

By the Committee on Colleges & Universities and
Representatives Casey, Rojas, Diaz de la Portilla, Ritter,
Betancourt, Rayson, Goode, Ball and Bradley

1 A bill to be entitled
2 An act relating to postsecondary education;
3 amending s. 228.041, F.S.; revising definitions
4 relating to postsecondary education fees;
5 directing that changes in terminology be made
6 in the Florida Statutes; amending s. 240.209,
7 F.S.; revising provisions relating to the
8 financial aid fee; amending s. 240.235, F.S.;
9 authorizing a university technology fee with
10 certain requirements; providing for a
11 technology fee committee; amending s. 240.35,
12 F.S.; authorizing a community college
13 technology fee with certain requirements;
14 providing for a technology fee committee;
15 amending s. 240.551, F.S.; authorizing advance
16 payment contracts to cover required local fees
17 to a specified level; providing an effective
18 date.

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

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22 Section 1. Subsections (32) and (33) of section
23 228.041, Florida Statutes, 1996 Supplement, are amended to
24 read:

25 228.041 Definitions.--Specific definitions shall be as
26 follows, and wherever such defined words or terms are used in
27 the Florida School Code, they shall be used as follows:

28 (32) TUITION ~~MATRICULATION FEE~~--The basic fee charged
29 to a student for instruction provided by a public
30 postsecondary educational institution in this state. A charge
31 for any other purpose shall not be included within this fee.

1 (33) NONRESIDENT TUITION.--The additional fee for
2 instruction provided by a public postsecondary educational
3 institution in this state, which fee is charged to a
4 non-Florida student as defined in rules of the State Board of
5 Education, the State Board of Community Colleges, or the Board
6 of Regents. A charge for any other purpose shall not be
7 included within this fee.

8 Section 2. In editing manuscript for the next edition
9 of the official Florida Statutes, the Division of Statutory
10 Revision of the Joint Legislative Management Committee, in
11 furtherance of the intent of this act and unless the context
12 indicates otherwise, shall revise the following terminology
13 wherever it appears in statute: "matriculation" shall become
14 "tuition" and "tuition" shall become "nonresident tuition."

15 Section 3. Paragraph (e) of subsection (3) of section
16 240.209, Florida Statutes, 1996 Supplement, is amended to
17 read:

18 240.209 Board of Regents; powers and duties.--

19 (3) The board shall:

20 (e) Establish student fees.

21 1. By no later than December 1 of each year, the board
22 shall raise the systemwide standard for resident undergraduate
23 tuition ~~matriculation~~ and financial aid fees for the
24 subsequent fall term, up to but no more than 25 percent of the
25 prior year's cost of undergraduate programs. In implementing
26 this paragraph, fees charged for graduate, medical,
27 veterinary, and dental programs may be increased by the Board
28 of Regents in the same percentage as the increase in fees for
29 resident undergraduates. However, in the absence of
30 legislative action to the contrary in an appropriations act,
31 the board may not approve annual fee increases for resident

1 students in excess of 10 percent. The sum of tuition and
2 nonresident tuition fees for nonresident students ~~nonresident~~
3 ~~student matriculation and tuition fees~~ must be sufficient to
4 defray the full cost of undergraduate education. Graduate,
5 medical, veterinary, and dental fees charged to nonresidents
6 may be increased by the board in the same percentage as the
7 increase in fees for nonresident undergraduates. However, in
8 implementing this policy and in the absence of legislative
9 action to the contrary in an appropriations act, annual fee
10 increases for nonresident students may not exceed 25 percent.
11 In the absence of legislative action to the contrary in the
12 General Appropriations Act, the fees shall go into effect for
13 the following fall term.

14 2. When the appropriations act requires a new fee
15 schedule, the board shall establish a systemwide standard fee
16 schedule required to produce the total fee revenue established
17 in the appropriations act based on the product of the assigned
18 enrollment and the fee schedule. The board may approve the
19 expenditure of any fee revenues resulting from the product of
20 the fee schedule adopted pursuant to this section and the
21 assigned enrollment.

