

Committee Substitute for Senate Bill No. 1774

An act relating to postsecondary education; amending s. 1009.22, F.S.; revising provisions relating to workforce education postsecondary student fees; specifying the out-of-state fee per contact hour; authorizing district school boards and community college boards of trustees to adopt an out-of-state fee within a specified range; prohibiting the fee from exceeding a certain percentage of the tuition per credit hour and the out-of-state fee per credit hour; requiring that such fees be used to enhance instructional technology resources; prohibiting the fee from being included in any award under the Florida Bright Futures Scholarship Program; amending s. 1009.23, F.S.; providing an exemption relating to establishment of the community college activity and service student fee; authorizing an increase in the amount of fees collected for financial aid purposes; increasing the amount of financial aid fees that may be used to assist students who meet specified criteria; conforming provisions relating to community college student fees to changes made by the act; amending s. 1011.52, F.S.; requiring the first accredited medical school to enter into an annual operating agreement with a government-owned hospital meeting specified criteria; providing for maintenance of the affiliation; requiring submission of documentation of the agreement to the Department of Education prior to payment from an annual appropriation; providing effective dates.

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

Section 1. Paragraphs (c), (d), and (e) of subsection (3) of section 1009.22, Florida Statutes, as amended by chapter 2007-329, Laws of Florida, are amended to read:

1009.22 Workforce education postsecondary student fees.—

(3)

(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 out-of-state fee per contact hour shall be three times the standard tuition per contact hour.

(d) Beginning with the 2008-2009 fiscal year and each year thereafter, the ~~standard resident 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 standard resident tuition and out-of-state fee 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 and out-of-state fees that may vary no more than is within the range of 5 percent below and to 5 percent above the combined total of the~~ standard tuition and out-of-state fees established in paragraph (c).

Section 2. Effective July 1, 2009, and applicable beginning with the fall term of the 2009-2010 academic year, subsection (7) of section 1009.22, Florida Statutes, as amended by chapter 2007-329, Laws of Florida, is amended to read:

1009.22 Workforce education postsecondary student fees.—

(7) Each district school board and community college board of trustees is authorized to establish a separate fee for technology, not to exceed 5 percent of tuition \$1.80 per credit hour or credit-hour equivalent for resident students and not to exceed 5 percent of tuition and the out-of-state fee not more than \$5.40 per credit hour or credit-hour equivalent for nonresident students, or the equivalent, to be expended in accordance with technology improvement plans. Revenues generated from the technology fee shall be used to enhance instructional technology resources for students and faculty and shall not be included in any award under the Florida Bright Futures Scholarship Program. The technology fee may apply only to associate degree programs and courses. Fifty percent of technology fee revenues may be pledged by a community college board of trustees as a dedicated revenue source for the repayment of debt, including lease-purchase agreements, not to exceed the useful life of the asset being financed. Revenues generated from the technology fee may not be bonded.

Section 3. Paragraph (a) of subsection (3), subsection (7), and paragraphs (a) and (c) of subsection (8) of section 1009.23, Florida Statutes, as amended by chapter 2007-329, Laws of Florida, are amended to read:

1009.23 Community college student fees.—

(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 and, the technology fee shall be \$51.35 per credit hour, and the out-of-state fee shall be \$154.14 per credit hour for students who are nonresidents for tuition purposes.

(7) Each community college board of trustees may establish a separate activity and service fee not to exceed 10 percent of the tuition fee, according

to rules of the State Board of Education. The student activity and service fee shall be collected as a component part of the tuition and fees. The student activity and service fees shall be paid into a student activity and service fund at the community college and shall be expended for lawful purposes to benefit the student body in general. These purposes include, but are not limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the community college without regard to race, sex, or religion. No community college shall be required to lower any activity and service fee approved by the board of trustees of the community college and in effect prior to October 26, 2007, in order to comply with the provisions of this subsection.

(8)(a) Each community college board of trustees is authorized to establish a separate fee for financial aid purposes in an additional amount up to, but not to exceed, 5 percent of the total student tuition or out-of-state fees collected. Each community college board of trustees may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than ~~\$500,000~~ \$250,000. If the amount generated is less than ~~\$500,000~~ \$250,000, a community college that charges tuition and out-of-state fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between ~~\$500,000~~ \$250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(c) Up to 25 percent or ~~\$600,000~~ \$300,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic merit; who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution; or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to s. 1009.25(3) for athletes shall be distributed equitably as required by s. 1000.05(3)(d). A minimum of 75 percent of the balance of these funds for new awards shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Education shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the revenue collected pursuant to this paragraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Education. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

Section 4. Effective July 1, 2009, and applicable beginning with the fall term of the 2009-2010 academic year, subsections (3) and (10) of section 1009.23, Florida Statutes, as amended by chapter 2007-329, Laws of Florida, and as amended by this act, are amended to read:

1009.23 Community college student fees.—

(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 and the technology fee shall be \$51.35 per credit hour 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 the out-of-state fee 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.~~

(10) Each community college board of trustees is authorized to establish a separate fee for technology, which may not exceed 5 percent of tuition ~~\$1.80 per credit hour or credit-hour equivalent for resident students and may not exceed 5 percent of tuition and the out-of-state fee not more than \$5.40 per credit hour or credit-hour equivalent for nonresident students, to be expended according to technology improvement plans. Revenues generated from the technology fee shall be used to enhance instructional technology resources for students and faculty.~~ The technology fee may apply to both

college credit and college-preparatory instruction and shall not be included in any award under the Florida Bright Futures Scholarship Program. Fifty percent of technology fee revenues may be pledged by a community college board of trustees as a dedicated revenue source for the repayment of debt, including lease-purchase agreements, not to exceed the useful life of the asset being financed. Revenues generated from the technology fee may not be bonded.

Section 5. Subsection (2) of section 1011.52, Florida Statutes, is amended to read:

1011.52 Appropriation to first accredited medical school.—

(2) In order for a medical school to qualify under the provisions of this section and to be entitled to the benefits herein, such medical school:

(a) Must be primarily operated and established to offer, afford, and render a medical education to residents of the state qualifying for admission to such institution;

(b) Must be operated by a municipality or county of this state, or by a nonprofit organization heretofore or hereafter established exclusively for educational purposes;

(c) Must, upon the formation and establishment of an accredited medical school, transmit and file with the Department of Education documentary proof evidencing the facts that such institution has been certified and approved by the council on medical education and hospitals of the American Medical Association and has adequately met the requirements of that council in regard to its administrative facilities, administrative plant, clinical facilities, curriculum, and all other such requirements as may be necessary to qualify with the council as a recognized, approved, and accredited medical school;

(d) Must certify to the Department of Education the name, address, and educational history of each student approved and accepted for enrollment in such institution for the ensuing school year; and-

(e) Must enter into an annual operating agreement each fiscal year with a government-owned hospital that is located in the same county as the medical school and that is a statutory teaching hospital as defined in s. 408.07(45). The annual operating agreement shall provide for the medical school to maintain the same level of affiliation with the hospital, including the level of services to indigent and charity care patients served by the hospital, which was in place in the prior fiscal year. Documentation of the operating agreement shall be submitted to the Department of Education prior to the payment of moneys from the annual appropriation.

Section 6. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2008.

Approved by the Governor June 10, 2008.

Filed in Office Secretary of State June 10, 2008.