

**FLORIDA BOARD OF GOVERNORS  
NOTICE OF PROPOSED AMENDED REGULATION**

**DATE:** January 25, 2023

**REGULATION NUMBER AND TITLE:** 7.002, Tuition and Fee Assessment, Collection, Accounting and Remittance

**SUMMARY:** On September 29, 2022, the Consumer Financial Protection Bureau (CFPB) released a special edition of Supervisory Highlights on recent examination findings covering the practices of student loan servicers and schools that lend to students directly. The examination found that these schools had improper blanket policies of withholding transcripts to force students to make payments.

Under the Consumer Financial Protection Act, Congress gave the CFPB supervisory authority over entities that originate private education loans, including institutional loans. The CFPB examines private student lenders of all sizes, including entities that operate school-based lenders that extend loans directly to students.

The CFPB's examinations found that the blanket withholding of transcripts to pressure borrowers is an abusive practice under the Consumer Financial Protection Act.

The revision to this regulation strikes the word "transcript" from section seven based on the above finding by the CFPB and adds a sentence that the university "may provide in regulation that suspension of academic progress will preclude students from receiving official transcripts where the student's account has a balance of \$500 or more."

**FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.**

**AUTHORITY TO PROPOSE REGULATION(S):** Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

**THE BOARD OF GOVERNORS' OFFICIAL INITIATING THE PROPOSED REGULATION:** Tim Jones, Senior Vice Chancellor, Finance/Administration and CFO

**COMMENTS REGARDING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** The comments must identify the regulation on which you are commenting:

General Counsel, Board of Governors, State University System, 325 W. Gaines Street, Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or [generalcounsel@flbog.edu](mailto:generalcounsel@flbog.edu).

### **7.002 Tuition and Fee Assessment, Collection, Accounting and Remittance.**

- (1) Each university shall establish by regulation procedures for the payment, waiver and refund of fees, fines and penalties appropriately assessed.
- (2) The university president or designee may approve deferred payment when financial aid is delayed in being transmitted to the student through circumstances beyond the control of the student or formal arrangements have been made by the student with the university for payment. Each university shall develop procedures and terms for such deferment.
- (3) For budgeting purposes, the tuition, out-of-state fee, Application Fee, a minimum of 50 percent of the Late Payment Fee, and a minimum of 50 percent of the Late Registration Fee shall be budgeted in the Student and Other Fee Trust Fund for state fundable credit hours. Fees for non-state fundable credit hours will be budgeted in the appropriate trust fund.
- (4) All proceeds from the Capital Improvement Fee, as authorized in Regulation 7.003, shall be remitted no later than the 20th of each month for the previous month's collections to the Board of Governors. Required remittance information will be provided to each university by the Chancellor or designee.
- (5) All proceeds from the student financial aid fee, as authorized in Regulation 7.003, shall be accounted for in the appropriate fund at the university. Each university may use up to 15 percent of the financial aid fees collected to pay for administrative costs associated with administration of financial aid programs.
- (6) **Course Classification.**  
Tuition and non-resident tuition shall be assessed on the basis of course classification: state fundable courses numbered through 4999 shall be assessed at the undergraduate level, state fundable courses numbered 5000-8999 shall be assessed at the graduate level, and those courses identified as medical by universities having medical programs shall be assessed as outlined in university board of trustees regulations.
- (7) Each university shall establish by regulation, procedures for the payment of tuition and associated fees. Such regulation shall provide that a student's course schedule will be canceled if payment, or appropriate arrangements for payment, has not occurred by the deadline set by each university, which shall be no later than the end of the second week of classes. Provision for reinstatement of canceled course schedules may be included in the regulation. The president or designee may extend the deadline for fee payment when payment by the student is delayed due to university actions. However, the president may choose to temporarily suspend further academic progress in lieu of canceling a student's course schedule in those

cases where the student has partially paid tuition and the university guarantees full payment from an authorized and existing fund before the submission of the final student data course file or the end of the semester, whichever is later; otherwise, the student credit hours shall not be counted for state funding purposes. Suspension of academic progress shall preclude students from receiving grades, ~~transcripts,~~ or a diploma and shall deny registration for future terms until the student's account has been settled in full. University regulation may provide that suspension of academic progress will preclude students from receiving official transcripts where the student's account has a balance of \$500 or more.

(8) All or any part of the tuition and associated fees may be waived by the university when deemed appropriate provided that provisions for such waiver are included in the regulations of the Board of Governors or university boards of trustees pursuant to Regulation 7.008.

(9) Installment Payments.

The university president may establish a procedure for the payment of tuition and associated fees in installments. The fee shall be as authorized in Regulation 7.003 and shall be budgeted in the Student and Other Fee Trust Fund.

(10) Tuition Refund/Release of Liability.

Each university shall establish, by regulation, procedures for the refund or release of liability of tuition and associated fees assessed and paid pursuant to this regulation. As a minimum, such regulation shall provide for the refund/charge adjustment of the following:

- (a) Refund 100 percent of the tuition and associated fees assessed, adjusted for waivers, if official withdrawal from the university occurs prior to the end of drop/add period.
- (b) Refund 25 percent of the tuition and associated fees assessed, adjusted for waivers, if official withdrawal from the university occurs after the end of drop/add period and prior to the end of the fourth week of classes, or as designated by the university for summer sessions.
- (c) 100% refund of the tuition and associated fees assessed, adjusted for waivers, if a student withdraws or drops one or more credit courses due to circumstances determined by the university to be exceptional and beyond the control of the student, including but not limited to:
  1. Illness of a student of such severity or duration, as confirmed in writing by a physician, to preclude completion of the course(s),
  2. Death of the student or death in the immediate family (parent, step-parents, spouse, child, sibling, or grandparents),
  3. Orders for active military duty in accordance with Regulation 6.013, or
  4. A situation in which the university is in error. The amount of a payment in excess of the adjusted assessment will be refunded.

(11) A written appeal for a refund or other appeal action related to tuition and fee assessment, collection, accounting or remittance under this regulation must be submitted to the University within six (6) months of the close of the semester to which the refund or other appeal action related to tuition and fee assessment, collection, accounting or remittance under this regulation, is applicable.

Authority: Section 7(d), Art. IX, Fla. Const.; History: Former 6C-7.002, Adopted 4-8-74, Amended 7-19-74, Amended and Renumbered 12-17-74, Amended 6-26-75, 2-28-76, 11-1-76, 3-21-77, 9-28-81, 12-13-83, 10-2-84, Formerly 6C-7.02, Amended 4-9-87, 9-15-91, 11-9-92, 8-1-94, 10-2-94, 5-17-95, 4-16-96, 12-28-97, 8-3-00, Amended and Renumbered 9-25-08, Amended 6-21-12, 11-3-16, 8-26-22., xxxxxx