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DFC Memo: 2016-08
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MEMORANDUM

TO: Florida College System Presidents

FROM: Madeline Pumariega, Chancellor 

DATE: December 8, 2016

SUBJECT: Fee and Tuition Increases; Sunshine Law

Fee and Tuition Increases: Section 1009.23, F.S.

The Division of Florida Colleges has been asked to provide clarification regarding the implementation of a statute passed during the 2016 Legislative session. The Education Access and Affordability bill (HB 7019, Ch 2016-236, Laws of Florida) created a new subsection under the Florida College System institution student fees statute. The new language went into effect July 1, 2016, as follows:

s. 1009.23 Florida College System institution student fees.—

(20) Each Florida College System institution shall publicly notice and notify all enrolled students of any proposal to increase tuition or fees at least 28 days before its consideration at a board of trustees meeting. The notice must:

- (a) Include the date and time of the meeting at which the proposal will be considered.*
- (b) Specifically outline the details of existing tuition and fees, the rationale for the proposed increase, and how the funds from the proposed increase will be used.*
- (c) Be posted on the institution’s website and issued in a press release.*

The Division consulted with the Department of Education General Counsel’s Office to get clarification on which fee increases would require a 28 day notice pursuant to this statute. According to counsel, “the phrase ‘any proposal to increase tuition or fees’ means that the requirement to publicly notice the increase applies to all fees.” This includes, but is not limited to, student activity fees, student financial aid fees, capital improvement fees, technology fees, out-of-state fees, and course/user fees.

To remain in compliance with this section of law your institution must publicly notice and notify all enrolled students of any proposal to increase tuition or fees at least 28 days before its consideration at a board of trustees meeting. Section 1009.23(20), F.S., prescribes the specific requirements of the increase in tuition or fees notice. Please send a copy of this notice to the Division of Florida Colleges for our compliance records.

Sunshine Law: Section 286.011(1), F.S.

All board meetings and agendas are subject to Florida's Sunshine Law (Ch. 286, F.S.). A vital element of the Sunshine Law is the requirement that boards subject to the law provide "reasonable notice" of all meetings.

The Sunshine Law does not define the term "reasonable notice." In each case, your board must give notice at such time and in such a manner as to enable the media and the general public to attend the meeting.

The following notice guidelines are suggested by the Attorney General's Office:

1. The notice should contain the time and place of the meeting and, if available, an agenda, or if no agenda is available, a statement of the general subject matter to be considered.
2. The notice should be prominently displayed in the area set aside for board meetings, and on the college's website.
3. Except in the case of emergency or special meetings, notice should be provided at least 7 days prior to the meeting. Emergency sessions should be afforded the most appropriate and effective notice under the circumstances.
4. Special meetings should have no less than 24 and preferably at least 72 hours reasonable notice to the public.
5. The use of press releases, faxes, emails, and/or phone calls to the local news media is highly effective in providing notice of upcoming meetings.

The notice procedures set forth above should be considered as suggestions which will vary depending upon the circumstances of each particular situation. For more information please see the Government-in-the-Sunshine Manual.

Thank you for your attention to this important matters.

MP/aah