

By the Committee on Colleges & Universities and
Representatives Casey, Ball, Betancourt, Constantine, Ritter,
Rojas, Rayson and Brooks

1 A bill to be entitled
2 An act relating to postsecondary education;
3 amending s. 228.041, F.S.; revising definitions
4 and adding definitions relating to
5 postsecondary student fees; amending s.
6 239.117, F.S., relating to postsecondary fees;
7 conforming language; requiring the Commissioner
8 of Education to provide a fee schedule;
9 authorizing district school boards and
10 community college boards of trustees to
11 establish a technology fee, specific fees for
12 certain instruction, and fee schedules for
13 specified fees; providing for a technology fee
14 committee; revising certain fee requirements;
15 amending s. 240.209, F.S., relating to powers
16 and duties of the Board of Regents; revising
17 provisions relating to the establishment of
18 student fees; amending s. 240.235, F.S.;
19 revising and transferring provisions relating
20 to university student fees; conforming
21 language; authorizing each university president
22 to submit a plan to the Board of Regents to
23 increase matriculation and tuition fees for
24 specified professional programs; providing a
25 limit on such increase; specifying certain
26 contents of plans; providing for the retention
27 of revenue; authorizing the establishment of
28 health-related charges and a technology fee;
29 providing for a technology fee committee;
30 providing certain fee requirements; authorizing
31 the assessment of certain fees and charges;

1 authorizing the establishment of certain fee
2 schedules; revising provisions relating to the
3 waiver of certain fees; amending s. 240.319,
4 F.S.; authorizing community college district
5 boards of trustees to establish fee schedules
6 for specified fees; amending s. 240.35, F.S.;
7 revising provisions relating to community
8 college student fees; conforming language;
9 authorizing the establishment of a technology
10 fee; providing for a technology fee committee;
11 revising certain fee requirements; amending s.
12 240.551, F.S., relating to the Florida Prepaid
13 Postsecondary Education Expense Program;
14 authorizing advance payment contracts for local
15 fees and technology fees; providing
16 requirements; amending s. 240.4042, 240.531,
17 and 250.10, F.S.; conforming cross references
18 and language; directing that changes in
19 terminology in statutes be made; providing an
20 effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:
23

24 Section 1. Subsections (32) and (33) of section
25 228.041, Florida Statutes, are amended, and subsections (43)
26 and (44) are added to said section, to read:

27 228.041 Definitions.--Specific definitions shall be as
28 follows, and wherever such defined words or terms are used in
29 the Florida School Code, they shall be used as follows:

30 (32) TUITION ~~MATRICULATION FEE~~.--The basic fee charged
31 to a student for instruction provided by a public

1 postsecondary educational institution in this state. A charge
2 for any other purpose shall not be included within this fee.

3 (33) OUT-OF-STATE FEE ~~TUITION~~.--The additional fee for
4 instruction provided by a public postsecondary educational
5 institution in this state, which fee is charged to a
6 non-Florida student as defined in rules of the State Board of
7 Education, the State Board of Community Colleges, or the Board
8 of Regents. A charge for any other purpose shall not be
9 included within this fee.

10 (43) REGISTRATION FEES.--The fees that a student
11 attending a public postsecondary institution may be charged to
12 enroll in a course. For a student attending a state
13 university, registration fees include: tuition; out-of-state
14 fees, if applicable; financial aid fee; building fee; capital
15 improvement fee; activity and service fee; athletic fee;
16 health fee; and technology fee. For a student enrolled in a
17 school district workforce development program or attending a
18 community college, registration fees include: tuition;
19 out-of-state fees, if applicable; financial aid fee; capital
20 improvement fee; activity and service fee, if applicable; and
21 technology fee.

22 (44) LOCAL FEES.--The fees authorized by the
23 Legislature, established by a public postsecondary
24 institution, and assessed as part of the registration process
25 to provide programs and services that benefit the student body
26 in general. Local fees include the student activity and
27 service fee, student health fee, and athletic fee.

28 Section 2. Section 239.117, Florida Statutes, as
29 amended by chapter 97-383, Laws of Florida, is amended to
30 read:

31

1 239.117 Workforce development postsecondary student
2 fees.--

3 (1) This section applies to students enrolled in
4 workforce development programs, including programs and courses
5 leading to an associate in applied technology degree or an
6 associate in science degree who are reported for funding
7 through the Workforce Development Education Fund.

