

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 revenue raised from private sources for
14 purposes of providing need-based financial aid; providing
15 conditions for the payment of a tuition differential;
16 providing requirements for a university board of trustees
17 to submit a proposal to the Board of Governors to
18 implement a tuition differential; requiring the Board of
19 Governors' review and approval of a proposal; requiring
20 the Board of Governors to report specified information
21 annually to the Legislature and the Governor; providing
22 for application; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Paragraph (a) of subsection (4) of section
27 216.136, Florida Statutes, is amended to read:

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28 | 216.136 Consensus estimating conferences; duties and
29 | principals.--

30 | (4) EDUCATION ESTIMATING CONFERENCE.--

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

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56 continuation of current programs with workload changes; program
57 improvement; program reduction or elimination; initiation of new
58 programs; and any other information that may be needed by the
59 Legislature. For public schools, the conference shall submit its
60 full-time equivalent student consensus estimate to the
61 Legislature no later than 1 month after the start of the regular
62 session of the Legislature. No conference estimate may be
63 changed without the agreement of the full conference.

64 Section 2. Subsection (3) of section 1009.01, Florida
65 Statutes, is amended to read:

66 1009.01 Definitions.--The term:

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

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

72 1009.24 State university student fees.--

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

84 develop criteria for making financial aid awards. Each
85 university shall report annually to the Board of Governors and
86 the Department of Education on the revenue collected pursuant to
87 this subsection, the amount carried forward, the criteria used
88 to make awards, the amount and number of awards for each
89 criterion, and a delineation of the distribution of such awards.
90 The report shall include an assessment by category of the
91 financial need of every student who receives an award,
92 regardless of the purpose for which the award is received.
93 Awards which are based on financial need shall be distributed in
94 accordance with a nationally recognized system of need analysis
95 approved by the Board of Governors. An award for academic merit
96 shall require a minimum overall grade point average of 3.0 on a
97 4.0 scale or the equivalent for both initial receipt of the
98 award and renewal of the award.

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

105 (a) Seventy-percent of the revenues from the tuition
106 differential shall be expended for purposes of undergraduate
107 education. Such expenditures may include, but are not limited
108 to, increasing course offerings, improving graduation rates,
109 increasing the percentage of undergraduate students who are
110 taught by faculty, decreasing student-faculty ratios, providing
111 salary increases for faculty who have a history of excellent

112 teaching in undergraduate courses, improving the efficiency of
113 the delivery of undergraduate education through academic
114 advisement and counseling, and reducing the percentage of
115 students who graduate with excess hours. This expenditure for
116 undergraduate education may not be used to pay the salaries of
117 graduate teaching assistants. The remaining 30 percent of the
118 revenues from the tuition differential, or an equivalent amount
119 of new revenue from private sources, shall be expended to
120 provide financial aid to undergraduate students who exhibit
121 financial need to meet the cost of university attendance. This
122 expenditure for need-based financial aid shall not supplant the
123 amount of need-based aid provided to undergraduate students in
124 the preceding fiscal year from financial aid fee revenues, from
125 the direct appropriation for financial assistance provided to
126 state universities in the General Appropriations Act, or from
127 existing private sources. Any revenue raised from private
128 sources to meet the requirements of this paragraph shall be
129 deposited in a separate account for need-based financial aid and
130 shall not be commingled with funds from existing private
131 sources.

132 (b) Each tuition differential is subject to the following
133 conditions:

134 1. The tuition differential may be assessed on one or more
135 undergraduate courses or on all undergraduate courses at a state
136 university.

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

139 3. The aggregate sum of tuition and the tuition
140 differential charged for a given course or courses may not be
141 increased by more than 15 percent of the total charged for the
142 aggregate sum of these fees in the same course or courses in the
143 preceding fiscal year.

144 4. The aggregate sum of undergraduate tuition and fees per
145 credit hour, including the tuition differential, may not exceed
146 the national average of undergraduate tuition and fees at 4-year
147 degree-granting public postsecondary educational institutions.

148 5. The tuition differential may not be calculated as a
149 part of the scholarship program established in ss. 1009.53-
150 1009.538.

151 6. Beneficiaries having prepaid tuition contracts pursuant
152 to s. 1009.98(2)(b) that were in effect on July 1, 2007, and
153 that remain in effect, are exempt from the payment of the
154 tuition differential.

155 7. The tuition differential may not be charged to any
156 student who was in attendance at the university before July 1,
157 2007, and who maintains continuous enrollment.

158 8. The tuition differential may be waived by the
159 university for students who meet the eligibility requirements
160 for the Florida public student assistance grant established in
161 s. 1009.50.

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

165 (c) A university board of trustees may submit a proposal
166 to the Board of Governors to implement a tuition differential

167 for one or more undergraduate courses. At a minimum, the
168 proposal shall:

169 1. Identify the course or courses for which the tuition
170 differential will be assessed.

