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924 in this section, the sum of tuition and out-of-state fees
 925 assessed to nonresident students must be sufficient to offset
 926 the full instructional cost of serving such students. However,
 927 adjustments to out-of-state fees or tuition for graduate
 928 programs and professional programs may not exceed 15 percent in
 929 any year.

930 (d) The Board of Governors may consider and approve
 931 flexible tuition policies as requested by a university board of
 932 trustees in accordance with the provisions of subsection (15)
 933 only to the extent such policies are in alignment with the
 934 mission of the university and do not increase the state's fiscal
 935 liability or obligations, including, but not limited to, any
 936 fiscal liability or obligation for programs authorized under ss.
 937 1009.53-1009.538 and ss. 1009.97-1009.984.

938 (e)~~(d)~~ The sum of the activity and service, health, and
 939 athletic fees a student is required to pay to register for a
 940 course shall not exceed 40 percent of the tuition established in
 941 law or in the General Appropriations Act. No university shall be
 942 required to lower any fee in effect on the effective date of
 943 this act in order to comply with this subsection. Within the 40
 944 percent cap, universities may not increase the aggregate sum of
 945 activity and service, health, and athletic fees more than 5
 946 percent per year unless specifically authorized in law or in the
 947 General Appropriations Act. A university may increase its
 948 athletic fee to defray the costs associated with changing
 949 National Collegiate Athletic Association divisions. Any such
 950 increase in the athletic fee may exceed both the 40 percent cap
 951 and the 5 percent cap imposed by this subsection. Any such

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952 increase must be approved by the athletic fee committee in the
 953 process outlined in subsection (12) and cannot exceed \$2 per
 954 credit hour. Notwithstanding the provisions of ss. 1009.534,
 955 1009.535, and 1009.536, that portion of any increase in an
 956 athletic fee pursuant to this subsection that causes the sum of
 957 the activity and service, health, and athletic fees to exceed
 958 the 40 percent cap or the annual increase in such fees to exceed
 959 the 5 percent cap shall not be included in calculating the
 960 amount a student receives for a Florida Academic Scholars award,
 961 a Florida Medallion Scholars award, or a Florida Gold Seal
 962 Vocational Scholars award.

963 (f)~~(e)~~ This subsection does not prohibit a university from
 964 increasing or assessing optional fees related to specific
 965 activities if payment of such fees is not required as a part of
 966 registration for courses.

967 (5) A university may implement a differential out-of-state
 968 fee in accordance with regulations developed by the Board of
 969 Governors for the following:

970 (a) A student from another state that borders the service
 971 area of the university.

972 (b) A graduate student who has been determined to be a
 973 nonresident for tuition purposes pursuant to s. 1009.21 and has
 974 a .25 full-time equivalent appointment or greater as a graduate
 975 assistant, graduate research assistant, graduate teaching
 976 assistant, graduate research associate, or graduate teaching
 977 associate.

978 (c) A graduate student who has been determined to be a
 979 nonresident for tuition purposes pursuant to s. 1009.21 and is

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1204 ~~deposit shall be deposited in an auxiliary account of the~~
 1205 ~~university and used to expand financial assistance,~~
 1206 ~~scholarships, and student academic and career counseling~~
 1207 ~~services at the university. A university board of trustees that~~
 1208 ~~establishes an admissions deposit pursuant to this subsection~~
 1209 ~~must also adopt policies that provide for the waiver of such~~
 1210 ~~deposit on the basis of financial hardship.~~

1211 (15) (a) The Board of Governors may approve:

1212 1. A proposal from a university board of trustees to
 1213 establish a new student fee that is not specifically authorized
 1214 by this section.

1215 2. A proposal from a university board of trustees to
 1216 increase the current cap for an existing fee authorized pursuant
 1217 to paragraphs (14) (a)-(g).

1218 3. A proposal from a university board of trustees to
 1219 implement flexible tuition policies, such as undergraduate or
 1220 graduate block tuition, block tuition differential, or market
 1221 tuition rates for graduate-level online courses or graduate-
 1222 level courses offered through a university's continuing
 1223 education program. A block tuition policy for resident
 1224 undergraduate students or undergraduate-level courses shall be
 1225 based on the per-credit-hour undergraduate tuition established
 1226 under subsection (4). A block tuition policy for nonresident
 1227 undergraduate students shall be based on the per-credit-hour
 1228 undergraduate tuition and out-of-state fee established under
 1229 subsection (4). Flexible tuition policies, including block
 1230 tuition, may not increase the state's fiscal liability or
 1231 obligation.

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1232 (b) A proposal developed pursuant to paragraph (a) shall
 1233 be submitted in accordance with guidelines established by the
 1234 Board of Governors. Approval by the Board of Governors of such
 1235 proposal must be made in accordance with the provisions of this
 1236 subsection.

1237 (c) In reviewing a proposal to establish a new fee under
 1238 subparagraph (a)1., the Board of Governors shall consider:

1239 1. The purpose to be served or accomplished by the new
 1240 fee.

