

Bill No. CS for SB 8-C

Barcode 091490

CHAMBER ACTION

Senate

House

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The Conference Committee on CS for SB 8-C recommended the following amendment:

Conference Committee Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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.~~

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1 Fee-nonexempt students enrolled in vocational-preparatory
 2 instruction shall be charged fees equal to the fees charged
 3 for certificate career education instruction. Each community
 4 college that conducts college-preparatory and
 5 vocational-preparatory instruction in the same class section
 6 may charge a single fee for both types of instruction.

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

13 (c) Effective January 1, 2008, standard resident
 14 tuition shall be \$1.67 per contact hour for programs leading
 15 to a career certificate or an applied technology diploma and
 16 83 cents for adult general education programs. The State Board
 17 of Education shall adopt a fee schedule for school districts
 18 and community colleges that produces the fee revenues
 19 calculated pursuant to paragraph (a). The schedule so
 20 calculated shall take effect, unless otherwise specified in
 21 the General Appropriations Act.

22 (d) Beginning with the 2008-2009 fiscal year and each
 23 year thereafter, the standard resident tuition per contact
 24 hour shall increase at the beginning of each fall semester at
 25 a rate equal to inflation, unless otherwise provided in the
 26 General Appropriations Act. The Office of Economic and
 27 Demographic Research shall report the rate of inflation to the
 28 President of the Senate, the Speaker of the House of
 29 Representatives, the Governor, and the State Board of
 30 Education each year prior to March 1. For purposes of this
 31 paragraph, the rate of inflation shall be defined as the rate

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1 of the 12-month percentage change in the Consumer Price Index
 2 for All Urban Consumers, U.S. City Average, All Items, or
 3 successor reports as reported by the United States Department
 4 of Labor, Bureau of Labor Statistics, or its successor for
 5 December of the previous year. In the event the percentage
 6 change is negative, the standard resident tuition shall remain
 7 at the same level as the prior fiscal year.

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

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

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

20 ~~(10) Each year the State Board of Education shall~~
 21 ~~review and evaluate the percentage of the cost of adult~~
 22 ~~programs and certificate career education programs supported~~
 23 ~~through student fees. For students who are residents for~~
 24 ~~tuition purposes, the schedule adopted pursuant to subsection~~
 25 ~~(3) must produce revenues equal to 25 percent of the prior~~
 26 ~~year's average program cost for college-preparatory and~~
 27 ~~certificate-level workforce development programs. Fees for~~
 28 ~~continuing workforce education shall be locally determined by~~
 29 ~~the district school board or community college board. However,~~
 30 ~~at least 50 percent of the expenditures for the continuing~~
 31 ~~workforce education program provided by the community college~~

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1 ~~or school district must be derived from fees. Except as~~
 2 ~~otherwise provided by law, fees for students who are not~~
 3 ~~residents for tuition purposes must offset the full cost of~~
 4 ~~instruction.~~

5 (10)(11) Each school district and community college
 6 may assess a service charge for the payment of tuition and
 7 fees in installments. Such service charge must be approved by
 8 the district school board or community college board of
 9 trustees.

10 (11)(12) Any school district or community college that
 11 reports students who have not paid fees in an approved manner
 12 in calculations of full-time equivalent enrollments for state
 13 funding purposes shall be penalized at a rate equal to 2 times
 14 the value of such enrollments. Such penalty shall be charged
 15 against the following year's allocation from workforce
 16 education funds or the Community College Program Fund and
 17 shall revert to the General Revenue Fund. The State Board of
 18 Education shall specify, in rule, approved methods of student
 19 fee payment. Such methods must include, but need not be
 20 limited to, student fee payment; payment through federal,
 21 state, or institutional financial aid; and employer fee
 22 payments.

