

By the Committee on Education; and Senators Baxley and Garcia

581-03260-21

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1                                   A bill to be entitled  
2       An act relating to an out-of-state fee waiver for  
3       nonresident students; amending s. 1009.26, F.S.;  
4       requiring a state university to waive the out-of-state  
5       fee for a nonresident student who meets certain  
6       requirements; providing applicability; requiring each  
7       state university to report specified information  
8       regarding such out-of-state fee waivers to the Board  
9       of Governors annually; requiring that a student who is  
10      granted such out-of-state fee waiver be excluded from  
11      the limitation on the systemwide total enrollment of  
12      nonresident students; requiring the Board of Governors  
13      to adopt regulations; creating s. 1009.261, F.S.;  
14      enacting the Grandchild Out-of-State Fees Waiver  
15      Compact; providing the purposes of the compact;  
16      defining terms; requiring postsecondary educational  
17      institutions located within member states to waive  
18      out-of-state fees for students who meet specified  
19      criteria; providing that the waiver is applicable for  
20      up to a specified amount of credits; requiring member-  
21      state postsecondary educational institutions to  
22      require a student, or the student's parent if the  
23      student is a dependent child, to provide a written  
24      declaration verifying eligibility; requiring the  
25      executive, legislative, and judicial branches of  
26      member state governments to enforce the compact;  
27      providing that the provisions of the compact have  
28      standing as statutory law; providing for the  
29      implementation, withdrawal, and amendment of the

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compact; providing construction; providing an effective date.

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

Section 1. Subsection (18) is added to section 1009.26, Florida Statutes, to read:

1009.26 Fee waivers.—

(18) (a) A state university shall waive the out-of-state fee for a nonresident student who:

1. Is a United States citizen.

2. Has a grandparent who is a legal resident as defined in s. 1009.21(1).

3. Earns a high school diploma comparable to a standard Florida high school diploma, or its equivalency, or completes a home education program.

4.a. Achieves an SAT combined score no lower than the 89th national percentile on the SAT;

b. Achieves an ACT score concordant to the required SAT score in sub-subparagraph a., using the latest published national concordance table developed jointly by the College Board and ACT, Inc.; or

c. If a state university accepts the Classic Learning Test (CLT) for admission purposes, achieves a CLT score concordant to the required SAT score in sub-subparagraph a., using the latest published scoring comparison developed by Classic Learning Initiatives.

5. Enrolls as a full-time undergraduate student at a state university in the fall academic term immediately following high

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59 school graduation.

60 (b) The waiver under this subsection is applicable for up  
61 to 110 percent of the number of required credit hours of the  
62 degree program for which the student is enrolled.

63 (c) Prior to waiving the out-of-state fee, the state  
64 university shall require the student, or the student's parent if  
65 the student is a dependent child, to provide a written  
66 declaration pursuant to s. 92.525(2) verifying the student's  
67 familial relationship to a grandparent who is a legal resident.

68 (d) Each state university shall report to the Board of  
69 Governors the number and value of all fee waivers granted  
70 annually under this subsection.

71 (e) A nonresident student granted an out-of-state fee  
72 waiver under this subsection shall be excluded from the  
73 limitation on systemwide total enrollment of nonresident  
74 students established by regulation of the Board of Governors.

75 (f) The Board of Governors shall adopt regulations to  
76 administer this subsection.

77 Section 2. Section 1009.261, Florida Statutes, is created  
78 to read:

79 1009.261 Grandchild Out-of-State Fees Waiver Compact.—The  
80 Grandchild Out-of-State Fees Waiver Compact is enacted into law  
81 and entered into by this state with all other jurisdictions  
82 legally joining therein in the form substantially as follows:

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84 GRANDCHILD OUT-OF-STATE

85 FEES WAIVER COMPACT

86  
87 ARTICLE I

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DECLARATION OF PURPOSE

The general purposes of this compact are to:

(1) Increase access to postsecondary education to students whose families are split between two or more states by reducing costs associated with out-of-state fees.

(2) Encourage students to exercise their rights to travel and to choose the postsecondary education that best suits their needs.

(3) Increase postsecondary educational choices.

(4) Decrease the economic burden posed by postsecondary out-of-state fees.

