~  
372 ~~expenditures for all fields of at least \$100 million per year as~~  
373 ~~reported annually to the National Science Foundation,~~ the  
374 aggregate sum of tuition and the tuition differential may ~~not~~ be  
375 increased by no more than 6 ~~15~~ percent of the total charged for



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376 | the aggregate sum of these fees in the preceding fiscal year.  
377 | The tuition differential may be increased if the university  
378 | meets or exceeds performance standard targets for that  
379 | university established annually by the Board of Governors for  
380 | the following performance standards, amounting to no more than a  
381 | 2-percent increase in the tuition differential for each  
382 | performance standard:

383 |       a. An increase in the 6-year graduation rate for full-  
384 | time, first-time-in-college students, as reported annually to  
385 | the Integrated Postsecondary Education Data System.

386 |       b. An increase in the total annual research expenditures.

387 |       c. An increase in the total patents awarded by the United  
388 | States Patent and Trademark Office for the most recent years.

389 | ~~For each state university that has total research and~~  
390 | ~~development expenditures for all fields of less than \$100~~  
391 | ~~million per year as reported annually to the National Science~~  
392 | ~~Foundation, the aggregate sum of tuition and the tuition~~  
393 | ~~differential may not be increased by more than 15 percent of the~~  
394 | ~~total charged for the aggregate sum of these fees in the~~  
395 | ~~preceding fiscal year.~~

396 |       4. The aggregate sum of undergraduate tuition and fees per  
397 | credit hour, including the tuition differential, may not exceed  
398 | the national average of undergraduate tuition and fees at 4-year  
399 | degree-granting public postsecondary educational institutions.

400 |       5. The tuition differential shall not be included in any





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401 award under the Florida Bright Futures Scholarship Program  
402 established pursuant to ss. 1009.53-1009.538.

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

407 7. The tuition differential may not be charged to any  
408 student who was in attendance at the university before July 1,  
409 2007, and who maintains continuous enrollment.

410 8. The tuition differential may be waived by the  
411 university for students who meet the eligibility requirements  
412 for the Florida public student assistance grant established in  
413 s. 1009.50.

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

417 (c) A university board of trustees may submit a proposal  
418 to the Board of Governors to implement a tuition differential  
419 for one or more undergraduate courses. At a minimum, the  
420 proposal shall:

421 1. Identify the course or courses for which the tuition  
422 differential will be assessed.

423 2. Indicate the amount that will be assessed for each  
424 tuition differential proposed.

425 3. Indicate the purpose of the tuition differential.



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426           4. Indicate how the revenues from the tuition differential  
427 will be used.

428           5. Indicate how the university will monitor the success of  
429 the tuition differential in achieving the purpose for which the  
430 tuition differential is being assessed.

431           (d) The Board of Governors shall review each proposal and  
432 advise the university board of trustees of approval of the  
433 proposal, the need for additional information or revision to the  
434 proposal, or denial of the proposal. The Board of Governors  
435 shall establish a process for any university to revise a  
436 proposal or appeal a decision of the board.

437           (e) The Board of Governors shall submit a report to the  
438 President of the Senate, the Speaker of the House of  
439 Representatives, and the Governor describing the implementation  
440 of the provisions of this subsection no later than February 1 of  
441 each year. The report shall summarize proposals received by the  
442 board during the preceding fiscal year and actions taken by the  
443 board in response to such proposals. In addition, the report  
444 shall provide the following information for each university that  
445 has been approved by the board to assess a tuition differential:

446           1. The course or courses for which the tuition  
447 differential was assessed and the amount assessed.

448           2. The total revenues generated by the tuition  
449 differential.

450           3. With respect to waivers authorized under subparagraph



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451 (b)8., the number of students eligible for a waiver, the number  
 452 of students receiving a waiver, and the value of waivers  
 453 provided.

454 4. Detailed expenditures of the revenues generated by the  
 455 tuition differential.

