

Committee Substitute for Senate Bill No. 8-C

An act relating to tuition and fees for higher education; amending s. 1009.22, F.S., relating to postsecondary student fees for workforce education; deleting provisions requiring the State Board of Education to adopt a fee schedule; providing standard resident tuition for the career certificate, applied technology diploma, and adult general education programs; providing for annual tuition adjustments based on inflation; authorizing district school boards and community college boards to adopt tuition within a specified range; limiting the amount of the increase during the 2007-2008 fiscal year; providing an appropriation and requiring the Department of Education to allocate such funds; amending s. 1009.23, F.S., relating to community college student fees; providing fees for educator preparation institute programs; providing tuition and fees for community college programs for students who are residents or nonresidents for tuition purposes; deleting provisions requiring the State Board of Education to adopt a fee schedule in the absence of a provision in an appropriations act; providing for annual tuition and fee adjustments based on inflation; providing restrictions; providing an appropriation and requiring the Department of Education to allocate such funds; amending s. 1009.24, F.S., relating to state university student fees; providing an amount for resident undergraduate tuition; providing for annual tuition adjustments based on inflation; providing authority for a technology fee beginning with the 2009-2010 fall term; providing for the use of fee revenues; providing an appropriation and requiring the Board of Governors to allocate the funds; requiring certain school districts, community colleges, and state universities to submit plans to the State Board of Education or the Board of Governors specifying the amount and percent of funds generated by the tuition increase which will be used for need-based financial aid for state residents; requiring a summary of such reports be provided to the Governor and the Legislature; requiring each institution to notify students who will receive additional aid; authorizing community colleges to transfer certain funds; providing for future expiration of such provisions; providing an effective date.

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

Section 1. Subsections (3), (10), (11), (12), and (13) of section 1009.22, Florida Statutes, are amended to read:

1009.22 Workforce education postsecondary student fees.—

(3)(a) ~~The Commissioner of Education shall provide to the State Board of Education no later than December 31 of each year a schedule of fees for workforce development education, excluding continuing workforce education, for school districts and community colleges. The fee schedule shall be based on the amount of student fees necessary to produce 25 percent of the prior year's average cost of a course of study leading to a certificate or~~

diploma. Except as otherwise provided by law, fees for students who are ~~nonresidents not residents~~ for tuition purposes must offset the full cost of instruction. Fee-nonexempt students enrolled in vocational-preparatory instruction shall be charged fees equal to the fees charged for certificate career education instruction. Each community college that conducts college-preparatory and vocational-preparatory instruction in the same class section may charge a single fee for both types of instruction.

(b) Fees for continuing workforce education shall be locally determined by the district school board or community college board. However, at least 50 percent of the expenditures for the continuing workforce education program provided by the community college or school district must be derived from fees.

(c) Effective January 1, 2008, standard resident tuition shall be \$1.67 per contact hour for programs leading to a career certificate or an applied technology diploma and 83 cents for adult general education programs. The State Board of Education shall adopt a fee schedule for school districts and community colleges that produces the fee revenues calculated pursuant to paragraph (a). The schedule so calculated shall take effect, unless otherwise specified in the General Appropriations Act.

(d) Beginning with the 2008-2009 fiscal year and each year thereafter, the standard resident tuition 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 standard resident tuition shall remain at the same level as the prior fiscal year.

(e) Each district school board and each community college board of trustees may adopt resident tuition that is within the range of 5 percent below to 5 percent above the standard tuition.

(f) The maximum increase in resident tuition for any school district or community college during the 2007-2008 fiscal year shall be 5 percent over the tuition charged during the 2006-2007 fiscal year.

~~(g)~~(d) The State Board of Education shall adopt, by rule, the definitions and procedures that district school boards and community college boards of trustees shall use in the calculation of cost borne by students.