23 (12)(13) Each school district and community college
 24 shall report only those students who have actually enrolled in
 25 instruction provided or supervised by instructional personnel
 26 under contract with the district or community college in
 27 calculations of actual full-time enrollments for state funding
 28 purposes. A student who has been exempted from taking a course
 29 or who has been granted academic or technical credit through
 30 means other than actual coursework completed at the granting
 31 institution may not be calculated for enrollment in the course

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1 from which the student has been exempted or for which the
 2 student has been granted credit. School districts and
 3 community colleges that report enrollments in violation of
 4 this subsection shall be penalized at a rate equal to 2 times
 5 the value of such enrollments. Such penalty shall be charged
 6 against the following year's allocation from workforce
 7 education funds and shall revert to the General Revenue Fund.

8 Section 2. The nonrecurring sum of \$629,614 from the
 9 General Revenue Fund is appropriated to the Department of
 10 Education for the 2007-2008 fiscal year for Aid to Local
 11 Governments, Grants and Aids, Workforce Development. These
 12 funds are provided to fund one-half of the estimated annual
 13 revenue generated from a 5-percent increase in tuition for
 14 fee-paying students in school districts for the 2007-2008
 15 fiscal year. The department shall allocate the funds among the
 16 districts in the same proportion as each district's
 17 proportionate share of the total estimated tuition and fee
 18 revenue for career certificate or applied technology diploma
 19 and adult general education programs for all districts for the
 20 2007-2008 fiscal year.

21 Section 3. Subsections (1), (3), and (4) of section
 22 1009.23, Florida Statutes, are amended to read:

23 1009.23 Community college student fees.--

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

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

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

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

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

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

17 2. The sum of the tuition, the technology fee, and the
 18 out-of-state fee per credit hour for students who are
 19 nonresidents for tuition purposes shall be no more than 85
 20 percent of the sum of the tuition and the out-of-state fee at
 21 the state university nearest the community college.

22 (c) Beginning with the 2008-2009 fiscal year and each
 23 year thereafter, the tuition and fees specified in paragraphs
 24 (a) and (b) shall increase at the beginning of each fall
 25 semester at a rate equal to inflation, unless otherwise
 26 provided in the General Appropriations Act. The Office of
 27 Economic and Demographic Research shall report the rate of
 28 inflation to the President of the Senate, the Speaker of the
 29 House of Representatives, the Governor, and the State Board of
 30 Education each year prior to March 1. For purposes of this
 31 paragraph, the rate of inflation shall be defined as the rate

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1 of the 12-month percentage change in the Consumer Price Index
2 for All Urban Consumers, U.S. City Average, All Items, or
3 successor reports as reported by the United States Department
4 of Labor, Bureau of Labor Statistics, or its successor for
5 December of the previous year. In the event the percentage
6 change is negative, the sum of the tuition and the technology
7 fee per credit hour and the out-of-state fee per credit hour
8 shall remain at the same levels as the prior fiscal year. The
9 ~~State Board of Education shall adopt by December 31 of each~~
10 ~~year a resident fee schedule for the following fall for~~
11 ~~advanced and professional, associate in science degree, and~~
12 ~~college-preparatory programs that produce revenues in the~~
13 ~~amount of 25 percent of the full prior year's cost of these~~
14 ~~programs. Fees for courses in college-preparatory programs and~~
15 ~~associate in arts and associate in science degree programs may~~
16 ~~be established at the same level. In the absence of a~~
17 ~~provision to the contrary in an appropriations act, the fee~~
18 ~~schedule shall take effect and the colleges shall expend the~~
19 ~~funds on instruction. If the Legislature provides for an~~
20 ~~alternative fee schedule in an appropriations act, the fee~~
21 ~~schedule shall take effect the subsequent fall semester.~~

