

By Senator Pruitt

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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  
 5           to the national average of tuition and fees; amending  
 6           s. 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;  
 10          revising provisions relating to the establishment of a  
 11          tuition differential; providing requirements for the  
 12          assessment and expenditure of a tuition differential;  
 13          providing requirements for a university board of  
 14          trustees to submit a proposal to the Board of  
 15          Governors to implement a tuition differential;  
 16          requiring the Board of Governors' review and approval  
 17          of a proposal; requiring the Board of Governors to  
 18          report specified information annually to the  
 19          Legislature and the Governor; providing for  
 20          application; providing an effective date.

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

23  
 24           Section 1. Paragraph (a) of subsection (4) of section  
 25           216.136, Florida Statutes, is amended to read:

26           216.136 Consensus estimating conferences; duties and  
 27           principals.—

28           (4) EDUCATION ESTIMATING CONFERENCE.—

29           (a) The Education Estimating Conference shall develop such

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

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59 Legislature no later than 1 month after the start of the regular  
60 session of the Legislature. No conference estimate may be  
61 changed without the agreement of the full conference.

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

64 1009.01 Definitions.—The term:

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

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

70 1009.24 State university student fees.—

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

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88 The report shall include an assessment by category of the  
89 financial need of every student who receives an award,  
90 regardless of the purpose for which the award is received.  
91 Awards which are based on financial need shall be distributed in  
92 accordance with a nationally recognized system of need analysis  
93 approved by the Board of Governors. An award for academic merit  
94 shall require a minimum overall grade point average of 3.0 on a  
95 4.0 scale or the equivalent for both initial receipt of the  
96 award and renewal of the award.

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

103 (a) Seventy-percent of the revenues from the tuition  
104 differential shall be expended for purposes of undergraduate  
105 education, including, but not limited to, increasing course  
106 offerings, improving graduation rates, increasing the percentage  
107 of undergraduate students who are taught by faculty, decreasing  
108 student-faculty ratios, providing salary increases for faculty  
109 who have a history of excellent teaching in undergraduate  
110 courses, improving the efficiency of the delivery of  
111 undergraduate education through academic advisement and  
112 counseling, and reducing the percentage of students who graduate  
113 with excess hours. This expenditure for undergraduate education  
114 may not be used to pay the salaries of graduate teaching  
115 assistants. The remaining 30 percent of the revenues from the  
116 tuition differential shall be expended to provide financial aid

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117 to undergraduate students who exhibit financial need to meet the  
118 cost of university attendance. This expenditure for need-based  
119 financial aid shall not supplant the amount of need-based aid  
120 provided to undergraduate students in the preceding fiscal year  
121 from financial aid fee revenues or the direct appropriation for  
122 financial assistance provided to state universities in the  
123 General Appropriations Act.

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

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

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

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

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

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

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.

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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 university  
150 for students who meet the eligibility requirements for the  
151 Florida public student assistance grant established in s.  
152 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 to  
157 the Board of Governors to implement a tuition differential for  
158 one or more undergraduate courses. At a minimum, the proposal  
159 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.

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

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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 differential  
187 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.

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

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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~~  
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 not~~  
226 ~~be increased by more than 15 percent of the total charged for~~  
227 ~~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 pursuant~~  
232 ~~to s. 1009.98(2)(b) which were in effect on July 1, 2007, and~~



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233 ~~which remain in effect, are exempt from the payment of the~~  
234 ~~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 authorized~~  
243 ~~by the Board of Governors to establish a tuition differential~~  
244 ~~pursuant to this subsection may establish the tuition~~  
245 ~~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.~~

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.