

1 A bill to be entitled
 2 An act relating to state university tuition and fees;
 3 amending s. 216.136, F.S.; requiring the Education
 4 Estimating Conference to develop information relating to
 5 the national average of tuition and fees; amending s.
 6 1009.01, F.S.; revising the definition of the term
 7 "tuition differential"; amending s. 1009.24, F.S.;
 8 revising provisions relating to the use of the student
 9 financial aid fee; deleting obsolete provisions; revising
 10 provisions relating to the establishment of a tuition
 11 differential; providing requirements for the assessment
 12 and expenditure of a tuition differential; providing
 13 requirements for a university board of trustees to submit
 14 a proposal to the Board of Governors to implement a
 15 tuition differential; requiring the Board of Governors'
 16 review and approval of a proposal; requiring the Board of
 17 Governors to report specified information annually to the
 18 Legislature and the Governor; providing for application;
 19 providing an effective date.

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

22
 23 Section 1. Paragraph (a) of subsection (4) of section
 24 216.136, Florida Statutes, is amended to read:

25 216.136 Consensus estimating conferences; duties and
 26 principals.--

27 (4) EDUCATION ESTIMATING CONFERENCE.--

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28 (a) The Education Estimating Conference shall develop such
29 official information relating to the state public and private
30 educational system, including forecasts of student enrollments,
31 the national average of tuition and fees at public postsecondary
32 educational institutions, the number of students qualified for
33 state financial aid programs and for the William L. Boyd, IV,
34 Florida Resident Access Grant Program and the appropriation
35 required to fund the full award amounts for each program, fixed
36 capital outlay needs, and Florida Education Finance Program
37 formula needs, as the conference determines is needed for the
38 state planning and budgeting system. The conference's initial
39 projections of enrollments in public schools shall be forwarded
40 by the conference to each school district no later than 2 months
41 prior to the start of the regular session of the Legislature.
42 Each school district may, in writing, request adjustments to the
43 initial projections. Any adjustment request shall be submitted
44 to the conference no later than 1 month prior to the start of
45 the regular session of the Legislature and shall be considered
46 by the principals of the conference. A school district may amend
47 its adjustment request, in writing, during the first 3 weeks of
48 the legislative session, and such amended adjustment request
49 shall be considered by the principals of the conference. For any
50 adjustment so requested, the district shall indicate and
51 explain, using definitions adopted by the conference, the
52 components of anticipated enrollment changes that correspond to
53 continuation of current programs with workload changes; program
54 improvement; program reduction or elimination; initiation of new
55 programs; and any other information that may be needed by the

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56 | Legislature. For public schools, the conference shall submit its
 57 | full-time equivalent student consensus estimate to the
 58 | Legislature no later than 1 month after the start of the regular
 59 | session of the Legislature. No conference estimate may be
 60 | changed without the agreement of the full conference.

61 | Section 2. Subsection (3) of section 1009.01, Florida
 62 | Statutes, is amended to read:

63 | 1009.01 Definitions.--The term:

64 | (3) "Tuition differential" means the supplemental fee
 65 | charged to a student ~~for instruction provided~~ by a public
 66 | university in this state pursuant to s. 1009.24(16).

67 | Section 3. Subsections (7) and (16) of section 1009.24,
 68 | Florida Statutes, are amended to read:

69 | 1009.24 State university student fees.--

70 | (7) A university board of trustees is authorized to
 71 | collect for financial aid purposes an amount not to exceed 5
 72 | percent of the tuition and out-of-state fee. The revenues from
 73 | fees are to remain at each campus and replace existing financial
 74 | aid fees. Such funds shall be disbursed to students as quickly
 75 | as possible. A minimum of 75 percent of funds from the student
 76 | financial aid fee ~~for new financial aid awards~~ shall be used to
 77 | provide financial aid based on absolute need. ~~A student who has~~
 78 | ~~received an award prior to July 1, 1984, shall have his or her~~
 79 | ~~eligibility assessed on the same criteria that were used at the~~
 80 | ~~time of his or her original award.~~ The Board of Governors shall
 81 | develop criteria for making financial aid awards. Each
 82 | university shall report annually to the Board of Governors and
 83 | the Department of Education on the revenue collected pursuant to

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84 this subsection, the amount carried forward, the criteria used
85 to make awards, the amount and number of awards for each
86 criterion, and a delineation of the distribution of such awards.
87 The report shall include an assessment by category of the
88 financial need of every student who receives an award,
89 regardless of the purpose for which the award is received.
90 Awards which are based on financial need shall be distributed in
91 accordance with a nationally recognized system of need analysis
92 approved by the Board of Governors. An award for academic merit
93 shall require a minimum overall grade point average of 3.0 on a
94 4.0 scale or the equivalent for both initial receipt of the
95 award and renewal of the award.