22 (4) Each community college board of trustees shall
23 establish tuition and out-of-state fees, which may vary no
24 more than 10 percent below and 15 percent above the combined
25 total of the standard tuition and fees established in
26 subsection (3) fee schedule adopted by the State Board of
27 ~~Education and the technology fee adopted by a board of~~
28 ~~trustees~~, provided that any amount from 10 to 15 percent above
29 the standard tuition and fees established in subsection (3)
30 shall be ~~fee schedule is~~ used only to support safety and
31 security purposes. In order to assess an additional amount for

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1 safety and security purposes, a community college board of
 2 trustees must provide written justification to the State Board
 3 of Education based on criteria approved by the board of
 4 trustees, including, but not limited to, criteria such as
 5 local crime data and information, and strategies for the
 6 implementation of local safety plans. Should a college decide
 7 to increase the tuition and fees ~~fee~~, the funds raised by
 8 increasing the tuition and fees ~~fee~~ must be expended solely
 9 for additional safety and security purposes and shall not
 10 supplant funding expended in the 1998-1999 budget for safety
 11 and security purposes.

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

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

27 1009.24 State university student fees.--

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

31 (b) Beginning with the 2008-2009 fiscal year and each

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1 year thereafter, the resident undergraduate tuition per credit
 2 hour shall increase at the beginning of each fall semester at
 3 a rate equal to inflation, unless otherwise provided in the
 4 General Appropriations Act. The Office of Economic and
 5 Demographic Research shall report the rate of inflation to the
 6 President of the Senate, the Speaker of the House of
 7 Representatives, the Governor, and the Board of Governors each
 8 year prior to March 1. For purposes of this paragraph, the
 9 rate of inflation shall be defined as the rate of the 12-month
 10 percentage change in the Consumer Price Index for All Urban
 11 Consumers, U.S. City Average, All Items, or successor reports
 12 as reported by the United States Department of Labor, Bureau
 13 of Labor Statistics, or its successor for December of the
 14 previous year. In the event the percentage change is negative,
 15 the resident undergraduate tuition shall remain at the same
 16 level as the prior fiscal year. ~~Except as otherwise provided~~
 17 by law, undergraduate tuition shall be established annually in
 18 the General Appropriations Act.

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

27 (d) The sum of the activity and service, health, and
 28 athletic fees a student is required to pay to register for a
 29 course shall not exceed 40 percent of the tuition established
 30 in law or in the General Appropriations Act. No university
 31 shall be required to lower any fee in effect on the effective

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1 date of this act in order to comply with this subsection.
 2 Within the 40 percent cap, universities may not increase the
 3 aggregate sum of activity and service, health, and athletic
 4 fees more than 5 percent per year unless specifically
 5 authorized in law or in the General Appropriations Act. A
 6 university may increase its athletic fee to defray the costs
 7 associated with changing National Collegiate Athletic
 8 Association divisions. Any such increase in the athletic fee
 9 may exceed both the 40 percent cap and the 5 percent cap
 10 imposed by this subsection. Any such increase must be approved
 11 by the athletic fee committee in the process outlined in
 12 subsection(12) ~~(11)~~ and cannot exceed \$2 per credit hour.
 13 Notwithstanding the provisions of ss. 1009.534, 1009.535, and
 14 1009.536, that portion of any increase in an athletic fee
 15 pursuant to this subsection that causes the sum of the
 16 activity and service, health, and athletic fees to exceed the
 17 40 percent cap or the annual increase in such fees to exceed
 18 the 5 percent cap shall not be included in calculating the
 19 amount a student receives for a Florida Academic Scholars
 20 award, a Florida Medallion Scholars award, or a Florida Gold
 21 Seal Vocational Scholars award.

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

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

28 (s) A technology fee of up to 5 percent of the tuition
 29 per credit hour, beginning with the fall term of the 2009-2010
 30 academic year. The revenue from this fee shall be used to
 31 enhance instructional technology resources for students and

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1 faculty. The technology fee shall not be included in any award
2 under the Florida Bright Futures Scholarship Program.

