

**FLORIDA BOARD OF GOVERNORS  
NOTICE OF PROPOSED AMENDED REGULATION**

**DATE: June 27, 2016**

**REGULATION NUMBER AND TITLE: Regulation 7.008 Waivers and Exemptions of Tuition and Fees**

**SUMMARY:**

House Bill 799 amends section 1009.26(14), Florida Statutes, by waiving out-of-state fees for active duty service members of the Armed Forces of the United States residing or stationed outside of Florida. This means all enrolled active duty service members should be charged an equivalent amount of tuition and fees per credit hour as charged to a resident student in the same course.

House Bill 1157 amends section 1009.26(8), Florida Statutes, by modifying the Purple Heart waiver to allow recipients of a Purple Heart or other combat decoration superior in precedence who were residents of the state at the time of military action to receive the tuition and fee waiver, no matter where the recipients are currently residing. Additionally, the legislation allows for the waiver of tuition and fees for recipients currently living in Florida whose home of record at the time of military action was another state.

House Bill 7040 modified the welfare transition program exemption which has been added to the regulation.

**FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.**

**AUTHORITY TO PROPOSE REGULATION(S):** Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

**THE BOARD OF GOVERNORS' OFFICIAL INITIATING THE PROPOSED REGULATION:** Tim Jones, Vice Chancellor Finance and Administration

**COMMENTS REGARDING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** The comments must identify the regulation on which you are commenting:

General Counsel, Board of Governors, State University System, 325 W. Gaines Street, Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or [generalcounsel@flbog.edu](mailto:generalcounsel@flbog.edu)

## 7.008 Waivers and Exemptions of Tuition and Fees

(1) Each university board of trustees is authorized to waive tuition, non-resident tuition and associated fees for purposes that support and enhance the mission of the university. All tuition, non-resident tuition and associated fees waived must be based on regulations that are adopted by the university board of trustees and where applicable, consistent with regulations adopted by the Board of Governors.

(2) Each university shall have an individual designated as the university liaison to handle student issues and/or questions regarding waivers.

(3) Sponsored Credit Institutes and Programs – Each university board of trustees is authorized to waive tuition, associated fees and material and supply fees for participants in sponsored credit institutes and programs.

(a) Sponsored credit institutes and programs are entities where substantially all the direct costs are paid by the external sponsoring entity, where there is no direct expenditure of Educational and General funds for the conduct of the programs, and where no fees or other assessments are collected from students by the sponsoring entity, the university, or any other entity.

(b) In determining whether the direct costs are paid by the sponsoring entity, funds paid directly to the participants in a form such as, but not limited to, stipends, travel or book allowances should not be taken into account.

"Direct costs" refer to the costs associated with the instruction or training which a participant receives. All funds collected from sponsoring entities for sponsored credit institutes will be remitted to the university's contract and grants trust fund and/or auxiliary trust funds.

(c) Funds collected from courses offered through continuing education should be budgeted in the Auxiliary Trust Fund.

(d) Neither the number of participants nor student credit hours in these institutes and programs may be counted for state-funding purposes.

(4) Deceased Law Enforcement, Correctional, or Correctional Probation Officers Employed by the State or Political Subdivision thereof – Each university board of trustees shall waive certain educational expenses that the child or spouse of the deceased officer incurs while obtaining an undergraduate education or a postgraduate education if a law enforcement, correctional, or correctional probation officer is accidentally killed or receives accidental bodily injury which results in the loss of the officer's life while engaged in the performance of the officer's law enforcement duties on or after June 22, 1990, or is unlawfully and intentionally killed or dies as a result of such unlawful and intentional act on or after July 1, 1980, while the officer was employed by a political subdivision of the state.

- (a) The amount waived by the university shall be an amount equal to the cost of tuition and associated fees for a total of 120 credit hours. The child or spouse may attend on either a full-time or part-time basis. The benefits provided to a child under this section shall continue until the child's 25th birthday. The benefits provided to a spouse under this subsection must commence within 5 years after the death occurs, and entitlement thereto shall continue until the 10th anniversary of that death.
- (b) Upon failure of any child or spouse benefited by the provisions of this subsection to comply with the ordinary and minimum requirements of the institution attended, both as to discipline and scholarship, the benefits shall be withdrawn as to the child or spouse and no further moneys may be expended for the child's or spouse's benefits so long as such failure or delinquency continues.
- (c) Only a student in good standing in his or her respective university may receive the benefits.
- (d) A child or spouse receiving benefits under this subsection must be enrolled according to the customary rules and requirements of the university attended.

