| | LEGISLATIVE ACTION | |
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| Senate | • | House |
| Comm: WD | • | |
| 04/22/2014 | • | |
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The Committee on Appropriations (Latvala) recommended the following:

Senate Amendment (with title amendment)

3 Delete line 44

and insert:

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

1009.22 Workforce education postsecondary student fees.-(3)

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

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standard tuition shall be $$2.33 \ 2.22 per contact hour for residents and nonresidents and the out-of-state fee shall be \$6.99 \$6.66 per contact hour. For adult general education programs, a block tuition of \$45 per half year or \$30 per term shall be assessed for residents and nonresidents, and the outof-state fee shall be \$135 per half year or \$90 per term. Each district school board and Florida College System institution board of trustees shall adopt policies and procedures for the collection of and accounting for the expenditure of the block tuition. All funds received from the block tuition shall be used only for adult general education programs. Students enrolled in adult general education programs may not be assessed the fees authorized in subsection (5), subsection (6), or subsection (7). (d) Beginning with the 2008-2009 fiscal year and each year thereafter, the tuition and the out-of-state fee per contact hour shall increase at the beginning of each fall semester at a rate equal to inflation, unless otherwise provided in the General Appropriations Act. The Office of Economic and Demographic Research shall report the rate of inflation to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the State Board of Education each year prior to March 1. For purposes of this paragraph, the rate of inflation shall be defined as the rate of the 12-month percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics, or its successor for December of the previous year. In the event the percentage change is negative, the

tuition and out-of-state fee shall remain at the same level as



the prior fiscal year.

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- (d) (e) Each district school board and each Florida College System institution board of trustees may adopt tuition and outof-state fees that may vary no more than 5 percent below and 5 percent above the combined total of the standard tuition and out-of-state fees established in paragraph (c).
- (e) (f) The maximum increase in resident tuition for any school district or Florida College System institution during the 2007-2008 fiscal year shall be 5 percent over the tuition charged during the 2006-2007 fiscal year.
- (f) (g) The State Board of Education may adopt, by rule, the definitions and procedures that district school boards and Florida College System institution boards of trustees shall use in the calculation of cost borne by students.
- Section 4. Subsection (3) of section 1009.23, Florida Statutes, is amended to read:
 - 1009.23 Florida College System institution student fees.-
- (3)(a) Effective July 1, 2014 2011, for advanced and professional, postsecondary vocational, developmental education, and educator preparation institute programs, the standard tuition shall be \$71.98 \$68.56 per credit hour for residents and nonresidents, and the out-of-state fee shall be \$215.94 \$205.82 per credit hour.
- (b) Effective July 1, 2014 2011, for baccalaureate degree programs, the following tuition and fee rates shall apply:
- 1. The tuition shall be \$91.79 $\frac{$87.42}{}$ per credit hour for students who are residents for tuition purposes.
- 2. The sum of the tuition and the out-of-state fee per credit hour for students who are nonresidents for tuition

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purposes shall be no more than 85 percent of the sum of the tuition and the out-of-state fee at the state university nearest the Florida College System institution.

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

Section 5. Paragraphs (a), (b), and (e) of subsection (4) and paragraph (b) of subsection (16) of section 1009.24, Florida Statutes, are amended, to read:

1009.24 State university student fees.-

- (4)(a) Effective July 1, 2014 2011, the resident undergraduate tuition for lower-level and upper-level coursework shall be $$105.07 \frac{$103.32}{}$ per credit hour.
- (b) Beginning with the 2008-2009 fiscal year and each year thereafter, the resident undergraduate tuition per credit hour

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shall increase at the beginning of each fall semester at a rate equal to inflation, unless otherwise provided in the General Appropriations Act. The Office of Economic and Demographic Research shall report the rate of inflation to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the Board of Governors each year prior to March 1. For purposes of this paragraph, the rate of inflation shall be defined as the rate of the 12-month percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or successor reports as reported by the United States Department of Labor, Bureau of Labor Statistics, or its successor for December of the previous year. In the event the percentage change is negative, the resident undergraduate tuition shall remain at the same level as the prior fiscal year. (d) (e) The sum of the activity and service, health, and athletic fees a student is required to pay to register for a course may shall not exceed 40 percent of the tuition established in law or in the General Appropriations Act. No university shall be required to lower any fee in effect on the effective date of this act in order to comply with this subsection. Within the 40 percent cap, universities may not increase the aggregate sum of activity and service, health, and athletic fees more than 5 percent per year, or the same percentage increase in tuition authorized under paragraph (b), whichever is greater, unless specifically authorized in law or in the General Appropriations Act. A university may increase its athletic fee to defray the costs associated with changing National Collegiate Athletic Association divisions. Any such increase in the athletic fee may exceed both the 40 percent cap