22 3. Upon provision of authority in a General
23 Appropriations Act to spend revenue raised pursuant to this
24 section, the board shall approve a university request to
25 implement a tuition and nonresident ~~matriculation and~~
26 ~~out-of-state~~ tuition fee schedule which is calculated to
27 generate revenue which varies no more than 10 percent from the
28 standard fee revenues authorized through an appropriations
29 act. In implementing an alternative fee schedule, the increase
30 in cost to a student taking 15 hours in one term shall be
31 limited to 5 percent. Tuition and nonresident ~~Matriculation~~

1 ~~and out-of-state~~ tuition fee revenues generated as a result of
2 this provision are to be expended for implementing a plan for
3 achieving accountability goals adopted pursuant to s.
4 240.214(2) and for implementing a Board of Regents-approved
5 plan to contain student costs by reducing the time necessary
6 for graduation without reducing the quality of instruction.
7 The plans shall be recommended by a universitywide committee,
8 at least one-half of whom are students appointed by the
9 student body president. A chairperson, appointed jointly by
10 the university president and the student body president, shall
11 vote only in the case of a tie.

12 4. The board is authorized to collect for financial
13 aid purposes an amount not to exceed 5 percent of the student
14 tuition fee, nonresident tuition fee, building fee, capital
15 improvement trust fund fee, activity and service fee, health
16 fee, athletic fee, and technology ~~and matriculation~~ fee per
17 credit hour. The revenues from fees are to remain at each
18 campus and replace existing financial aid fees. Such funds
19 shall be disbursed to students as quickly as possible. The
20 board shall specify specific limits on the percent of the fees
21 collected in a fiscal year which may be carried forward
22 unexpended to the following fiscal year. A minimum of 70 ~~50~~
23 percent of funds from the student financial aid fee shall be
24 used to provide financial aid based on absolute need. A
25 student who has received an award prior to July 1, 1984, shall
26 have his or her eligibility assessed on the same criteria that
27 was used at the time of his or her original award.

28 5. The board may recommend to the Legislature an
29 appropriate systemwide standard tuition and nonresident
30 ~~matriculation and~~ tuition fee schedule.

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1 6. The Education and General Student and Other Fees
2 Trust Fund is hereby created, to be administered by the
3 Department of Education. Funds shall be credited to the trust
4 fund from student fee collections and other miscellaneous fees
5 and receipts. The purpose of the trust fund is to support the
6 instruction and research missions of the State University
7 System. Notwithstanding the provisions of s. 216.301, and
8 pursuant to s. 216.351, any balance in the trust fund at the
9 end of any fiscal year shall remain in the trust fund and
10 shall be available for carrying out the purposes of the trust
11 fund.

12 Section 4. Subsection (1) of section 240.235, Florida
13 Statutes, is amended to read:

14 240.235 Fees.--

15 (1) Each university is authorized to establish
16 separate activity and service, health, ~~and~~ athletic, and
17 technology fees. When duly established, the fees shall be
18 collected as component parts of the registration and tuition
19 fees and shall be retained by the university and paid into the
20 separate activity and service, health, ~~and~~ athletic, and
21 technology funds.

22 (a)1. Each university president shall establish a
23 student activity and service fee on the main campus of the
24 university. The university president may also establish a
25 student activity and service fee on any branch campus or
26 center. Any subsequent increase in the activity and service
27 fee must be recommended by an activity and service fee
28 committee, at least one-half of whom are students appointed by
29 the student body president. The remainder of the committee
30 shall be appointed by the university president. A
31 chairperson, appointed jointly by the university president and

1 the student body president, shall vote only in the case of a
2 tie. The recommendations of the committee shall take effect
3 only after approval by the university president, after
4 consultation with the student body president, with final
5 approval by the Board of Regents. An increase in the activity
6 and service fee may occur only once each fiscal year and must
7 be implemented beginning with the fall term. The Board of
8 Regents is responsible for promulgating the rules and
9 timetables necessary to implement this fee.

10 2. The student activity and service fees shall be
11 expended for lawful purposes to benefit the student body in
12 general. This shall include, but shall not be limited to,
13 operation of student recreational and union facilities,
14 student publications and grants to duly recognized student
15 organizations, the membership of which is open to all students
16 at the university without regard to race, sex, or religion.
17 The fund may not benefit activities for which an admission fee
18 is charged to students, except for
19 student-government-association-sponsored concerts. The
20 allocation and expenditure of the fund shall be determined by
21 the student government association of the university, except
22 that the president of the university may veto any line item or
23 portion thereof within the budget when submitted by the
24 student government association legislative body. The
25 university president shall have 15 school days from the date
26 of presentation of the budget to act on the allocation and
27 expenditure recommendations, which shall be deemed approved if
28 no action is taken within the 15 school days. If any line item
29 or portion thereof within the budget is vetoed, the student
30 government association legislative body shall within 15 school
31 days make new budget recommendations for expenditure of the