~~(10) Each year the State Board of Education shall review and evaluate the percentage of the cost of adult programs and certificate career education programs supported through student fees. For students who are residents for tuition purposes, the schedule adopted pursuant to subsection (3) must~~

~~produce revenues equal to 25 percent of the prior year's average program cost for college preparatory and certificate-level workforce development programs. Fees for continuing workforce education shall be locally determined by the district school board or community college board. However, at least 50 percent of the expenditures for the continuing workforce education program provided by the community college or school district must be derived from fees. Except as otherwise provided by law, fees for students who are not residents for tuition purposes must offset the full cost of instruction.~~

~~(10)~~(11) Each school district and community college may assess a service charge for the payment of tuition and fees in installments. Such service charge must be approved by the district school board or community college board of trustees.

~~(11)~~(12) Any school district or community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from workforce education funds or the Community College Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, in rule, approved methods of student fee payment. Such methods must include, but need not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments.

~~(12)~~(13) Each school district and community college shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the district or community college in calculations of actual full-time enrollments for state funding purposes. A student who has been exempted from taking a course or who has been granted academic or technical credit through means other than actual coursework completed at the granting institution may not be calculated for enrollment in the course from which the student has been exempted or for which the student has been granted credit. School districts and community colleges that report enrollments in violation of this subsection shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from workforce education funds and shall revert to the General Revenue Fund.

Section 2. The nonrecurring sum of \$629,614 from the General Revenue Fund is appropriated to the Department of Education for the 2007-2008 fiscal year for Aid to Local Governments, Grants and Aids, Workforce Development. These funds are provided to fund one-half of the estimated annual revenue generated from a 5-percent increase in tuition for fee-paying students in school districts for the 2007-2008 fiscal year. The department shall allocate the funds among the districts in the same proportion as each district's proportionate share of the total estimated tuition and fee revenue for career certificate or applied technology diploma and adult general education programs for all districts for the 2007-2008 fiscal year.

Section 3. Subsections (1), (3), and (4) of section 1009.23, Florida Statutes, are amended to read:

1009.23 Community college student fees.—

(1) Unless otherwise provided, this section applies only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, an associate in science degree, or a baccalaureate degree authorized by the State Board of Education pursuant to s. 1007.33 or s. 1004.73, and for noncollege credit college-preparatory courses defined in s. 1004.02, and for educator preparation institute programs defined in s. 1004.85.

(3)(a) Effective January 1, 2008, for advanced and professional, postsecondary vocational, college preparatory, and educator preparation institute programs, the following tuition and fee rates shall apply:

1. The sum of the standard tuition and the technology fee shall be \$51.35 per credit hour for students who are residents for tuition purposes.

2. The sum of the standard tuition, the technology fee, and the out-of-state fee shall be \$154.14 per credit hour for students who are nonresidents for tuition purposes.

(b) Effective January 1, 2008, for baccalaureate degree programs, the following tuition and fee rates shall apply:

1. The sum of the tuition and the technology fee shall be \$65.47 per credit hour for students who are residents for tuition purposes.

2. The sum of the tuition, the technology fee, and the out-of-state fee per credit hour for students who are nonresidents for tuition 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 community college.

(c) Beginning with the 2008-2009 fiscal year and each year thereafter, the tuition and fees specified in paragraphs (a) and (b) 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 sum of the tuition and the technology fee per credit hour and the out-of-state fee per credit hour shall remain at the same levels as the prior fiscal year. The State Board of Education shall adopt by December 31 of each year a resident fee schedule for the following fall for advanced and professional, associate in science degree, and college preparatory programs that produce revenues in the amount of 25 percent of the full prior year's cost of these programs. Fees for courses in college preparatory programs and associate in arts and associate in science degree programs may be established

at the same level. In the absence of a provision to the contrary in an appropriations act, the fee schedule shall take effect and the colleges shall expend the funds on instruction. If the Legislature provides for an alternative fee schedule in an appropriations act, the fee schedule shall take effect the subsequent fall semester.