(5) Deceased Firefighters Employed by the State or a Political Subdivision thereof - Each university board of trustees shall waive certain educational expenses that the child or spouse of the deceased firefighter incurs while obtaining an undergraduate education or a postgraduate education if a firefighter is accidentally killed or receives accidental bodily injury which results in the loss of the firefighter's life while engaged in the performance of the firefighter's duties on or after June 22, 1990, or is unlawfully and intentionally killed or dies as a result of such unlawful and intentional act on or after July 1, 1980, while the firefighter was employed by a political subdivision of the state.

- (a) The amount waived by the university shall be an amount equal to the cost of tuition and associated fees for a total of 120 credit hours. The child or spouse may attend on either a full-time or part-time basis. The benefits provided to a child under this section shall continue until the child's 25th birthday. The benefits provided to a spouse under this subsection must commence within 5 years after the death occurs, and entitlement thereto shall continue until the 10th anniversary of that death.
- (b) Upon failure of any child or spouse benefited by the provisions of this subsection to comply with the ordinary and minimum requirements of the institution attended, both as to discipline and scholarship, the benefits shall be withdrawn as to the child or spouse and no further moneys may be expended for the child's or spouse's benefits so long as such failure or delinquency continues.
- (c) Only a student in good standing in his or her respective university may receive the benefits.

(d) A child or spouse receiving benefits under this subsection must be enrolled according to the customary rules and requirements of the university attended.

(6) Acceleration – Each university board of trustees shall waive tuition and associated fees for students who earn credit in courses toward both a Florida high school diploma and an associate or baccalaureate degree, or students enrolled in a dual enrollment or early admission program.

(7) Florida Department of Children and Families - Each university board of trustees shall exempt from the payment of tuition and associated fees, including lab fees, any student who is or was at the time he or she reached the age of 18 in the custody of the Department of Children and Families or a relative or nonrelative under section 39.5085, Florida Statutes; who was adopted from the Department of Children and Families after May 5, 1997; or after spending at least 6 months in the custody of the Department of Children and Families after reaching 16 years of age. Additionally, material and supply fees and fees associated with enrollment in career-preparatory instruction shall be exempted. Any student requesting this exemption must provide certification of eligibility from the Department of Children and Families or its contracted providers to the university in which the student seeks to enroll. This exemption shall remain valid up until the time the student reaches the age of 28.

(8) School Psychology Training Program – Each university board of trustees shall waive tuition and associated fees for internship credit hours applicable to an internship in the public school system under the supervision of the Florida Department of Education certified school psychologist employed by the school system for any graduate student.

(9) Florida Linkage Institutes – Each university board of trustees shall exempt up to 25 full-time equivalent students per year from the payment of out-of-state fee and out-of-state financial aid fee for students enrolled through the Florida Linkage Institutes Program.

(10) Deceased Teacher or School Administrator Employed by a Florida District School Board – Each university board of trustees shall waive certain educational expenses that the child of the deceased teacher or school administrator incurs while obtaining an undergraduate education or a postgraduate education if the teacher or school administrator is killed or is injured and dies as a result of an unlawful and intentional act, provided such killing or injury inflicted by another person and the motivation for the act is related in whole or part to the fact that the individual is a teacher or school administrator, or such act is inflicted while he or she is engaged in the performance of teaching duties or school

administration duties while employed by a Florida district school board. The amount waived by the university shall be an amount equal to the cost of tuition and associated fees for a total of 120 credit hours at a university. The child may attend on either a full-time or part-time basis. The benefits provided under this paragraph shall continue until the child's 25th birthday.

- (a) Upon failure of any child benefited by the provisions of this paragraph to comply with the ordinary and minimum requirements of the university attended, both as to discipline and scholarship, the benefits shall be withdrawn as to the child and no further moneys may be expended for the child's benefits so long as such failure or delinquency continues.
- (b) A student who becomes eligible for benefits under the provisions of this paragraph while enrolled in a university must be in good standing with the institution to receive the benefits provided herein.
- (c) A child receiving benefits under this paragraph must be enrolled according to the customary rules and requirements of the university attended.