96 (16) Each university board of trustees may establish a
97 tuition differential for undergraduate courses upon receipt of
98 approval from the Board of Governors. The tuition differential
99 shall promote improvements in the quality of undergraduate
100 education and shall provide financial aid to undergraduate
101 students who exhibit financial need.

102 (a) Seventy-percent of the revenues from the tuition
103 differential shall be expended for purposes of undergraduate
104 education, including, but not limited to, increasing course
105 offerings, improving graduation rates, increasing the percentage
106 of undergraduate students who are taught by faculty, decreasing
107 student-faculty ratios, providing salary increases for faculty
108 who have a history of excellent teaching in undergraduate
109 courses, improving the efficiency of the delivery of
110 undergraduate education through academic advisement and
111 counseling, and reducing the percentage of students who graduate

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112 with excess hours. This expenditure for undergraduate education
113 may not be used to pay the salaries of graduate teaching
114 assistants. The remaining 30 percent of the revenues from the
115 tuition differential shall be expended to provide financial aid
116 to undergraduate students who exhibit financial need to meet the
117 cost of university attendance. This expenditure for need-based
118 financial aid shall not supplant the amount of need-based aid
119 provided to undergraduate students in the preceding fiscal year
120 from financial aid fee revenues or the direct appropriation for
121 financial assistance provided to state universities in the
122 General Appropriations Act.

123 (b) Each tuition differential is subject to the following
124 conditions:

125 1. The tuition differential may be assessed on one or more
126 undergraduate courses or on all undergraduate courses at a state
127 university.

128 2. The tuition differential may vary by course or courses,
129 campus or center location, and by institution.

130 3. The aggregate sum of tuition and the tuition
131 differential charged for a given course or courses may not be
132 increased by more than 15 percent of the total charged for the
133 aggregate sum of these fees in the same course or courses in the
134 preceding fiscal year.

135 4. The aggregate sum of undergraduate tuition and fees per
136 credit hour, including the tuition differential, may not exceed
137 the national average of undergraduate tuition and fees at 4-year
138 degree-granting public postsecondary educational institutions.

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139 5. The tuition differential may not be calculated as a
140 part of the scholarship programs established in ss. 1009.53-
141 1009.538.

142 6. Beneficiaries having prepaid tuition contracts pursuant
143 to s. 1009.98(2)(b) which were in effect on July 1, 2007, and
144 which remain in effect, are exempt from the payment of the
145 tuition differential.

146 7. The tuition differential may not be charged to any
147 student who was in attendance at the university before July 1,
148 2007, and who maintains continuous enrollment.

149 8. The tuition differential may be waived by the
150 university for students who meet the eligibility requirements
151 for the Florida public student assistance grant established in
152 s. 1009.50.

153 9. Subject to approval by the Board of Governors, the
154 tuition differential authorized pursuant to this subsection may
155 take effect with the 2009 fall term.

156 (c) A university board of trustees may submit a proposal
157 to the Board of Governors to implement a tuition differential
158 for one or more undergraduate courses. At a minimum, the
159 proposal shall:

160 1. Identify the course or courses for which the tuition
161 differential will be assessed.

162 2. Indicate the amount that will be assessed for each
163 tuition differential proposed.

164 3. Indicate the purpose of the tuition differential.

165 4. Indicate how the revenues from the tuition differential
166 will be used.

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167 5. Indicate how the university will monitor the success of
168 the tuition differential in achieving the purpose for which the
169 tuition differential is being assessed.

170 (d) The Board of Governors shall review each proposal and
171 advise the university board of trustees of approval of the
172 proposal, the need for additional information or revision to the
173 proposal, or denial of the proposal. The Board of Governors
174 shall establish a process for any university to revise a
175 proposal or appeal a decision of the board.