(4) Each community college board of trustees shall establish tuition and out-of-state fees, which may vary no more than 10 percent below and 15 percent above the combined total of the standard tuition and fees established in subsection (3) fee schedule adopted by the State Board of Education and the technology fee adopted by a board of trustees, provided that any amount from 10 to 15 percent above the standard tuition and fees established in subsection (3) shall be fee schedule is used only to support safety and security purposes. In order to assess an additional amount for safety and security purposes, a community college board of trustees must provide written justification to the State Board of Education based on criteria approved by the board of trustees, including, but not limited to, criteria such as local crime data and information, and strategies for the implementation of local safety plans. Should a college decide to increase the tuition and fees fee, the funds raised by increasing the tuition and fees fee must be expended solely for additional safety and security purposes and shall not supplant funding expended in the 1998-1999 budget for safety and security purposes.

Section 4. The nonrecurring sum of \$11,446,858 from the General Revenue Fund is appropriated to the Department of Education for the 2007-2008 fiscal year for Aid to Local Governments, Grants and Aids, Community Colleges Program Fund. These funds are provided to fund one-half of the estimated annual revenue generated from a 5-percent increase in tuition for students in community colleges for the 2007-2008 fiscal year. The department shall allocate the funds among the community colleges in the same proportion as each college's proportionate share of the total estimated tuition and fee revenue for all community colleges for the 2007-2008 fiscal year.

Section 5. Subsection (4) of section 1009.24, Florida Statutes, is amended, and paragraph (s) is added to subsection (13) of that section, to read:

1009.24 State university student fees.—

(4)(a) Effective January 1, 2008, the resident undergraduate tuition for lower-level and upper-level coursework shall be \$77.39 per credit hour.

(b) Beginning with the 2008-2009 fiscal year and each year thereafter, the resident undergraduate tuition per credit 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 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. Except as otherwise provided by law, undergraduate tuition shall be established annually in the General Appropriations Act.

(c) The Board of Governors, or the board's designee, may establish tuition for graduate and professional programs, and out-of-state fees for all programs. The sum of tuition and out-of-state fees assessed to nonresident students must be sufficient to offset the full instructional cost of serving such students. However, adjustments to out-of-state fees or tuition for graduate and professional programs pursuant to this section may not exceed 10 percent in any year.

(d) The sum of the activity and service, health, and athletic fees a student is required to pay to register for a course 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 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 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) ~~(11)~~ and 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 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 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.

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

(13) Each university board of trustees is authorized to establish the following fees:

(s) A technology fee of up to 5 percent of the tuition per credit hour, beginning with the fall term of the 2009-2010 academic year. The revenue from this fee shall be used to enhance instructional technology resources for students and faculty. The technology fee shall not be included in any award under the Florida Bright Futures Scholarship Program.

Section 6. The nonrecurring sum of \$9,547,941 from the General Revenue Fund is appropriated to the Division of Universities for the 2007-2008 fiscal year for Aid to Local Governments, Grants and Aids, Education and

General Activities. These funds are provided to fund one-half of the estimated annual revenue generated from a 5-percent increase in tuition for resident students in undergraduate enrollment in state universities for the 2007-2008 fiscal year. The Board of Governors shall allocate the funds among the universities in the same proportion as each university's proportionate share of the total estimated resident undergraduate tuition revenue for all state universities for the 2007-2008 fiscal year.

Section 7. By November 21, 2007, each school district that provides post-secondary workforce education, each community college, and each state university shall submit a plan to the State Board of Education or the Board of Governors, as appropriate, specifying the amount and percent of the funds generated by the 5-percent tuition increase in the Spring 2008 term which will be used for need-based financial aid for Florida residents. By November 30, 2007, the State Board of Education and the Board of Governors shall provide a summary report of the plans to the Executive Office of the Governor, the Chair of the Senate Fiscal Policy and Calendar Committee, and the Chair of the House Policy and Budget Council. By December 7, 2007, each institution shall notify the students who will receive additional need-based aid in their Spring 2008 term financial aid packages. For the purpose of implementing this section and notwithstanding s. 1009.23 (8)(a), Florida Statutes, each community college is authorized to transfer the amount allocated for need-based financial aid, as specified in the required plan, from the general current fund to the loan, endowment, or scholarship fund. This section expires July 1, 2008.

Section 8. This act shall take effect upon becoming a law.

Approved by the Governor October 26, 2007.

Filed in Office Secretary of State October 26, 2007.