(11) Homeless - Each university board of trustees shall waive tuition and associated fees for any student who lacks a fixed, regular, and adequate nighttime residence, excluding university housing, or whose primary nighttime residence is a public or private shelter designed to provide temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(12) Welfare Transition Program - Each university board of trustees shall exempt tuition and fees for any student enrolled in an employment and training program under the welfare transition program. The local workforce development board shall pay the state university for costs incurred for welfare transition program participants.

(12) Purple Heart Recipients - Each university board of trustees shall waive undergraduate tuition and associated fees for each recipient of a Purple Heart, or another combat decoration superior in precedence which was awarded for valor, and 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, ~~or~~ ~~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 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. In situations where admissions or financial aid application deadlines preclude providing a DD-214 in time to meet such a deadline, the official (service specific) transmitting correspondence that would normally accompany such an award to a previously discharged service member would suffice until an updated DD-214 could be obtained and presented to the postsecondary institution. However, the updated DD-214 must be submitted to the postsecondary institution by the start of the student's next term of enrollment for continued eligibility for the waiver. In situations where a service member is on active duty and has not been issued a DD-214, the official (service specific) transmitting correspondence that would normally accompany such an award or a certification of the appropriate combat award by the service specific administrative record holder [e.g., Adjutant, G-1 (general staff officer - personnel), or JAG (Judge Advocate General)] would meet the documentation requirement.

- (d) A waiver for a Purple Heart recipient or recipient of 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. This waiver is considered "countable aid" for student financial aid purposes. Therefore, if this waiver is administered by an office other than the college financial aid office, college officials must notify the Director of Financial Aid that a student has qualified for the waiver. The waiver covers only tuition and fees associated with credit hour instruction provided directly by the university and does not include any additional fees that may be charged for specialized programs or by external organizations. This includes, but is not limited to, flight school, study abroad travel and living expenses, and courses taken elsewhere as a transient student.

(13) State Employees - Each university board of trustees shall waive tuition and associated fees for up to 6 credit hours per term on a space available basis for state employees.

(14) University Employees - Each university board of trustees may allow full-time university employees to enroll up to 6 credit hours of tuition-free courses per term on a space available basis.

(15) Florida residents 60 years of age or older - Each university board of trustees may waive any or all application, tuition, and associated fees for persons 60 years of age or older who are residents of this state and who enroll to audit courses being offered for college credit. No academic credit shall be awarded for attendance in classes for which fees are waived under this subsection. This

privilege may be granted only on a space-available basis, if such classes are not filled as of the close of registration. A university may limit or deny the privilege for courses which are in programs for which the Board of Governors has established selective admissions criteria. Persons paying full fees and state employees taking courses on a space-available basis shall have priority over those persons whose fees are waived in all cases where classroom spaces are limited.

(16) Intern Supervisors – Persons who supervise interns for institutions within the State University System may be given one non-transferable certificate (fee waiver) for each full academic term during which the person serves as an intern supervisor. This certificate shall provide for waiver of the basic fee (as defined in Regulation 7.001).

- (a) Certificate holders are entitled to a waiver of tuition for a maximum of six (6) hours credit instruction (including credit through continuing education) during a single term at any state university.
- (b) Certificates shall be valid for three years from date of issuance.
- (c) Eligible recipients of an Intern Participation Certificate may be identified by a university as a person who engages in the direct supervision of at least one university intern for 300 contact hours, which may be accumulated over multiple semesters provided at least 100 contact hours of direct supervision is provided per semester.
- (d) To be eligible for a Certificate, the internship program must be an essential part of the course of instruction and must be required as part of the degree.
- (e) Each university shall develop procedures and policies to govern the issuance, distribution, security, and redemption of certificates.
- (f) Each university shall maintain accurate data on Intern Participation Certificates and annually submit a report of certificate activity to the Board of Governors according to a prescribed format.

(17) Non-resident students – Non-resident students who are non-degree seeking may be entitled to a waiver of the out-of-state fee if the credit hours generated by such students are non-state fundable and the cost for the program of study is recovered from the fees charged to all students.

