

**BOARD OF GOVERNORS  
STATE UNIVERSITY SYSTEM OF FLORIDA**

**Student Affairs Committee**  
June 22, 2006

**SUBJECT: Delegation of Tuition and Out-of-State Fee Authority for 2006-2007**

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**PROPOSED BOARD ACTION**

Delegate the authority to set tuition and out-of-state fees for 2006-2007 to the University Boards of Trustees within the following parameters:

- Undergraduate tuition - maximum of \$73.71 per credit hour
- Graduate, graduate professional and non-resident tuition and out-of-state fee increases for students enrolled prior to the fall of 2006 shall not exceed five (5) percent over 2005-2006 rates
- Graduate, graduate professional and non-resident tuition and out-of-state fee increases for students enrolled beginning in the fall of 2006 shall not exceed ten (10) percent over 2005-2006 rates
- Neither the tuition nor out-of-state fee may be lower than the rate in effect for 2005-2006

**AUTHORITY FOR BOARD OF GOVERNORS ACTION**

Subsection (d) of Section 7 of Article IX of the Constitution of Florida as amended and Section 1009.24 Florida Statutes.

**BACKGROUND INFORMATION**

Section 1009.01, Florida Statutes defines the following:

Tuition - the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state.

Out-of-State fee - the additional fee for instruction provided by a public postsecondary educational institution in this state, which fee is charged to a non-Florida student.

House Bill 7087, which was signed into law by the Governor on June 5, 2006, amends Section 1009.24 Florida Statute to read as follows:

Except as otherwise provided by law, undergraduate tuition shall be established annually in the General Appropriations Act. The Board of Governors, or the Board's designee, may establish tuition for graduate and professional programs, and out-of-state fees for all programs. The sum of

tuition and out-of-state fees assessed to nonresident students must be sufficient to offset the full instructional cost of serving such students. However, adjustments to out-of-state fees or tuition for graduate and professional programs pursuant to this section may not exceed 10 percent in any year.

Proviso in the 2006 General Appropriations Act (HB 5001) increases undergraduate resident tuition by three (3) percent; from \$71.57 per credit hour to \$73.71 per credit hour effective with the Fall 2006 term. In addition, proviso grants the authority to set tuition and out-of-state fees as follows:

Except as otherwise provided by law, each board of trustees shall set university tuition and fees for graduate, graduate professional, and nonresident students. The annual percentage increase in tuition and fees established by each board of trustees pursuant to this paragraph for students enrolled prior to the fall of 2006 shall not exceed five percent. The annual percentage increase in tuition and fees established by each board of trustees pursuant to this paragraph for students enrolled after the fall of 2006 shall not exceed ten percent. Tuition and out of state fees for nonresident students may not be lower than the rates in effect for the 2005-2006 fiscal year.

While proviso gives the boards of trustees the authority to set graduate and professional tuition and out-of-state fees, the Florida Constitution and Florida Statutes make it clear that such delegation authority rests with the Board of Governors. Therefore, the BOG needs to take action to delegate to the University Boards of Trustees the authority to set the tuition and fees within the parameters set forth above.

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**Supporting Documentation Included:**

1. Excerpt of HB 7087 amending Section 1009.24, Florida Statutes
2. Excerpt of proviso from the General Appropriations Act (HB 5001)

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