8 (2) All students shall be charged fees except students
9 who are exempt from fees or students whose fees are waived.

10 (3) The following students are exempt from any
11 requirement for the payment of registration,~~matriculation,~~
12 and laboratory fees for adult basic, adult secondary, or
13 vocational-preparatory instruction:

14 (a) A student who does not have a high school diploma
15 or its equivalent.

16 (b) A student who has a high school diploma or its
17 equivalent and who has academic skills at or below the eighth
18 grade level pursuant to state board rule. A student is
19 eligible for this exemption from fees if the student's skills
20 are at or below the eighth grade level as measured by a test
21 administered in the English language and approved by the
22 Department of Education, even if the student has skills above
23 that level when tested in the student's native language.

24 (4) The following students are exempt from the payment
25 of registration,~~matriculation,~~and laboratory fees:

26 (a) A student enrolled in a dual enrollment or early
27 admission program pursuant to s. 239.241.

28 (b) A student enrolled in an approved apprenticeship
29 program, as defined in s. 446.021.

30 (c) A student for whom the state is paying a foster
31 care board payment pursuant to s. 409.145(3) or pursuant to

1 parts II ~~III~~ and III ~~V~~ of chapter 39, for whom the permanency
2 planning goal pursuant to part III ~~V~~ of chapter 39 is
3 long-term foster care or independent living, or who is adopted
4 from the Department of Children and Family Services after
5 December 31, 1997. Such exemption includes fees associated
6 with enrollment in college-preparatory instruction and
7 completion of the college-level communication and computation
8 skills testing program. Such exemption shall be available to
9 any student adopted from the Department of Children and Family
10 Services after December 31, 1997; however, the exemption shall
11 be valid for no more than 4 years after the date of graduation
12 from high school.

13 (d) A student enrolled in an employment and training
14 program under the WAGES Program. Such a student may receive a
15 fee exemption only if the student applies for and does not
16 receive student financial aid, including Job Training
17 Partnership Act or Family Support Act funds. Schools and
18 community colleges shall help such students apply for
19 financial aid, but may not deny such students program
20 participation during the financial aid application process.
21 Such a student may not be required to incur debt within the
22 financial aid package. The local WAGES coalition shall pay the
23 community college or school district for costs incurred for
24 WAGES clients.

25 (e) A student who lacks a fixed, regular, and adequate
26 nighttime residence or whose primary nighttime residence is a
27 public or private shelter designed to provide temporary
28 residence for individuals intended to be institutionalized, or
29 a public or private place not designed for, or ordinarily used
30 as, a regular sleeping accommodation for human beings.

31

1 (5) School districts and community colleges may waive
2 fees for any fee-nonexempt student. The total value of fee
3 waivers granted by the school district or community college
4 may not exceed the amount established annually in the General
5 Appropriations Act. Any student whose fees are waived in
6 excess of the authorized amount may not be reported for state
7 funding purposes. Any school district or community college
8 that waives fees and requests state funding for a student in
9 violation of the provisions of this section shall be penalized
10 at a rate equal to 2 times the value of the full-time student
11 enrollment reported.

12 (6)(a) The Commissioner of Education shall provide
13 ~~recommend~~ to the State Board of Education no later than
14 December 31 of each year a schedule of fees for workforce
15 development education. The fee schedule shall be based on the
16 amount of student fees necessary to produce 25 percent of the
17 prior year's cost of a course of study leading to a
18 certificate or degree and 50 percent of the prior year's cost
19 of a course that does not lead to an occupational completion
20 point. At the discretion of a school board or a community
21 college, this fee schedule may be implemented over a 3-year
22 period, with full implementation in the 1999-2000 school year.
23 In years preceding that year, if fee increases are necessary
24 for some programs or courses, the fees shall be raised in
25 increments designed to lessen their impact upon students
26 already enrolled. Fees for students who are not residents for
27 tuition purposes must offset the full cost of instruction.

28 (b) The State Board of Education shall adopt a fee
29 schedule for school districts that produces the fee revenues
30 calculated pursuant to paragraph (a). The schedule so
31

1 calculated shall take effect, unless otherwise specified in
2 the General Appropriations Act.