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and the 5 percent cap imposed by this subsection. Any such increase must be approved by the athletic fee committee in the process outlined in subsection (12) and may not cannot exceed \$2 per credit hour. Notwithstanding the provisions of ss. 1009.534, 1009.535, and 1009.536, that portion of any increase in an athletic fee pursuant to this subsection which that causes the sum of the activity and service, health, and athletic fees to exceed the 40 percent cap or the annual increase in such fees to exceed the 5 percent cap may shall not be included in calculating the amount a student receives for a Florida Academic Scholars award, a Florida Medallion Scholars award, or a Florida Gold Seal Vocational Scholars award. Notwithstanding this paragraph and subject to approval by the board of trustees, each state university may is authorized to exceed the 5 percent 5percent cap on the annual increase to the aggregate sum of activity and service, health, and athletic fees for the 2010-2011 fiscal year. Any such increase may shall not exceed 15 percent or the amount required to reach the 2009-2010 fiscal year statewide average for the aggregate sum of activity and service, health, and athletic fees at the main campuses, whichever is greater. The aggregate sum of the activity and service, health, and athletic fees may shall not exceed 40 percent of tuition. Any increase in the activity and service fee, health fee, or athletic fee must be approved by the appropriate fee committee pursuant to subsection (10), subsection (11), or subsection (12).

(16) Each university board of trustees may establish a

tuition differential for undergraduate courses upon receipt of approval from the Board of Governors. The tuition differential

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shall promote improvements in the quality of undergraduate education and shall provide financial aid to undergraduate students who exhibit financial need.

- (b) Each tuition differential is subject to the following conditions:
- 1. The tuition differential may be assessed on one or more undergraduate courses or on all undergraduate courses at a state university.
- 2. The tuition differential may vary by course or courses, campus or center location, and by institution. Each university board of trustees shall strive to maintain and increase enrollment in degree programs related to math, science, high technology, and other state or regional high-need fields when establishing tuition differentials by course.
- 3. For each state university that is designated as a preeminent state research university by the Board of Governors, pursuant to s. 1001.7065, that has total research and development expenditures for all fields of at least \$100 million per year as reported annually to the National Science Foundation, the aggregate sum of tuition and the tuition differential may not be increased by no more than 6 $\frac{15}{15}$ percent of the total charged for the aggregate sum of these fees in the preceding fiscal year if the university meets or exceeds each performance standard target for that university established annually by the Board of Governors for the following performance standards, each amounting to no more than a 2 percent increase in tuition differential:
- a. Increase in the 6-year graduation rate for full-time, first-time-in-college students, as reported annually to the

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Integrated Postsecondary Education Data System;

- b. Increase in the total annual research expenditures; and
- c. Increase in the total patents awarded by the United States Patent and Trademark Office for the most recent years. For each state university that has total research and development expenditures for all fields of less than \$100 million per year as reported annually to the National Science Foundation, the aggregate sum of tuition and the tuition differential may not be increased by more than 15 percent of the total charged for the aggregate sum of these fees in the
- 4. The aggregate sum of undergraduate tuition and fees per credit hour, including the tuition differential, may not exceed the national average of undergraduate tuition and fees at 4-year degree-granting public postsecondary educational institutions.
- 5. The tuition differential shall not be included in any award under the Florida Bright Futures Scholarship Program established pursuant to ss. 1009.53-1009.538.
- 6. Beneficiaries having prepaid tuition contracts pursuant to s. 1009.98(2)(b) which were in effect on July 1, 2007, and which remain in effect, are exempt from the payment of the tuition differential.
- 7. The tuition differential may not be charged to any student who was in attendance at the university before July 1, 2007, and who maintains continuous enrollment.
- 8. The tuition differential may be waived by the university for students who meet the eligibility requirements for the Florida public student assistance grant established in s. 1009.50.

preceding fiscal year.



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

Section 6. Subsection (8) of section 1009.26, Florida Statutes, is amended, and subsection (12) is added to that section, to read:

1009.26 Fee waivers.-

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- (8) A state university, a or Florida College System institution, a career center operated by a school district under s. 1001.44, or a charter technical career center shall waive undergraduate tuition for each recipient of a Purple Heart or another combat decoration superior in precedence who:
- (a) Is enrolled as a full-time, part-time, or summer-school student in an undergraduate program that terminates in a degree or certificate;
- (b) Is currently, and was at the time of the military action that resulted in the awarding of the Purple Heart or other combat decoration superior in precedence, a resident of this state; and
- (c) Submits to the state university or the Florida College System institution the DD-214 form issued at the time of separation from service as documentation that the student has received a Purple Heart or another combat decoration superior in precedence. If the DD-214 is not available, other documentation may be acceptable if recognized by the United States Department of Defense or the United States Department of Veterans Affairs as documenting the award.

