

## Committee Substitute for Senate Bill No. 1710

An act relating to academic fees; amending s. 1009.01, F.S.; defining the term “tuition differential”; amending s. 1009.24, F.S.; authorizing a university to transfer revenues from certain fees to a university direct-support organization; limiting the purposes for which such revenues may be used; limiting the amount that may be transferred; authorizing the Board of Governors of the State University System to establish uniform undergraduate tuition differentials; providing certain conditions for the tuition differentials; amending s. 1009.98, F.S.; authorizing the Florida Prepaid College Board to provide advance payment contracts for tuition differentials for a specified number of undergraduate semester hours; providing an effective date.

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

Section 1. Section 1009.01, Florida Statutes, is amended to read:

1009.01 Definitions.—The term:

(1) “Tuition” means the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state. A charge for any other purpose shall not be included within this fee.

(2) “Out-of-state fee” means the additional fee for instruction provided by a public postsecondary educational institution in this state, which fee is charged to a non-Florida student as defined in rules of the State Board of Education. A charge for any other purpose shall not be included within this fee.

(3) “Tuition differential” means the supplemental fee charged to a student for instruction provided by a public university in this state pursuant to s. 1009.24(15).

Section 2. Subsection (8) of section 1009.24, Florida Statutes, is amended, and subsection (15) is added to that section, to read:

1009.24 State university student fees.—

(8) Each university board of trustees is authorized to establish separate activity and service, health, and athletic fees. When duly established, the fees shall be collected as component parts of tuition and fees and shall be retained by the university and paid into the separate activity and service, health, and athletic funds. Notwithstanding any other provision of law to the contrary, a university may transfer revenues derived from the fees authorized pursuant to this subsection to a university direct-support organization of the university to be used only for the purpose of paying and securing debt on projects approved pursuant to s. 1010.62 and pursuant to a written agreement approved by the Board of Governors. The amount trans-

ferred may not exceed the amount authorized for annual debt service pursuant to s. 1010.62.

(15) The Board of Governors may establish a uniform maximum undergraduate tuition differential that does not exceed 40 percent of tuition for all universities that meet the criteria for Funding Level 1 under s. 1004.635(3), and may establish a uniform maximum undergraduate tuition differential that does not exceed 30 percent of tuition for all universities that meet the criteria for Funding Level 2 under s. 1004.635(3). However, the board shall ensure that the maximum tuition differential it establishes for universities meeting the Funding Level 1 criteria is at least 30 percent greater than the maximum tuition differential the board establishes for universities that meet Funding Level 2 criteria. The tuition differential is subject to the following conditions:

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

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

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

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

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

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

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

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

Section 3. Paragraph (b) of subsection (2) of section 1009.98, Florida Statutes, is amended to read:

1009.98 Stanley G. Tate Florida Prepaid College Program.—

(2) PREPAID COLLEGE PLANS.—At a minimum, the board shall make advance payment contracts available for two independent plans to be known as the community college plan and the university plan. The board may also make advance payment contracts available for a dormitory residence plan. The board may restrict the number of participants in the community college plan, university plan, and dormitory residence plan, respectively. However, any person denied participation solely on the basis of such restriction shall be granted priority for participation during the succeeding year.

(b)1. Through the university plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes pursuant to s. 1009.21, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 1009.24(8)-(11), for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree, in conjunction with advance payment contracts for registration fees. Such contracts shall provide prepaid coverage for the sum of such fees, to a maximum of 45 percent of the cost of registration fees. University plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in s. 1009.97.

3. Effective July 1, 2007, the board may provide advance payment contracts for the tuition differential authorized in s. 1009.24(15) for a specified number of undergraduate semester credit hours, which may not exceed the average number of hours required for the conference of a baccalaureate degree, in conjunction with advance payment contracts for registration fees.

Section 4. This act shall take effect July 1, 2007.

Approved by the Governor June 27, 2007.

Filed in Office Secretary of State June 27, 2007.