456 5. Changes in retention rates, graduation rates, the  
 457 percentage of students graduating with more than 110 percent of  
 458 the hours required for graduation, pass rates on licensure  
 459 examinations, the number of undergraduate course offerings, the  
 460 percentage of undergraduate students who are taught by faculty,  
 461 student-faculty ratios, and the average salaries of faculty who  
 462 teach undergraduate courses.

463 (f) No state university shall be required to lower any  
 464 tuition differential that was approved by the Board of Governors  
 465 and in effect prior to January 1, 2009, in order to comply with  
 466 the provisions of this subsection.

467 Section 5. Subsection (8) of section 1009.26, Florida  
 468 Statutes, is amended, and subsection (12) is added to that  
 469 section, to read:

470 1009.26 Fee waivers.—

471 (8) A state university, a ~~or~~ Florida College System  
 472 institution, a career center operated by a school district under  
 473 s. 1001.44, or a charter technical career center shall waive  
 474 tuition for undergraduate college credit programs and career  
 475 certificate programs ~~tuition~~ for each recipient of a Purple



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476 Heart or another combat decoration superior in precedence who:

477 (a) Is enrolled as a full-time, part-time, or summer-  
478 school student in a ~~an undergraduate~~ program that terminates in  
479 an associate or a baccalaureate degree, a college credit ~~or~~  
480 certificate, or a career certificate;

481 (b) Is currently, and was at the time of the military  
482 action that resulted in the awarding of the Purple Heart or  
483 other combat decoration superior in precedence, a resident of  
484 this state; and

485 (c) Submits to the state university, or ~~or~~ the Florida  
486 College System institution, the career center operated by a  
487 school district under s. 1001.44, or the charter technical  
488 career center the DD-214 form issued at the time of separation  
489 from service as documentation that the student has received a  
490 Purple Heart or another combat decoration superior in  
491 precedence. If the DD-214 is not available, other documentation  
492 may be acceptable if recognized by the United States Department  
493 of Defense or the United States Department of Veterans Affairs  
494 as documenting the award.

495  
496 Such a waiver for a Purple Heart recipient or recipient of  
497 another combat decoration superior in precedence shall be  
498 applicable for 110 percent of the number of required credit  
499 hours of the degree or certificate program for which the student  
500 is enrolled.



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501       (12) (a) A state university, a Florida College System  
502 institution, a career center operated by a school district under  
503 s. 1001.44, or a charter technical career center shall waive  
504 out-of-state fees for students, including, but not limited to,  
505 students who are undocumented for federal immigration purposes,  
506 who meet the following conditions:

507           1. Attended a secondary school in this state for 3  
508 consecutive years immediately before graduating from a high  
509 school in this state;

510           2. Apply for enrollment in an institution of higher  
511 education within 24 months after high school graduation; and

512           3. Submit an official Florida high school transcript as  
513 evidence of attendance and graduation.

514       (b) Tuition and fees charged to a student who qualifies  
515 for the out-of-state fee waiver under this subsection may not  
516 exceed the tuition and fees charged to a resident student. The  
517 waiver is applicable for 110 percent of the required credit  
518 hours of the degree or certificate program for which the student  
519 is enrolled. Each state university, Florida College System  
520 institution, career center operated by a school district under  
521 s. 1001.44, and charter technical career center shall report to  
522 the Board of Governors and the State Board of Education,  
523 respectively, the number and value of all fee waivers granted  
524 annually under this subsection. By October 1 of each year, the  
525 Board of Governors for the state universities and the State



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526 Board of Education for Florida College System institutions,  
527 career centers operated by a school district under s. 1001.44,  
528 and charter technical career centers shall annually report for  
529 the previous academic year the percentage of resident and  
530 nonresident students enrolled systemwide.

531 (c) A state university student granted an out-of-state fee  
532 waiver under this subsection must be considered a nonresident  
533 student for purposes of calculating the systemwide total  
534 enrollment of nonresident students as limited by regulation of  
535 the Board of Governors. In addition, a student who is granted an  
536 out-of-state fee waiver under this subsection is not eligible  
537 for state financial aid under part III of this chapter and must  
538 not be reported as a resident for tuition purposes.