Such a waiver for a Purple Heart recipient or recipient of

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another combat decoration superior in precedence shall be applicable for 110 percent of the number of required credit hours of the degree or certificate program for which the student is enrolled.

- (12) (a) A state university, a Florida College System institution, a career center operated by a school district under s. 1001.44, or a charter technical career center shall waive out-of-state fees for students, including but not limited to students who are undocumented for federal immigration purposes, who meet the following conditions:
- 1. Attended a secondary school in this state, which is not the Florida Virtual School Global, for 3 consecutive years immediately before graduating from a high school in this state;
- 2. Enrolled in a degree or certificate program at an institution of higher education within 24 months after high school graduation; and
- 3. Submitted an official Florida high school transcript as evidence of attendance and graduation.
- (b) Tuition and fees charged to a student who qualifies for the out-of-state fee waiver under this subsection may not exceed the tuition and fees charged to a resident student. The waiver is applicable for 110 percent of the required credit hours of the degree or certificate program for which the student is enrolled. Each state university, Florida College System institution, career center operated by a school district under s. 1001.44, and charter technical career center shall report to the Board of Governors and the State Board of Education, as appropriate, the number and value of all fee waivers granted annually under this subsection. The Board of Governors for the

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state universities and the State Board of Education for Florida College System institutions, career centers operated by a school district under s. 1001.44, and charter technical career centers shall annually certify within their legislative budget requests that the percentage of resident students enrolled systemwide is at least the same as the 2013-2014 resident student enrollment systemwide.

(c) A student who is granted an out-of-state fee waiver under this subsection is not eligible for state financial aid under part III of chapter 1009.

Section 7. Subsection (10) of section 1009.98, Florida Statutes, is amended to read:

- 1009.98 Stanley G. Tate Florida Prepaid College Program.-
- (10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES. -
- (a) As used in this subsection, the term:
- 1. "Actuarial reserve" means the amount by which the expected value of the assets exceeds exceed the expected value of the liabilities of the trust fund.
- 2. "Dormitory fees" means the fees included under advance payment contracts pursuant to paragraph (2)(d).
- 3. "Fiscal year" means the fiscal year of the state pursuant to s. 215.01.
- 4. "Local fees" means the fees covered by an advance payment contract provided pursuant to subparagraph (2) (b) 2.
- 5. "Tuition differential" means the fee covered by advance payment contracts sold pursuant to subparagraph (2)(b)3. The base rate for the tuition differential fee for the 2012-2013 fiscal year is established at \$37.03 per credit hour. The base rate for the tuition differential in subsequent years is the

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amount assessed paid by the board for the tuition differential for the preceding year adjusted pursuant to subparagraph (b) 2.

- (b) Effective with the 2009-2010 academic year and thereafter, and notwithstanding the provisions of s. 1009.24, the amount paid by the board to any state university on behalf of a qualified beneficiary of an advance payment contract whose contract was purchased before July 1, 2024 2009, shall be:
- 1. As to registration fees, if the actuarial reserve is less than 5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 5.5 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6.5 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 7 percent above the amount assessed for registration fees in the preceding fiscal year, whichever is greater.
- 2. As to the tuition differential, if the actuarial reserve is less than 5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 5.5 percent above the base rate for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is between 5

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percent and 6 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6 percent above the base rate for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6.5 percent above the base rate for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 7 percent above the base rate for the tuition differential fee in the preceding fiscal year.

- 3. As to local fees, the board shall pay the state universities 5 percent above the amount assessed for local fees in the preceding fiscal year.
- 4. As to dormitory fees, the board shall pay the state universities 6 percent above the amount assessed for dormitory fees in the preceding fiscal year.
- 5. Qualified beneficiaries of advance payment contracts purchased before July 1, 2007, are exempt from paying any tuition differential fee.
- (c) Notwithstanding the amount assessed for registration fees, the tuition differential fee, or local fees, the amount paid by the board to any state university on behalf of a qualified beneficiary of an advance payment contract purchased before July 1, 2024, may not exceed 100 percent of the amount charged by the state university for the aggregate sum of those fees.
 - (d) Notwithstanding the amount assessed for dormitory fees,

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the amount paid by the board to any state university on behalf of a qualified beneficiary of an advance payment contract purchased before July 1, 2024, may not exceed 100 percent of the amount charged by the state university for dormitory fees.