3 (c) The State Board of Education shall adopt, by rule,
4 the definitions and procedures that school boards shall use in
5 the calculation of cost borne by students. Such rule must
6 define the cost of educational programs as the product of
7 semester enrollment counts times the average instructional
8 cost for the course of study, divided by the number of
9 semesters in the course of study. A course of study is a
10 single course or a series of two or more courses leading to an
11 occupational completion point, an associate in applied
12 technology degree, or an associate in science degree. The
13 rule shall be developed in consultation with the Legislature.

14 (7)(a) Each year the State Board of Community Colleges
15 shall review and evaluate the percentage of the cost of adult
16 programs and certificate career education programs supported
17 through student fees. If this review indicates that student
18 fees generate less than the percentage targeted for the
19 program, the State Board of Community Colleges shall adopt a
20 schedule of fee increases by December 31 for the following
21 fall semester. For students who are residents for tuition
22 purposes, the schedule so adopted must produce revenues equal
23 to 25 percent of the prior year's program cost for
24 college-preparatory and supplemental vocational programs and
25 10 percent of the prior year's program cost for certificate
26 career education and vocational preparatory programs. The fee
27 schedule for lifelong learning programs shall be based on
28 student fees and nonstate funds necessary to produce 50
29 percent of the prior year's cost of lifelong learning
30 programs. State funds may not exceed 50 percent of the prior
31 year's cost of lifelong learning programs. The state board

1 may not increase fees more than 10 percent for students who
2 are residents for tuition purposes. Unless otherwise specified
3 in the General Appropriations Act, the fee schedule shall take
4 effect and the college shall expend student fees on
5 instruction. If the Legislature enacts a calculation
6 different than that adopted by the state board, the state
7 board shall adopt a fee schedule that generates the same
8 revenues as the calculation contained in the General
9 Appropriations Act. Each community college board of trustees
10 shall establish ~~matriculation, tuition, and noncredit~~ fees
11 that may vary no more than 10 percent from the schedule
12 approved by the State Board of Education. Fees for students
13 who are not residents for tuition purposes must offset the
14 full cost of instruction.

15 (b) Students enrolled in college-preparatory
16 instruction shall pay fees equal to the fees charged for
17 college credit courses. Students enrolled in the same
18 college-preparatory class within a skill area more than one
19 time shall pay fees at 100 percent of the full cost of
20 instruction and shall not be included in calculations of
21 full-time equivalent enrollments for state funding purposes;
22 however, students who withdraw or fail a class due to
23 extenuating circumstances may be granted an exception only
24 once for each class, provided approval is granted according to
25 policy established by the board of trustees. Each community
26 college shall have the authority to review and reduce payment
27 for increased fees due to continued enrollment in a
28 college-preparatory class on an individual basis, contingent
29 upon a student's financial hardship, pursuant to definitions
30 and fee levels established by the State Board of Community
31 Colleges. Fee-nonexempt students enrolled in

1 vocational-preparatory instruction shall be charged fees equal
2 to the fees charged for certificate career education
3 instruction. Each community college that conducts
4 college-preparatory and vocational-preparatory instruction in
5 the same class section may charge a single fee for both types
6 of instruction.

7 (8) Each school board and community college board of
8 trustees may establish a separate fee ~~collect,~~ for financial
9 aid purposes, not to exceed \$3 per credit hour or the
10 equivalent up to an additional 10 percent of the student fees
11 ~~collected for workforce development programs.~~ All fees
12 collected shall be deposited into the student financial aid
13 fee trust fund of the district or community college. Any
14 undisbursed balance remaining in the trust fund and interest
15 income accruing to investments from the trust fund shall
16 increase the total funds available for distribution to
17 certificate career education students. Awards shall be based
18 on student financial need and distributed in accordance with a
19 nationally recognized system of need analysis approved by the
20 State Board for Career Education. Fees collected pursuant to
21 this subsection shall be allocated in an expeditious manner.

