

2009762er

1  
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

2009762er

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

2009762er

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.

2009762er

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

2009762er

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

2009762er

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

2009762er

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.

2009762er

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~~



2009762er

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.~~

2009762er

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.