

## CHAPTER 2010-219

### Council Substitute for Committee Substitute for House Bill No. 723

An act relating to postsecondary education; amending s. 1009.26, F.S.; authorizing state universities and community colleges to waive tuition and fees for certain public school classroom teachers for undergraduate courses approved by the Department of Education; requiring State Board of Education rulemaking; amending s. 1004.26, F.S.; prohibiting a cause of action against a state university for the actions or decisions of a state university student government; amending s. 501.0117, F.S.; providing that a convenience fee imposed on a student or family making payment by credit card to certain postsecondary institutions is not considered a surcharge for purposes of certain restrictions; amending s. 1009.23, F.S.; authorizing a community college to assess a convenience fee for the processing of automated or online credit card payments; providing a restriction on the amount of the convenience fee and requiring approval by the community college board of trustees; providing an effective date.

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

Section 1. Subsection (10) is added to section 1009.26, Florida Statutes, to read:

1009.26 Fee waivers.—

(10) A state university or community college may waive tuition and fees for a classroom teacher, as defined in s. 1012.01(2)(a), who is employed full-time by a school district and who meets the academic requirements established by the community college or state university for up to 6 credit hours per term on a space-available basis in undergraduate courses approved by the Department of Education. Such courses shall be limited to undergraduate courses related to special education, mathematics, or science. The waiver may not be used for courses scheduled during the school district's regular school day. The State Board of Education shall adopt a rule that prescribes the process for the approval of courses by the department.

Section 2. Subsection (5) is added to section 1004.26, Florida Statutes, to read:

1004.26 University student governments.—

(5) There shall be no cause of action against a state university for the actions or decisions of the student government of that state university unless the action or decision is made final by the state university and constitutes a violation of state or federal law.

Section 3. Subsection (1) of section 501.0117, Florida Statutes, is amended to read:

501.0117 Credit cards; transactions in which seller or lessor prohibited from imposing surcharge; penalty.—

(1) A seller or lessor in a sales or lease transaction may not impose a surcharge on the buyer or lessee for electing to use a credit card in lieu of payment by cash, check, or similar means, if the seller or lessor accepts payment by credit card. A surcharge is any additional amount imposed at the time of a sale or lease transaction by the seller or lessor that increases the charge to the buyer or lessee for the privilege of using a credit card to make payment. Charges imposed pursuant to approved state or federal tariffs are not considered to be a surcharge, and charges made under such tariffs are exempt from this section. A convenience fee imposed upon a student or family paying tuition, fees, or other student account charges by credit card to a William L. Boyd, IV, Florida resident access grant eligible institution, as defined in s. 1009.89, is not considered to be a surcharge and is exempt from this section if the amount of the convenience fee does not exceed the total cost charged by the credit card company to the institution. The term “credit card” includes those cards for which unpaid balances are payable on demand. This section does not apply to the offering of a discount for the purpose of inducing payment by cash, check, or other means not involving the use of a credit card, if the discount is offered to all prospective customers.

Section 4. Subsection (15) of section 1009.23, Florida Statutes, is amended to read:

1009.23 Community college student fees.—

(15) Each community college may assess a service charge for the payment of tuition and fees in installments and a convenience fee for the processing of automated or online credit card payments. However, the amount of the convenience fee may not exceed the total cost charged by the credit card company to the community college. Such service charge or convenience fee must be approved by the community college board of trustees.

Section 5. This act shall take effect July 1, 2010.

Approved by the Governor June 4, 2010.

Filed in Office Secretary of State June 4, 2010.