539 (d) A state university, a Florida College System  
540 institution, a career center operated by a school district under  
541 s. 1001.44, or a charter technical career center shall, within  
542 the nonresident student enrollment systemwide, prioritize the  
543 enrollment of a veteran who is granted an out-of-state fee  
544 waiver pursuant to the Congressman C.W. Bill Young Tuition  
545 Waiver Act over a student who is granted an out-of-state fee  
546 waiver under this subsection.

547 Section 6. Paragraph (f) of subsection (1), paragraph (b)  
548 of subsection (2), and subsection (5) of section 1009.21,  
549 Florida Statutes, are amended, and paragraph (d) is added to  
550 subsection (2) of that section, to read:



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551 |           1009.21 Determination of resident status for tuition  
552 | purposes.—Students shall be classified as residents or  
553 | nonresidents for the purpose of assessing tuition in  
554 | postsecondary educational programs offered by charter technical  
555 | career centers or career centers operated by school districts,  
556 | in Florida College System institutions, and in state  
557 | universities.

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

559 |           (f) "Parent" means either or both parents of a student,  
560 | any guardian of a student, or any person in a parental  
561 | relationship to a student ~~the natural or adoptive parent or~~  
562 | ~~legal guardian of a dependent child.~~

563 |           (2)

564 |           (b) However, with respect to a dependent child living with  
565 | an adult relative other than the child's parent, such child may  
566 | qualify as a resident for tuition purposes if the adult relative  
567 | is a legal resident who has maintained legal residence in this  
568 | state for at least 12 consecutive months immediately before  
569 | ~~prior to~~ the child's initial enrollment in an institution of  
570 | higher education, provided the child has resided continuously  
571 | with such relative for the 3 5 years immediately before ~~prior to~~  
572 | the child's initial enrollment in an institution of higher  
573 | education, during which time the adult relative has exercised  
574 | day-to-day care, supervision, and control of the child.

575 |           (d) A dependent child who is a United States citizen may



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576 not be denied classification as a resident for tuition purposes  
577 based solely upon the immigration status of his or her parent.

578 (5) A person who physically resides in this state may be  
579 classified as a resident for tuition purposes if he or she  
580 marries a person who meets the 12-month residency requirement  
581 under subsection (2) and who is a legal resident of this state  
582 ~~In making a domiciliary determination related to the~~  
583 ~~classification of a person as a resident or nonresident for~~  
584 ~~tuition purposes, the domicile of a married person, irrespective~~  
585 ~~of sex, shall be determined, as in the case of an unmarried~~  
586 ~~person, by reference to all relevant evidence of domiciliary~~  
587 ~~intent. For the purposes of this section:~~

588 ~~(a) A person shall not be precluded from establishing or~~  
589 ~~maintaining legal residence in this state and subsequently~~  
590 ~~qualifying or continuing to qualify as a resident for tuition~~  
591 ~~purposes solely by reason of marriage to a person domiciled~~  
592 ~~outside this state, even when that person's spouse continues to~~  
593 ~~be domiciled outside of this state, provided such person~~  
594 ~~maintains his or her legal residence in this state.~~

595 ~~(b) A person shall not be deemed to have established or~~  
596 ~~maintained a legal residence in this state and subsequently to~~  
597 ~~have qualified or continued to qualify as a resident for tuition~~  
598 ~~purposes solely by reason of marriage to a person domiciled in~~  
599 ~~this state.~~

600 ~~(c) In determining the domicile of a married person,~~





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601 | ~~irrespective of sex, the fact of the marriage and the place of~~  
602 | ~~domicile of such person's spouse shall be deemed relevant~~  
603 | ~~evidence to be considered in ascertaining domiciliary intent.~~  
604 |       Section 7. This act shall take effect July 1, 2014.