176 (e) The Board of Governors shall submit a report to the
177 President of the Senate, the Speaker of the House of
178 Representatives, and the Governor describing the implementation
179 of the provisions of this subsection no later than January 1,
180 2010, and no later than January 1 each year thereafter. The
181 report shall summarize proposals received by the board during
182 the preceding fiscal year and actions taken by the board in
183 response to such proposals. In addition, the report shall
184 provide the following information for each university that has
185 been approved by the board to assess a tuition differential:

186 1. The course or courses for which the tuition
187 differential was assessed and the amount assessed.

188 2. The total revenues generated by the tuition
189 differential.

190 3. With respect to waivers authorized under subparagraph
191 (b)8., the number of students eligible for a waiver, the number
192 of students receiving a waiver, and the value of waivers
193 provided.

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194 4. Detailed expenditures of the revenues generated by the
195 tuition differential.

196 5. Changes in retention rates, graduation rates, the
197 percentage of students graduating with more than 110 percent of
198 the hours required for graduation, pass rates on licensure
199 examinations, the number of undergraduate course offerings, the
200 percentage of undergraduate students who are taught by faculty,
201 student-faculty ratios, and the average salaries of faculty who
202 teach undergraduate courses.

203 (f) No state university shall be required to lower any
204 tuition differential that was approved by the Board of Governors
205 and in effect prior to January 1, 2009, in order to comply with
206 the provisions of this subsection. ~~The Board of Governors may~~
207 ~~establish a uniform maximum undergraduate tuition differential~~
208 ~~that does not exceed 40 percent of tuition for all universities~~
209 ~~that meet the criteria for Funding Level 1 under s. 1004.635(3),~~
210 ~~and may establish a uniform maximum undergraduate tuition~~
211 ~~differential that does not exceed 30 percent of tuition for all~~
212 ~~universities that have total research and development~~
213 ~~expenditures for all fields of at least \$100 million per year as~~
214 ~~reported annually to the National Science Foundation. Once these~~
215 ~~criteria have been met and the differential established by the~~
216 ~~Board of Governors, the board of trustees of a qualified~~
217 ~~university may maintain the differential unless otherwise~~
218 ~~directed by the Board of Governors. However, the board shall~~
219 ~~ensure that the maximum tuition differential it establishes for~~
220 ~~universities meeting the Funding Level 1 criteria is at least 30~~
221 ~~percent greater than the maximum tuition differential the board~~

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222 ~~establishes for universities that meet the required criteria for~~
223 ~~research and development expenditures. The tuition differential~~
224 ~~is subject to the following conditions:~~

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

228 ~~(b) The tuition differential may not be calculated as a~~
229 ~~part of the scholarship programs established in ss. 1009.53-~~
230 ~~1009.537.~~

231 ~~(c) Beneficiaries having prepaid tuition contracts~~
232 ~~pursuant to s. 1009.98(2)(b) which were in effect on July 1,~~
233 ~~2007, and which remain in effect, are exempt from the payment of~~
234 ~~the tuition differential.~~

235 ~~(d) The tuition differential may not be charged to any~~
236 ~~student who was in attendance at the university before July 1,~~
237 ~~2007, and who maintains continuous enrollment.~~

238 ~~(e) The tuition differential may be waived by the~~
239 ~~university for students who meet the eligibility requirements~~
240 ~~for the Florida public student assistance grant established in~~
241 ~~s. 1009.50.~~

242 ~~(f) A university board of trustees that has been~~
243 ~~authorized by the Board of Governors to establish a tuition~~
244 ~~differential pursuant to this subsection may establish the~~
245 ~~tuition differential at a rate lower than the maximum tuition~~
246 ~~differential established by the board, but may not exceed the~~
247 ~~maximum tuition differential established by the board.~~

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248 ~~(g) The revenue generated from the tuition differential~~
249 ~~must be spent solely for improving the quality of direct~~
250 ~~undergraduate instruction and support services.~~

251 ~~(h) Information relating to the annual receipt and~~
252 ~~expenditure of the proceeds from the assessment of the tuition~~
253 ~~differential shall be reported by the university in accordance~~
254 ~~with guidelines established by the Board of Governors.~~

255 Section 4. This act shall take effect July 1, 2009.