

By the Committees on Education Appropriations; Education; and  
Senators Constantine and Campbell

602-2355-05

1                                   A bill to be entitled  
2           An act relating to tuition rates at state  
3           colleges and universities; amending s. 1009.24,  
4           F.S.; providing that the Legislature has the  
5           responsibility to establish tuition and fees;  
6           providing that tuition and fees for certain  
7           state university resident students are  
8           established within the General Appropriations  
9           Act or law; requiring each board of trustees to  
10          set university tuition and fees under certain  
11          circumstances; providing that such tuition and  
12          fees may not exceed tuition and fees for  
13          corresponding programs at certain public  
14          institutions; requiring each university to  
15          allocate a certain percentage amount raised by  
16          tuition increases to financial aid for  
17          students; providing that tuition and fees for  
18          certain students are not subject to a cap;  
19          creating s. 1009.286, F.S.; requiring students  
20          to pay 75 percent of the actual cost per credit  
21          hour for credit hours in excess of a specified  
22          number for community-college credits and for  
23          overall credits applied to a baccalaureate  
24          degree; excluding certain credit hours from  
25          calculation as hours required to earn a  
26          baccalaureate degree; providing for  
27          notification of students by a postsecondary  
28          institution; providing applicability; providing  
29          an effective date.

30  
31 Be It Enacted by the Legislature of the State of Florida:

1           Section 1. Subsection (3) of section 1009.24, Florida  
2 Statutes, is amended to read:

3           1009.24 State university student fees.--

4           (3)(a) The Legislature has the responsibility to  
5 establish tuition and fees.

6           (b) Undergraduate tuition and fees for state  
7 university resident students are established within proviso in  
8 the General Appropriations Act or law.

9           (c) Except as otherwise provided by law, each board of  
10 trustees shall set university tuition and fees for graduate,  
11 graduate professional, and nonresident students. Tuition and  
12 fees for graduate, graduate professional, and nonresident  
13 students may not exceed the average full-time tuition and fees  
14 for corresponding programs at public institutions that are  
15 members of the Association of American Universities. The  
16 annual percentage increase in tuition and fees established by  
17 each board of trustees pursuant to this paragraph for students  
18 enrolled prior to the fall of 2005 shall not exceed the annual  
19 percentage increase approved by the legislature for resident  
20 undergraduate students. At least 20 percent of the amount  
21 raised by tuition increases imposed pursuant to this paragraph  
22 shall be allocated by each university to need-based financial  
23 aid for students.

24           ~~(d) Within proviso in the General Appropriations Act~~  
25 ~~and law, each board of trustees shall set university tuition~~  
26 ~~and fees.~~ The sum of the activity and service, health, and  
27 athletic fees a student is required to pay to register for a  
28 course shall not exceed 40 percent of the tuition established  
29 in law or in the General Appropriations Act. The tuition and  
30 fees established in paragraph (c) for graduate, graduate  
31 professional, or nonresident students are not subject to the

1 40 percent cap. A ~~No~~ university is not ~~shall be~~ required to  
2 lower any fee in effect on the effective date of this act in  
3 order to comply with this subsection. Within the 40 percent  
4 cap, universities may not increase the aggregate sum of  
5 activity and service, health, and athletic fees more than 5  
6 percent per year unless specifically authorized in law or in  
7 the General Appropriations Act. A university may increase its  
8 athletic fee to defray the costs associated with changing  
9 National Collegiate Athletic Association divisions. Any such  
10 increase in the athletic fee may exceed both the 40 percent  
11 cap and the 5 percent cap imposed by this subsection. Any such  
12 increase must be approved by the athletic fee committee in the  
13 process outlined in subsection (11) and cannot exceed \$2 per  
14 credit hour. Notwithstanding the provisions of ss. 1009.534,  
15 1009.535, and 1009.536, that portion of any increase in an  
16 athletic fee pursuant to this subsection that causes the sum  
17 of the activity and service, health, and athletic fees to  
18 exceed the 40 percent cap or the annual increase in such fees  
19 to exceed the 5 percent cap shall not be included in  
20 calculating the amount a student receives for a Florida  
21 Academic Scholars award, a Florida Medallion Scholars award,  
22 or a Florida Gold Seal Vocational Scholars award. This  
23 subsection does not prohibit a university from increasing or  
24 assessing optional fees related to specific activities if  
25 payment of such fees is not required as a part of registration  
26 for courses.