171 2. Indicate the amount that will be assessed for each
172 tuition differential proposed.

173 3. Indicate the purpose of the tuition differential.

174 4. Indicate how the revenues from the tuition differential
175 will be used.

176 5. Indicate how the university will monitor the success of
177 the tuition differential in achieving the purpose for which the
178 tuition differential is being assessed.

179 (d) The Board of Governors shall review each proposal and
180 advise the university board of trustees of approval of the
181 proposal, the need for additional information or revision to the
182 proposal, or denial of the proposal. The Board of Governors
183 shall establish a process for any university to revise a
184 proposal or appeal a decision of the board.

185 (e) The Board of Governors shall submit a report to the
186 President of the Senate, the Speaker of the House of
187 Representatives, and the Governor describing the implementation
188 of the provisions of this subsection no later than January 1,
189 2010, and no later than January 1 each year thereafter. The
190 report shall summarize proposals received by the board during
191 the preceding fiscal year and actions taken by the board in
192 response to such proposals. In addition, the report shall
193 provide the following information for each university that has
194 been approved by the board to assess a tuition differential:

195 1. The course or courses for which the tuition
196 differential was assessed and the amount assessed.

197 2. The total revenues generated by the tuition
198 differential.

199 3. With respect to waivers authorized under subparagraph
200 (b)8., the number of students eligible for a waiver, the number
201 of students receiving a waiver, and the value of waivers
202 provided.

203 4. With respect to need-based financial aid provided under
204 paragraph (a), the number of students eligible for an award, the
205 number of students receiving an award, and the value of the
206 awards provided.

207 5. The amount of revenue from private sources used to meet
208 the requirements of paragraph (a) and documentation of
209 compliance with the supplanting provisions of paragraph (a).

210 6. Detailed expenditures of the revenues generated by the
211 tuition differential.

212 7. Changes in retention rates, graduation rates, the
213 percentage of students graduating with more than 110 percent of
214 the hours required for graduation, pass rates on licensure
215 examinations, the number of undergraduate course offerings, the
216 percentage of undergraduate students who are taught by faculty,
217 student-faculty ratios, and the average salaries of faculty who
218 teach undergraduate courses.

219 (f) No state university shall be required to lower any
220 tuition differential that was approved by the Board of Governors
221 and in effect prior to January 1, 2009, in order to comply with
222 the provisions of this subsection. ~~The Board of Governors may~~

223 ~~establish a uniform maximum undergraduate tuition differential~~
224 ~~that does not exceed 40 percent of tuition for all universities~~
225 ~~that meet the criteria for Funding Level 1 under s. 1004.635(3),~~
226 ~~and may establish a uniform maximum undergraduate tuition~~
227 ~~differential that does not exceed 30 percent of tuition for all~~
228 ~~universities that have total research and development~~
229 ~~expenditures for all fields of at least \$100 million per year as~~
230 ~~reported annually to the National Science Foundation. Once these~~
231 ~~criteria have been met and the differential established by the~~
232 ~~Board of Governors, the board of trustees of a qualified~~
233 ~~university may maintain the differential unless otherwise~~
234 ~~directed by the Board of Governors. However, the board shall~~
235 ~~ensure that the maximum tuition differential it establishes for~~
236 ~~universities meeting the Funding Level 1 criteria is at least 30~~
237 ~~percent greater than the maximum tuition differential the board~~
238 ~~establishes for universities that meet the required criteria for~~
239 ~~research and development expenditures. The tuition differential~~
240 ~~is subject to the following conditions:~~

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

244 ~~(b) The tuition differential may not be calculated as a~~
245 ~~part of the scholarship programs established in ss. 1009.53-~~
246 ~~1009.537.~~

247 ~~(c) Beneficiaries having prepaid tuition contracts~~
248 ~~pursuant to s. 1009.98(2)(b) which were in effect on July 1,~~
249 ~~2007, and which remain in effect, are exempt from the payment of~~
250 ~~the tuition differential.~~

251 ~~(d) The tuition differential may not be charged to any~~
252 ~~student who was in attendance at the university before July 1,~~
253 ~~2007, and who maintains continuous enrollment.~~

254 ~~(e) The tuition differential may be waived by the~~
255 ~~university for students who meet the eligibility requirements~~
256 ~~for the Florida public student assistance grant established in~~
257 ~~s. 1009.50.~~

258 ~~(f) A university board of trustees that has been~~
259 ~~authorized by the Board of Governors to establish a tuition~~
260 ~~differential pursuant to this subsection may establish the~~
261 ~~tuition differential at a rate lower than the maximum tuition~~
262 ~~differential established by the board, but may not exceed the~~
263 ~~maximum tuition differential established by the board.~~

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

267 ~~(h) Information relating to the annual receipt and~~
268 ~~expenditure of the proceeds from the assessment of the tuition~~
269 ~~differential shall be reported by the university in accordance~~
270 ~~with guidelines established by the Board of Governors.~~

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