ARTICLE II

DEFINITIONS

As used in this compact, the term:

(1) "Grandparent" means a person who has a legal relationship to a student's parent as the natural or adopted parent or legal guardian of the student's parent.

(2) "Member state" means a state that has enacted this compact.

(3) "Out-of-state fees" means any additional fee for instruction, which is charged to a student who does not qualify for the in-state tuition rate pursuant to the laws of a member state, imposed by a public postsecondary educational institution located within the member state. A charge for any other purpose may not be included within this fee.

(4) "Postsecondary educational institution" means a public

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117 university or college located within a member state.

118 (5) "State" includes the District of Columbia and any  
119 state, territory, or possession of the United States which  
120 oversees one or more public postsecondary educational  
121 institutions.

122 (6) "Student's parent" means a person who has a legal  
123 relationship to a student as the natural or adopted parent or  
124 legal guardian of the student.

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126 ARTICLE III

127 OUT-OF-STATE FEES WAIVER

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129 (1) Postsecondary educational institutions located within  
130 each member state shall waive out-of-state fees for a  
131 nonresident student who:

132 (a) Is a United States citizen.

133 (b) Has a grandparent who is a legal resident under the  
134 applicable laws of the member state.

135 (c)1. Achieves an SAT combined score no lower than the 89th  
136 national percentile on the SAT;

137 2. Achieves an ACT score concordant to the SAT score  
138 required in subparagraph 1., as designated in the latest  
139 published national concordance table developed jointly by the  
140 College Board and ACT, Inc.; or

141 3. Achieves a Classic Learning Test (CLT) score concordant  
142 to the required SAT score in subparagraph 1., as designated in  
143 the latest published scoring comparison developed by Classic  
144 Learning Initiatives, but only if the member state postsecondary  
145 institution accepts the CLT for admission purposes.

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146 (d) Enrolls as a full-time undergraduate student at a  
147 member state postsecondary institution in the fall academic term  
148 immediately following high school graduation.

149 (2) The waiver under this compact is applicable for up to  
150 110 percent of the number of required credit hours of the degree  
151 program in which the student is enrolled.

152 (3) Prior to waiving any out-of-state fees, a member state  
153 postsecondary educational institution shall require the student,  
154 or the student's parent if the student is a dependent child, to  
155 provide a written declaration verifying the student's familial  
156 relationship to a grandparent who is a legal resident of the  
157 member state.

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159 ARTICLE IV

160 OVERSIGHT

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162 The executive, legislative, and judicial branches of state  
163 government in each member state shall enforce this compact and  
164 take all actions necessary and appropriate to effectuate the  
165 compact's purposes and intent. The provisions of this compact  
166 have standing as statutory law.

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168 ARTICLE V

169 DATE OF IMPLEMENTATION, WITHDRAWAL, AND AMENDMENT

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171 (1) The compact shall take effect on the date on which it  
172 is enacted into law by two states. Thereafter it is effective as  
173 to any state upon its enactment by that state.

174 (2) A member state may withdraw from this compact by

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175 repealing the statute in which it is enacted. A member state's  
176 withdrawal may not take effect until 6 months after enactment of  
177 the repeal.

178 (3) This compact may not be construed to invalidate or  
179 prohibit any law of a member state that does not conflict with  
180 the provisions of this compact.

181 (4) This compact may be amended by the member states. An  
182 amendment to this compact is effective and binding after it is  
183 enacted into the laws of all member states.

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185 ARTICLE VI

186 CONSTRUCTION AND SEVERABILITY

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188 This compact shall be liberally construed so as to  
189 effectuate its purposes. The provisions of this compact are  
190 severable, and if any phrase, clause, sentence, or provision  
191 thereof is declared to be contrary to the constitution of any  
192 state or to the Constitution of the United States, or the  
193 application thereof to any government, agency, person, or  
194 circumstance is held invalid, the validity of the remainder of  
195 this compact and the applicability thereof to any government,  
196 agency, person, or circumstance is not affected thereby. If this  
197 compact is held to be contrary to the constitution of any state  
198 participating therein, it remains in full force and effect as to  
199 the state affected as to all severable provisions.

200 Section 3. This act shall take effect July 1, 2021.