

By the Committees on Higher Education Appropriations; and Higher Education; and Senators Pruitt and King

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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:

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

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

126 (b) Each tuition differential is subject to the following
127 conditions:

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

131 2. The tuition differential may vary by course or courses,
132 campus or center location, and by institution. Each university
133 board of trustees shall strive to maintain and increase
134 enrollment in degree programs related to math, science, high
135 technology, and other state or regional high-need fields when
136 establishing tuition differentials by course.

137 3. For each state university that has total research and
138 development expenditures for all fields of at least \$100 million
139 per year as reported annually to the National Science
140 Foundation, the aggregate sum of tuition and the tuition
141 differential may not be increased by more than 15 percent of the
142 total charged for the aggregate sum of these fees in the
143 preceding fiscal year. For each state university that has total
144 research and development expenditures for all fields of less
145 than \$100 million per year as reported annually to the National

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146 Science Foundation, the aggregate sum of tuition and the tuition
147 differential may not be increased by more than 15 percent of the
148 total charged for the aggregate sum of these fees in the
149 preceding fiscal year.

150 4. The aggregate sum of undergraduate tuition and fees per
151 credit hour, including the tuition differential, may not exceed
152 the national average of undergraduate tuition and fees at 4-year
153 degree-granting public postsecondary educational institutions.

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

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

160 7. The tuition differential may not be charged to any
161 student who was in attendance at the university before July 1,
162 2007, and who maintains continuous enrollment.

163 8. The tuition differential may be waived by the university
164 for students who meet the eligibility requirements for the
165 Florida public student assistance grant established in s.
166 1009.50.

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

170 (c) A university board of trustees may submit a proposal to
171 the Board of Governors to implement a tuition differential for
172 one or more undergraduate courses. At a minimum, the proposal
173 shall:

174 1. Identify the course or courses for which the tuition

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175 differential will be assessed.

176 2. Indicate the amount that will be assessed for each
177 tuition differential proposed.

178 3. Indicate the purpose of the tuition differential.

179 4. Indicate how the revenues from the tuition differential
180 will be used.

181 5. Indicate how the university will monitor the success of
182 the tuition differential in achieving the purpose for which the
183 tuition differential is being assessed.

184 (d) The Board of Governors shall review each proposal and
185 advise the university board of trustees of approval of the
186 proposal, the need for additional information or revision to the
187 proposal, or denial of the proposal. The Board of Governors
188 shall establish a process for any university to revise a
189 proposal or appeal a decision of the board.

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

200 1. The course or courses for which the tuition differential
201 was assessed and the amount assessed.

202 2. The total revenues generated by the tuition
203 differential.

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204 3. With respect to waivers authorized under subparagraph
205 (b)8., the number of students eligible for a waiver, the number
206 of students receiving a waiver, and the value of waivers
207 provided.

208 4. Detailed expenditures of the revenues generated by the
209 tuition differential.

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

217 (f) No state university shall be required to lower any
218 tuition differential that was approved by the Board of Governors
219 and in effect prior to January 1, 2009, in order to comply with
220 the provisions of this subsection. The Board of Governors may
221 establish a uniform maximum undergraduate tuition differential
222 that does not exceed 40 percent of tuition for all universities
223 that meet the criteria for Funding Level 1 under s. 1004.635(3),
224 and may establish a uniform maximum undergraduate tuition
225 differential that does not exceed 30 percent of tuition for all
226 universities that have total research and development
227 expenditures for all fields of at least \$100 million per year as
228 reported annually to the National Science Foundation. Once these
229 criteria have been met and the differential established by the
230 Board of Governors, the board of trustees of a qualified
231 university may maintain the differential unless otherwise
232 directed by the Board of Governors. However, the board shall

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233 ~~ensure that the maximum tuition differential it establishes for~~
234 ~~universities meeting the Funding Level 1 criteria is at least 30~~
235 ~~percent greater than the maximum tuition differential the board~~
236 ~~establishes for universities that meet the required criteria for~~
237 ~~research and development expenditures. The tuition differential~~
238 ~~is subject to the following conditions:~~

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

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

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

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

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

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

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

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

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