27 Section 2. Section 1009.286, Florida Statutes, is  
28 created to read:

29 1009.286 Additional student payment required for hours  
30 exceeding graduation requirements.--

31

1       (1) It is the intent of the Legislature to discourage  
2 undergraduate students in postsecondary education from  
3 exceeding the number of credit hours required to complete the  
4 students' respective degree programs. Accordingly, a student  
5 must pay 75 percent over the in-state tuition rate for any  
6 credit hours that the student takes in excess of 120 percent  
7 of the number of credit hours required to complete the degree  
8 program in which he or she is enrolled.

9       (2) A student who is enrolled in a community college  
10 must pay 75 percent over the in-state tuition rate for credit  
11 hours that the student takes in excess of 120 percent of the  
12 credit hours required to earn an associate degree, except that  
13 a community college student who has earned the associate  
14 degree need not pay the full cost for a maximum of 24 hours  
15 taken while enrolled at a community college which apply to his  
16 or her baccalaureate degree.

17       (3) An undergraduate student who is enrolled in a  
18 university that is part of the state university system must  
19 pay 75 percent over the in-state tuition rate for credit hours  
20 that the student takes in excess of 120 percent of the credit  
21 hours required to complete the degree program in which he or  
22 she is enrolled, regardless of whether those hours were taken  
23 while enrolled at a community college, a state university, or  
24 any private postsecondary institution if the student received  
25 state funds while enrolled at the private postsecondary  
26 institution.

27       (4) An undergraduate student who is enrolled in a  
28 baccalaureate degree program at a community college must pay  
29 75 percent over the in-state tuition rate for credit hours  
30 that the student takes in excess of 120 percent of the number  
31 of credit hours required to complete the degree program in

1 which he or she is enrolled, regardless of whether those hours  
2 were taken while enrolled at a community college, a state  
3 university, or any private postsecondary institution if the  
4 student received state funds while enrolled at the private  
5 postsecondary institution.

6 (5) Credit hours earned under the following  
7 circumstances are not calculated as hours required to earn a  
8 degree:

9 (a) College credits earned through an accelerated  
10 mechanism identified in s. 1007.27;

11 (b) Credit hours earned through internship programs;

12 (c) Credit hours required for certification,  
13 recertification, or certificate degrees;

14 (d) Credit hours in courses from which a student must  
15 withdraw due to reasons of medical or personal hardship;

16 (e) Credit hours taken by active-duty military  
17 personnel;

18 (f) Credit hours required to achieve a dual major  
19 undertaken while pursuing a degree; and

20 (g) Remedial and English as a Second Language credit  
21 hours.

22 (6) Each postsecondary institution shall implement a  
23 process for notifying students regarding this section. The  
24 notice must be provided upon the student's initial enrollment  
25 in the institution and again upon the student's having earned  
26 the credit hours required to complete the degree program in  
27 which he or she is enrolled. The notice must include a  
28 recommendation that each student who intends to earn credit  
29 hours at the institution beyond those required for his or her  
30 enrolled degree program meet with his or her academic advisor.  
31

1           Section 3. Section 1009.286, Florida Statutes, as  
2 created by this act, applies to freshmen enrolled in the fall  
3 of 2005 and all freshmen thereafter.

4           Section 4. This act shall take effect July 1, 2005.

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6                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
7                   COMMITTEE SUBSTITUTE FOR  
8                   CS for Senate Bill 2236

9           The committee substitute for CS/SB 2236 deletes the tuition  
10          rebate program previously proposed in the bill, and provides  
11          that each postsecondary institution notify a student upon  
12          enrollment, as well as nearing degree completion, of the  
13          bill's excess hours policy.

14          The committee substitute also addresses the setting of tuition  
15          and fees within the state university system. It states that  
16          the Legislature has the responsibility to establish tuition  
17          and fees. Undergraduate tuition and fees are to be  
18          established in proviso within the General Appropriations Act  
19          or law. Each university's Board of Trustees may set tuition  
20          and fees for graduate, graduate professional, and nonresident  
21          students, unless otherwise provided by law.