1 vetoed portion of the fund. If the university president
2 vetoes any line item or portion thereof within the new budget
3 revisions, the university president may reallocate by line
4 item that vetoed portion first to any bond obligations
5 guaranteed by activity and service fees and then to
6 preexisting contractual and employment obligations to student
7 union facilities. Unexpended funds and undisbursed funds
8 remaining at the end of a fiscal year shall be carried over
9 and remain in the student activity and service fund and be
10 available for allocation and expenditure during the next
11 fiscal year.

12 (b) Each university president shall establish a
13 student health fee on the main campus of the university. The
14 university president may also establish a student health fee
15 on any branch campus or center. Any subsequent increase in the
16 health fee must be recommended by a health committee, at least
17 one-half of whom are students appointed by the student body
18 president. The remainder of the committee shall be appointed
19 by the university president. A chairperson, appointed jointly
20 by the university president and the student body president,
21 shall vote only in the case of a tie. The recommendations of
22 the committee shall take effect only after approval by the
23 university president, after consultation with the student body
24 president, with final approval by the Board of Regents. An
25 increase in the health fee may occur only once each fiscal
26 year and must be implemented beginning with the fall term. The
27 Board of Regents is responsible for promulgating the rules and
28 timetables necessary to implement this fee.

29 (c) Each university president shall establish a
30 separate athletic fee on the main campus of the university.
31 The university president may also establish a separate

1 athletic fee on any branch campus or center. The initial
2 aggregate athletic fee at each university shall be equal to,
3 but may be no greater than, the 1982-1983 per-credit-hour
4 activity and service fee contributed to intercollegiate
5 athletics, including women's athletics, as provided by s.
6 240.533. Concurrently with the establishment of the athletic
7 fee, the activity and service fee shall experience a one-time
8 reduction equal to the initial aggregate athletic fee. Any
9 subsequent increase in the athletic fee must be recommended by
10 an athletic fee committee, at least one-half of whom are
11 students appointed by the student body president. The
12 remainder of the committee shall be appointed by the
13 university president. A chairperson, appointed jointly by the
14 university president and the student body president, shall
15 vote only in the case of a tie. The recommendations of the
16 committee shall take effect only after approval by the
17 university president, after consultation with the student body
18 president, with final approval by the Board of Regents. An
19 increase in the athletic fee may occur only once each fiscal
20 year and must be implemented beginning with the fall term. The
21 Board of Regents is responsible for promulgating the rules and
22 timetables necessary to implement this fee.

23 (d) Each university president may establish a
24 technology fee not to exceed \$50 for a full-time student per
25 term or the per-credit-hour equivalent. Proceeds from the fee
26 shall be expended for resources and direct services for
27 student technology services. The use of revenues from the
28 technology fee, and any subsequent increases in the fee
29 amount, must be pursuant to a plan recommended by a university
30 technology fee committee. At least one-half of the members of
31 the committee must be students appointed by the student body

1 president who shall ensure adequate representation of both
2 undergraduate and graduate students on the committee. A chair
3 appointed jointly by the university president and the student
4 body president shall vote only in the case of a tie. The
5 recommendations of the committee shall take effect only after
6 approval of the university president following consultation
7 with the student body president and shall be available for
8 public review for 30 days before final approval by the Board
9 of Regents. An increase in the university technology fee may
10 occur only once each fiscal year and must be implemented with
11 the fall term.

12 Section 5. Subsection (14) of section 240.35, Florida
13 Statutes, 1996 Supplement, is renumbered as subsection (15),
14 and a new subsection (14) is added to said section to read:

15 240.35 Student fees.--Unless otherwise provided, the
16 provisions of this section apply only to fees charged for
17 college credit instruction.