3 Section 6. The nonrecurring sum of \$9,547,941 from the
4 General Revenue Fund is appropriated to the Division of
5 Universities for the 2007-2008 fiscal year for Aid to Local
6 Governments, Grants and Aids, Education and General
7 Activities. These funds are provided to fund one-half of the
8 estimated annual revenue generated from a 5-percent increase
9 in tuition for resident students in undergraduate enrollment
10 in state universities for the 2007-2008 fiscal year. The Board
11 of Governors shall allocate the funds among the universities
12 in the same proportion as each university's proportionate
13 share of the total estimated resident undergraduate tuition
14 revenue for all state universities for the 2007-2008 fiscal
15 year.

16 Section 7. By November 21, 2007, each school district
17 that provides postsecondary workforce education, each
18 community college, and each state university shall submit a
19 plan to the State Board of Education or the Board of
20 Governors, as appropriate, specifying the amount and percent
21 of the funds generated by the 5-percent tuition increase in
22 the Spring 2008 term which will be used for need-based
23 financial aid for Florida residents. By November 30, 2007, the
24 State Board of Education and the Board of Governors shall
25 provide a summary report of the plans to the Executive Office
26 of the Governor, the Chair of the Senate Fiscal Policy and
27 Calendar Committee, and the Chair of the House Policy and
28 Budget Council. By December 7, 2007, each institution shall
29 notify the students who will receive additional need-based aid
30 in their Spring 2008 term financial aid packages. For the
31 purpose of implementing this section and notwithstanding s.

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1 1009.23 (8)(a), Florida Statutes, each community college is
 2 authorized to transfer the amount allocated for need-based
 3 financial aid, as specified in the required plan, from the
 4 general current fund to the loan, endowment, or scholarship
 5 fund. This section expires July 1, 2008.

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

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

11 And the title is amended as follows:

12 Delete everything before the enacting clause

13

14 and insert:

15 A bill to be entitled
 16 An act relating to tuition and fees for higher
 17 education; amending s. 1009.22, F.S., relating
 18 to postsecondary student fees for workforce
 19 education; deleting provisions requiring the
 20 State Board of Education to adopt a fee
 21 schedule; providing standard resident tuition
 22 for the career certificate, applied technology
 23 diploma, and adult general education programs;
 24 providing for annual tuition adjustments based
 25 on inflation; authorizing district school
 26 boards and community college boards to adopt
 27 tuition within a specified range; limiting the
 28 amount of the increase during the 2007-2008
 29 fiscal year; providing an appropriation and
 30 requiring the Department of Education to
 31 allocate such funds; amending s. 1009.23, F.S.,

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1 relating to community college student fees;
2 providing fees for educator preparation
3 institute programs; providing tuition and fees
4 for community college programs for students who
5 are residents or nonresidents for tuition
6 purposes; deleting provisions requiring the
7 State Board of Education to adopt a fee
8 schedule in the absence of a provision in an
9 appropriations act; providing for annual
10 tuition and fee adjustments based on inflation;
11 providing restrictions; providing an
12 appropriation and requiring the Department of
13 Education to allocate such funds; amending s.
14 1009.24, F.S., relating to state university
15 student fees; providing an amount for resident
16 undergraduate tuition; providing for annual
17 tuition adjustments based on inflation;
18 providing authority for a technology fee
19 beginning with the 2009-2010 fall term;
20 providing for the use of fee revenues;
21 providing an appropriation and requiring the
22 Board of Governors to allocate the funds;
23 requiring certain school districts, community
24 colleges, and state universities to submit
25 plans to the State Board of Education or the
26 Board of Governors specifying the amount and
27 percent of funds generated by the tuition
28 increase which will be used for need-based
29 financial aid for state residents; requiring a
30 summary of such reports be provided to the
31 Governor and the Legislature; requiring each

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1 institution to notify students who will receive
2 additional aid; authorizing community colleges
3 to transfer certain funds; providing for future
4 expiration of such provisions; providing an
5 effective date.

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