

ENROLLED

CS/CS/HB 745, Engrossed 2

2008 Legislature

1 A bill to be entitled
 2 An act relating to postsecondary education; amending s.
 3 1009.24, F.S.; revising requirements for the Board of
 4 Governors in establishing tuition and out-of-state fees
 5 for graduate and professional programs; revising
 6 requirements for the Board of Governors in establishing a
 7 uniform maximum undergraduate tuition differential for
 8 universities that have research and development
 9 expenditures of a specified amount; allowing the
 10 university board of trustees to maintain the differential
 11 unless otherwise directed by the Board of Governors;
 12 amending s. 196.192, F.S.; specifying educational
 13 institutions as exempt entities for purposes of exemptions
 14 from ad valorem taxation for property owned by exempt
 15 entities; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Paragraph (c) of subsection (4) and subsection
 20 (16) of section 1009.24, Florida Statutes, as amended by section
 21 5 of chapter 2007-329, Laws of Florida, are amended to read:

22 1009.24 State university student fees.--

23 (4)

24 (c) The Board of Governors, or the board's designee, may
 25 establish tuition for graduate and professional programs, and
 26 out-of-state fees for all programs. The sum of tuition and out-
 27 of-state fees assessed to nonresident students must be
 28 sufficient to offset the full instructional cost of serving such

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29 students. However, adjustments to out-of-state fees or tuition
30 for graduate ~~and professional~~ programs pursuant to this section
31 may not exceed 10 percent in any year and adjustments to out-of-
32 state fees or tuition for professional programs may not exceed
33 15 percent in any year.

34 (16) The Board of Governors may establish a uniform
35 maximum undergraduate tuition differential that does not exceed
36 40 percent of tuition for all universities that meet the
37 criteria for Funding Level 1 under s. 1004.635(3), and may
38 establish a uniform maximum undergraduate tuition differential
39 that does not exceed 30 percent of tuition for all universities
40 that have total research and development expenditures for all
41 fields of at least \$100 million per year as reported annually to
42 the National Science Foundation ~~meet the criteria for Funding~~
43 ~~Level 2 under s. 1004.635(3).~~ Once these criteria have been met
44 and the differential established by the Board of Governors, the
45 board of trustees of a qualified university may maintain the
46 differential unless otherwise directed by the Board of
47 Governors. However, the board shall ensure that the maximum
48 tuition differential it establishes for universities meeting the
49 Funding Level 1 criteria is at least 30 percent greater than the
50 maximum tuition differential the board establishes for
51 universities that meet the required Funding Level 2 criteria for
52 research and development expenditures. The tuition differential
53 is subject to the following conditions:

54 (a) The sum of tuition and the tuition differential may
55 not be increased by more than 15 percent of the total charged
56 for these fees in the preceding fiscal year.

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57 (b) The tuition differential may not be calculated as a
58 part of the scholarship programs established in ss. 1009.53-
59 1009.537.

60 (c) Beneficiaries having prepaid tuition contracts
61 pursuant to s. 1009.98(2)(b) which were in effect on July 1,
62 2007, and which remain in effect, are exempt from the payment of
63 the tuition differential.

64 (d) The tuition differential may not be charged to any
65 student who was in attendance at the university before July 1,
66 2007, and who maintains continuous enrollment.

67 (e) The tuition differential may be waived by the
68 university for students who meet the eligibility requirements
69 for the Florida public student assistance grant established in
70 s. 1009.50.

71 (f) A university board of trustees that has been
72 authorized by the Board of Governors to establish a tuition
73 differential pursuant to this subsection may establish the
74 tuition differential at a rate lower than the maximum tuition
75 differential established by the board, but may not exceed the
76 maximum tuition differential established by the board.

77 (g) The revenue generated from the tuition differential
78 must be spent solely for improving the quality of direct
79 undergraduate instruction and support services.

80 (h) Information relating to the annual receipt and
81 expenditure of the proceeds from the assessment of the tuition
82 differential shall be reported by the university in accordance
83 with guidelines established by the Board of Governors.

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84 Section 2. Section 196.192, Florida Statutes, is amended
85 to read:

86 196.192 Exemptions from ad valorem taxation.--Subject to
87 the provisions of this chapter:

88 (1) All property owned by an exempt entity, including
89 educational institutions, and used exclusively for exempt
90 purposes shall be totally exempt from ad valorem taxation.

91 (2) All property owned by an exempt entity, including
92 educational institutions, and used predominantly for exempt
93 purposes shall be exempted from ad valorem taxation to the
94 extent of the ratio that such predominant use bears to the
95 nonexempt use.

96 (3) All tangible personal property loaned or leased by a
97 natural person, by a trust holding property for a natural
98 person, or by an exempt entity to an exempt entity for public
99 display or exhibition on a recurrent schedule is exempt from ad
100 valorem taxation if the property is loaned or leased for no
101 consideration or for nominal consideration.

102

103 For purposes of this section, each use to which the property is
104 being put must be considered in granting an exemption from ad
105 valorem taxation, including any economic use in addition to any
106 physical use. For purposes of this section, property owned by a
107 limited liability company, the sole member of which is an exempt
108 entity, shall be treated as if the property were owned directly
109 by the exempt entity. This section does not apply in determining
110 the exemption for property owned by governmental units pursuant
111 to s. 196.199.

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Section 3. This act shall take effect July 1, 2008.