1241 2. Whether there is a demonstrable student-based need for
 1242 the new fee that is not currently being met through existing
 1243 university services, operations, or another fee.

1244 3. Whether the financial impact on students is warranted
 1245 in light of other charges assessed to students for tuition and
 1246 associated fees.

1247 4. Whether any restrictions, limitations, or conditions
 1248 should be placed on the use of the fee.

1249 5. Whether there are outcome measures to indicate if the
 1250 purpose for which the fee was established is accomplished.

1251 (d) In reviewing a proposal to increase or exceed the
 1252 current cap for an existing fee under subparagraph (a)2., the
 1253 Board of Governors shall consider:

1254 1. The services or operations currently being funded by
 1255 the fee.

1256 2. Whether those services or operations can be performed
 1257 more efficiently to alleviate the need for any increase.

1258 3. The additional or enhanced services or operations to be
 1259 funded by the increase.

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1260 4. Whether any alternative resources are available to meet
 1261 the need.

1262 5. Whether the financial impact on students is warranted
 1263 in light of other charges assessed to students for tuition and
 1264 associated fees.

1265 (e) In reviewing a proposal to implement a flexible
 1266 tuition policy under subparagraph (a)3., the Board of Governors
 1267 shall consider:

1268 1. Whether the proposed tuition flexibility policy is
 1269 aligned with the mission of the university.

1270 2. Whether the proposed tuition flexibility policy
 1271 increases the state's fiscal liabilities or obligations and, if
 1272 so, the proposal shall be denied.

1273 3. Whether any restrictions, limitations, or conditions
 1274 should be placed on the policy.

1275 4. How the proposed tuition flexibility policy will be
 1276 implemented to honor the advance payment contracts of students
 1277 who are beneficiaries of prepaid tuition contracts under s.
 1278 1009.98.

1279 (f) The Board of Governors shall submit an annual report
 1280 to the President of the Senate, the Speaker of the House of
 1281 Representatives, and the Governor summarizing the proposals
 1282 received by the board during the preceding year and actions
 1283 taken by the board in response to such proposals. The Board of
 1284 Governors shall also include in the annual report the following
 1285 information for each fee established pursuant to subparagraph
 1286 (a)1.:

1287 1. The amount of the fee.

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1288 2. The total revenues generated by the fee.

1289 3. Detailed expenditures of the revenues generated by the
 1290 fee.

1291 (g) The aggregate sum of any fees established pursuant to
 1292 subparagraph (a)1. that a student is required to pay to register
 1293 for a course shall not exceed 10 percent of tuition.

1294 (h) Any fee established pursuant to subparagraph (a)1.
 1295 shall not be included in any award under the Florida Bright
 1296 Futures Scholarship Program established pursuant to ss. 1009.53-
 1297 1009.538.

1298 (i) The revenues generated by a fee established pursuant
 1299 to subparagraph (a)1. may not be transferred to an auxiliary
 1300 enterprise or a direct-support organization and may not be used
 1301 for the purpose of paying or securing debt.

1302 (j) If the Board of Governors approves a university
 1303 proposal to establish a fee pursuant to subparagraph (a)1., a
 1304 fee committee shall be established at the university to make
 1305 recommendations to the university president and the university
 1306 board of trustees regarding how the revenue from the fee is to
 1307 be spent and any subsequent changes to the fee. At least one-
 1308 half of the committee must be students appointed by the student
 1309 body president. The remainder of the committee shall be
 1310 appointed by the university president. A chair, appointed
 1311 jointly by the university president and the student body
 1312 president, shall vote only in the case of a tie.

1313 (k) An increase to an existing fee or a fee established
 1314 pursuant to subparagraph (a)1. may occur no more than once each
 1315 fiscal year and must be implemented beginning with the fall term

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1456 learning course. If the distance learning course fee is assessed
 1457 by a state university, the institution may not assess
 1458 duplicative fees to cover the additional costs.

1459 (c) The link for the catalog must be prominently displayed
 1460 within the advising and distance learning sections of the
 1461 institution's website, using a graphic and description provided
 1462 by the Florida Distance Learning Consortium, informing students
 1463 of the catalog.

1464 (18) A state university may not charge any fee except as
 1465 specifically authorized by law.

1466 (19) The Board of Governors shall adopt regulations to
 1467 implement the provisions of this section.

1468 Section 22. Subsection (9) of section 1009.26, Florida
 1469 Statutes, is amended to read:

1470 1009.26 Fee waivers.—

1471 (9) Each university board of trustees is authorized to
 1472 waive tuition and out-of-state fees for purposes that support
 1473 and enhance the mission of the university. All fees waived must
 1474 be based on policies that are adopted by university boards of
 1475 trustees pursuant to regulations ~~rules~~ adopted by the Board of
 1476 Governors. Each university shall report the purpose, number, and
 1477 value of all fee waivers granted annually in a format prescribed
 1478 by the Board of Governors.

1479 Section 23. Paragraph (b) of subsection (1) and paragraph
 1480 (b) of subsection (4) of section 1010.04, Florida Statutes, are
 1481 amended to read:

1482 1010.04 Purchasing.—

1483 (1)