18 (14) Each community college district board of trustees
19 may establish a separate fee for technology enhancements not
20 to exceed 10 percent of the tuition fee. The technology
21 enhancement fee shall be collected as a component part of the
22 registration and tuition fees and may apply to both college
23 credit and vocational credit instruction. Proceeds from the
24 fee shall be expended for resources and direct services for
25 student technology services. The use of revenues from the
26 technology fee, and any subsequent increases in the fee
27 amount, must be pursuant to a plan recommended by a community
28 college technology fee committee. At least one-half of the
29 members of the committee must be students appointed by the
30 student government association. A chair appointed jointly by
31 the community college president and the student government

1 association shall vote only in the case of a tie. The
2 recommendations of the committee shall take effect only after
3 approval of the community college president following
4 consultation with the student government association and shall
5 be available for public review for 30 days before final
6 approval by the board of trustees. An increase in the
7 community college technology fee may occur only once each
8 fiscal year and must be implemented with the fall term.

9 Section 6. Paragraphs (a) and (b) of subsection (7) of
10 section 240.551, Florida Statutes, 1996 Supplement, are
11 amended to read:

12 240.551 Florida Prepaid Postsecondary Education
13 Expense Program.--

14 (7) At a minimum, the board shall make advance payment
15 contracts available for three independent plans to be known as
16 the community college plan, the university plan, and the
17 dormitory residence plan, respectively.

18 (a) Through the community college plan, the advance
19 payment contract shall provide prepaid registration fees for a
20 specified number of undergraduate semester credit hours not to
21 exceed the average number of hours required for the conference
22 of an associate degree. The cost of participation in the
23 community college plan shall be based primarily on the average
24 current and projected registration fees within the State
25 Community College System and the number of years expected to
26 elapse between the purchase of the plan on behalf of a
27 qualified beneficiary and the exercise of the benefits
28 provided in the plan by such beneficiary. Effective July 1,
29 1997, the board may provide advance payment contracts for
30 activity and service fees in conjunction with or in addition
31 to advance payment contracts for registration fees. The cost

1 of purchasing activity and service fees shall be based
2 primarily on the average current and projected activity and
3 service fees within the State Community College System and the
4 number of years expected to elapse between the purchase of the
5 plan on behalf of a qualified beneficiary and the exercise of
6 the benefits provided in the plan by such beneficiary.
7 Qualified beneficiaries shall bear the cost of any laboratory
8 fees associated with enrollment in specific courses. Each
9 qualified beneficiary shall be classified as a resident for
10 tuition purposes pursuant to s. 240.1201 regardless of his or
11 her actual legal residence.

12 (b) Through the university plan, the advance payment
13 contract shall provide prepaid registration fees for a
14 specified number of undergraduate semester credit hours not to
15 exceed the average number of hours required for the conference
16 of a baccalaureate degree. The cost of participation in the
17 university plan shall be based primarily on the current and
18 projected registration fees within the State University System
19 and the number of years expected to elapse between the
20 purchase of the plan on behalf of a qualified beneficiary and
21 the exercise of the benefits provided in the plan by such
22 beneficiary. Effective July 1, 1997, the board may provide
23 advance payment contracts for activity and service, health,
24 and athletic fees in conjunction with or in addition to
25 advance payment contracts for registration fees. The cost of
26 purchasing activity and service, health, and athletic fees
27 shall be based primarily on the average current and projected
28 cost of these fees within the State University System and the
29 number of years expected to elapse between the purchase of the
30 plan on behalf of a qualified beneficiary and the exercise of
31 the benefits provided in the plan by such beneficiary.

1 However, the maximum coverage of these fees shall not exceed
2 45 percent of tuition. Qualified beneficiaries shall bear the
3 cost of any laboratory fees associated with enrollment in
4 specific courses. In the event that a qualified beneficiary
5 fails to be admitted to a state university or chooses to
6 attend a community college, the qualified beneficiary may
7 convert the average number of semester credit hours required
8 for the conference of an associate degree from a university
9 plan to a community college plan and may retain the remaining
10 semester credit hours in the university plan or may request a
11 refund for prepaid credit hours in excess of the average
12 number of semester credit hours required for the conference of
13 an associate degree pursuant to subparagraph (6)(a)7. Each
14 qualified beneficiary shall be classified as a resident for
15 tuition purposes pursuant to s. 240.1201 regardless of his or
16 her actual legal residence.

17 Section 7. This act shall take effect upon becoming a
18 law.

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21 HOUSE SUMMARY

22
23 With respect to postsecondary education student fees,
24 revises definitions, revises provisions relating to
25 university financial aid fees, authorizes university and
community college technology fees, and authorizes advance
payment contracts for specified fees under the Florida
Prepaid Postsecondary Education Expense Program.

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