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LEGISLATIVE ACTION

Senate

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House

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Senator Baxley moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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 from a state in compliance with s.  
1009.261 and who:

1. Is a United States citizen.



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2. Has a grandparent who is a legal resident as defined in s. 1009.21(1)(d); has been residing in Florida for at least five years; and is an honorably discharged veteran of the United States Armed Forces, the United States Reserve Forces, or the National Guard.

3. Earns a high school diploma comparable to a standard Florida high school diploma, or its equivalent, 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 school graduation.

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

(c) Prior to waiving the out-of-state fee, the state university shall require:

1. The student, or the student's parent if the student is a dependent child, to provide a written declaration pursuant to s.



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92.525(2) verifying the student's familial relationship to a grandparent who is a legal resident; and

2. The eligible grandparent to provide proof of Florida residency and proof of honorable discharge.

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

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

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

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

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

GRANDCHILD OUT-OF-STATE

FEES WAIVER COMPACT

ARTICLE I

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



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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 university or college located within a member state.

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



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

ARTICLE III

OUT-OF-STATE FEES WAIVER

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

(a) Is a United States citizen.

(b) Has a grandparent who is a legal resident under the applicable laws of the member state; has been residing in that state for at least five years; and is an honorably discharged veteran of the United States Armed Forces, the United States Reserve Forces, or the National Guard.

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

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

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

(d) Enrolls as a full-time undergraduate student at a member state postsecondary educational institution in the fall



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academic term immediately following high school graduation.

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

(3) Prior to waiving any out-of-state fees, a member state postsecondary educational institution shall require:

(a) The student, or the student's parent if the student is a dependent child, to provide a written declaration verifying the student's familial relationship to a grandparent who is a legal resident of the member state; and

(b) The eligible grandparent to provide proof of residency and proof of honorable discharge.

#### ARTICLE IV

##### OVERSIGHT

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

#### ARTICLE V

##### DATE OF IMPLEMENTATION, WITHDRAWAL, AND AMENDMENT

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

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



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

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

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

#### ARTICLE VI

#### CONSTRUCTION AND SEVERABILITY

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

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

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



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And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to an out-of-state fee waiver for  
nonresident students; amending s. 1009.26, F.S.;  
requiring a state university to waive the out-of-state  
fee for a nonresident student who meets certain  
requirements; providing applicability; requiring each  
state university to report specified information  
regarding such out-of-state fee waivers to the Board  
of Governors annually; requiring that a student who is  
granted such out-of-state fee waiver be excluded from  
the limitation on the systemwide total enrollment of  
nonresident students; requiring the Board of Governors  
to adopt regulations; creating s. 1009.261, F.S.;  
enacting the Grandchild Out-of-State Fees Waiver  
Compact; providing the purposes of the compact;  
defining terms; requiring postsecondary educational  
institutions located within member states to waive  
out-of-state fees for students who meet specified  
criteria; providing that the waiver is applicable for  
up to a specified amount of credits; requiring member-  
state postsecondary educational institutions to  
require a student, or the student's parent if the  
student is a dependent child, to provide a written  
declaration verifying eligibility; requiring the  
eligible grandparent to provide proof of residency and  
honorable discharge; requiring the executive,





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215 legislative, and judicial branches of member state  
216 governments to enforce the compact; providing that the  
217 provisions of the compact have standing as statutory  
218 law; providing for the implementation, withdrawal, and  
219 amendment of the compact; providing construction;  
220 providing an effective date.