(18) Admissions Deposit – A university that establishes an admissions deposit must adopt policies that provide for the waiver of this deposit on the basis of financial hardship.

(19) Wrongfully Incarcerated – A university shall waive tuition and associated fees for up to 120 hours of instruction if the wrongfully incarcerated person meets and maintains the regular admission requirement of the university;

remains registered and makes satisfactory academic progress as defined by the university in which the person is enrolled. A wrongfully incarcerated person is someone who has had a felony conviction and sentence vacated by a court and the original sentencing court has issued its order finding that the person neither committed the act, nor did not aid, abet or act as an accomplice or accessory to the act or offense.

(20) A university may waive the tuition differential for students who meet the eligibility requirements for the Florida public assistance grant.

(21) Public School Classroom Teacher – Each university board of trustees may waive tuition and fees for a classroom teacher who is employed full-time by a school district and who meets the academic requirements established by the university for up to six credit hours per term on a space-available basis in undergraduate courses related to special education, mathematics or science approved by the Department of Education. The waiver may not be used for courses scheduled during the school district’s regular school day.

(22) Veterans – Each university board of trustees shall waive out-of-state fees for honorably discharged veterans of the United States Armed and Reserve Forces (Air Force, Army, Coast Guard, Marines, and Navy) and the National Guard (Army and Air) who physically reside in Florida while enrolled at a university. Persons who are entitled to and uses educational assistance provided by the United States Department of Veterans Affairs also qualify for this waiver if they physically reside in Florida while enrolled at the university in any term beginning after July 1, 2015. Tuition and fees charged to a veteran or person who qualifies for the out-of-state fee waiver under this subsection may not exceed the tuition and fees charged a resident student enrolled in the same program.

(23) Active Duty – Each university board of trustees shall waive out-of-state fees for a person who is an active duty member of the Armed Forces of the United States residing or stationed outside of the state. Tuition and fees charged to a student who qualifies for the out-of-state fee waiver may not exceed the tuition and fees charged to a resident student.

(24~~3~~) Nonresident Waiver – Each university board of trustees shall waive out-of-state fees, including the out-of-state financial aid fee, for students, including, but not limited to, students who are undocumented for federal immigration purposes, who meet the following conditions:

(i~~a~~) Attended a secondary school in this state for three consecutive years immediately before graduating from a high school in this state;

(ii~~b~~) Apply for enrollment in an institution of higher education with 24 months after high school graduation; and



(iii)c) Submit an official Florida high school transcript as evidence of attendance and graduation.

The waiver is applicable for 110 percent of the required credit hours of the undergraduate degree or certificate program for which the student is enrolled.

A state university student granted an out-of-state fee waiver must be considered a nonresident student for purposes of calculating the system-wide total enrollment of nonresident students as limited in Regulation 7.006.

A student who is granted an out-of-state fee waiver is not eligible for state financial aid.

Each university shall, within the nonresident student enrollment system-wide, prioritize the enrollment of a veteran who is granted an out-of-state fee waiver pursuant to paragraph 22 over a student who is granted an out-of-state fee waiver under this paragraph.

(254) Child Protection and Child Welfare Personnel – Employees as defined in section 402.403, Florida Statutes, who are enrolled in an accredited master’s degree in social work or a certificate program, and maintain at least a grade of ‘B’ in all courses are exempt from tuition and fees.

(a) Eligible employees shall have an approved Department of Children and Families, community-based agency or a subcontractor waiver form stating that the necessary employment qualifications have been met.

(265) Each university shall report the purpose, number, and value of all fee waivers granted annually in a format prescribed by the Board of Governors.

Authority: Section 7(d), Art. IX, Fla. Const.; History—Formerly BOR Rule 6C-7.008 and 6C-2.53, Amended 7-19-74, Amended and Renumbered 12-17-74, Amended 1-10-78, 9-28-81, 8-11-85, Formerly 6C-7.08, Amended 12-25-86, 9-7-87, 12-9-91, 11-9-92, 9-23-93, 8-1-94, 10-10-95, 4-16-96, 12-15-97, Amended and Renumbered as 7.008 9-25-08, Amended 12-10-09, 9-17-10, 11-08-12, 11-21-13, 11-06-14, 09-03-15,\_\_\_\_\_.