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

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

Section 8. Subsection (10) of section 1011.80, Florida Statutes, is amended to read:

1011.80 Funds for operation of workforce education programs.-

(10) A high school student dually enrolled under s. 1007.271 in a workforce education program operated by a Florida College System institution or school district career center generates the amount calculated for workforce education funding, including any payment of performance funding, and the proportional share of full-time equivalent enrollment generated through the Florida Education Finance Program for the student's enrollment in a high school. If a high school student is dually enrolled in a Florida College System institution program, including a program conducted at a high school, the Florida College System institution earns the funds generated for workforce education funding, and the school district earns the proportional share of full-time equivalent funding from the Florida Education Finance Program. If a student is dually

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enrolled in a career center operated by the same district as the district in which the student attends high school, that district earns the funds generated for workforce education funding and also earns the proportional share of full-time equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a workforce education program provided by a career center operated by a different school district, the funds must be divided between the two school districts proportionally from the two funding sources. A student may not be reported for funding in a dual enrollment workforce education program unless the student has completed the basic skills assessment pursuant to s. 1004.91. A student who is coenrolled in a K-12 education program and an adult education program may be reported for purposes of funding in an adult education program. If a student is coenrolled in core curricula courses for credit recovery or dropout prevention purposes and does not have a pattern of excessive absenteeism or habitual truancy or a history of disruptive behavior in school, the student may be reported for funding for up to two courses per year. Such a student is exempt from the payment of the block tuition for adult general education programs provided in s. 1009.22(3)(c) s. $\frac{1009.22(3)(d)}{d}$. The Department of Education shall develop a list of courses to be designated as core curricula courses for the purposes of coenrollment.

Section 9. A dependent child who is a citizen of the United States of America may not be denied residency classification for tuition purposes based solely on the parent's undocumented immigration status. All applicable laws apply.

Section 10. This act shall take effect July 1, 2014.



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== T I T L E A M E N D M E N T ===== 418

And the title is amended as follows: 419

Between lines 6 and 7

421 insert:

> amending ss. 1009.22 and 1009.23, F.S.; revising the standard tuition and out-of-state fees for workforce education postsecondary programs leading to certain certificates and diplomas and certain other programs at Florida College System institutions; deleting a provision relating to an increase in tuition and outof-state fees at a rate equal to inflation; deleting a requirement that the Office of Economic and Demographic Research annually report the rate of inflation to the Governor, the Legislature, and the State Board of Education; deleting the definition of the term "rate of inflation"; amending s. 1009.24, F.S.; revising the resident undergraduate tuition for lower-level and upper-level coursework; deleting a provision related to an increase of the resident undergraduate tuition at state universities at a rate equal to inflation; deleting the requirement of the Office of Economic and Demographic Research to annually report the rate of inflation to the Governor, the Legislature, and the Board of Governors; deleting the definition of the term "rate of inflation"; conforming provisions to changes made by the act; authorizing a state university board of trustees to increase the aggregate sum of tuition and tuition

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differential for up to 6 percent of the total charged for the aggregate sum of such fees in the preceding year if the state university meets the specified conditions; amending s. 1009.26, F.S.; requiring a state university, a Florida College System institution, a career center operated by a school district, or a charter technical career center to waive undergraduate tuition for a recipient of a Purple Heart or another combat decoration superior in precedence under certain conditions; requiring a state university, a Florida College System institution, a career center operated by a school district, and a charter technical career center to waive out-of-state fees for certain students who meet specified conditions; requiring a state university, a Florida College System institution, a career center operated by a school district, and a charter technical career center to report to the Board of Governors and the State Board of Education, as appropriate, the number and value of all fee waivers; requiring the Board of Governors for the state universities and the State Board of Education for the Florida College System institutions, career centers operated by a school district, and charter technical career centers to annually certify within their legislative budget requests that the percentage of resident students enrolled systemwide is at least the same as the resident student enrollment systemwide in a specified academic year; providing that a student who is granted

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the out-of-state fee waiver is not eligible for state financial aid; amending s. 1009.98, F.S.; redefining the term "tuition differential"; revising the purchase date of an advance payment contract as it relates to the amount paid by the Florida Prepaid College Board to a state university on behalf of a qualified beneficiary; prohibiting the amount of the aggregate sum of registration fees, the tuition differential fee, and local fees paid by the board to a state university on behalf of a qualified beneficiary of an advance payment contract from exceeding a certain percentage of the amount charged by the state university for the aggregate sum of those fees; prohibiting the amount of the dormitory fees paid for by the board to a state university on behalf of a qualified beneficiary of an advance payment contract from exceeding a certain percentage of the amount charged by the state university for those fees; conforming provisions to changes made by the act; amending s. 1011.80, F.S.; conforming a crossreference; prohibiting certain dependent children from being denied residency classification for tuition purposes based solely on a parent's undocumented immigration status;