22 ~~(9) A district school board or a community college~~
23 ~~board of trustees may charge other fees only as authorized by~~
24 ~~rule of the State Board of Education or the State Board of~~
25 ~~Community Colleges.~~

26 (9)~~(10)~~ The State Board of Education and the State
27 Board of Community Colleges shall adopt rules to allow the
28 deferral of registration ~~and tuition~~ fees for students
29 receiving financial aid from a federal or state assistance
30 program when such aid is delayed in being transmitted to the
31 student through circumstances beyond the control of the

1 student. The failure to make timely application for such aid
2 is an insufficient reason to receive a deferral of fees. The
3 rules must provide for the enforcement and collection or other
4 settlement of delinquent accounts.

5 (10)~~(11)~~ Any veteran or other eligible student who
6 receives benefits under chapter 30, chapter 31, chapter 32,
7 chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106
8 of Title 10, U.S.C., is entitled to one deferment each
9 academic year and an additional deferment each time there is a
10 delay in the receipt of benefits.

11 (11)~~(12)~~ Each school district and community college
12 shall be responsible for collecting all deferred fees. If a
13 school district or community college has not collected a
14 deferred fee, the student may not earn state funding for any
15 course for which the student subsequently registers until the
16 fee has been paid.

17 (12)~~(13)~~ Any school district or community college that
18 reports students who have not paid fees in an approved manner
19 in calculations of full-time equivalent enrollments for state
20 funding purposes shall be penalized at a rate equal to 2 times
21 the value of such enrollments. Such penalty shall be charged
22 against the following year's allocation from the Florida
23 Workforce Development Education Fund or the Community College
24 Program Fund and shall revert to the General Revenue Fund.
25 The State Board of Education shall specify, in rule, approved
26 methods of student fee payment. Such methods must include,
27 but need not be limited to, student fee payment; payment
28 through federal, state, or institutional financial aid; and
29 employer fee payments.

30 (13)~~(14)~~ Each school district and community college
31 shall report only those students who have actually enrolled in

1 instruction provided or supervised by instructional personnel
2 under contract with the district or community college in
3 calculations of actual full-time enrollments for state funding
4 purposes. A student who has been exempted from taking a
5 course or who has been granted academic or vocational credit
6 through means other than actual coursework completed at the
7 granting institution may not be calculated for enrollment in
8 the course from which the student has been exempted or for
9 which the student has been granted credit. School districts
10 and community colleges that report enrollments in violation of
11 this subsection shall be penalized at a rate equal to 2 times
12 the value of such enrollments. Such penalty shall be charged
13 against the following year's allocation from the Workforce
14 Development Education Fund and shall revert to the General
15 Revenue Fund.

16 (14)~~(15)~~ School boards and community college boards of
17 trustees may establish scholarship funds using donations. If
18 such funds are established, school boards and community
19 college boards of trustees shall adopt rules that provide for
20 the criteria and methods for awarding scholarships from the
21 fund.

22 ~~(16) School boards and community college boards of~~
23 ~~trustees may establish, by rule, a consumable supply fee for~~
24 ~~postsecondary students enrolled in certificate career~~
25 ~~education or supplemental courses.~~

26 (15)~~(17)~~ Each school board and community college board
27 of trustees may establish a separate fee for capital
28 improvements, technology enhancements, or equipping buildings
29 which may not exceed \$1.75 per credit hour or the equivalent 5
30 ~~percent of the matriculation fee for resident students or 5~~
31 ~~percent of the matriculation and tuition fee for nonresident~~

1 ~~students~~. Funds collected by community colleges through these
2 fees may be bonded only for the purpose of financing or
3 refinancing new construction of educational facilities. The
4 fee shall be collected as a component part of the registration
5 ~~and tuition~~ fees, paid into a separate account, and expended
6 only to construct and equip, maintain, improve, or enhance the
7 certificate career education or adult education facilities of
8 the school district or community college. Projects funded
9 through the use of the capital improvement fee must meet the
10 survey and construction requirements of chapter 235. Pursuant
11 to s. 216.0158, each school board and community college board
12 of trustees shall identify each project, including maintenance
13 projects, proposed to be funded in whole or in part by such
14 fee. Capital improvement fee revenues may be pledged by a
15 board of trustees as a dedicated revenue source to the
16 repayment of debt, including lease-purchase agreements and
17 revenue bonds, with a term not to exceed 20 years, only for
18 the new construction of educational facilities. Community
19 colleges may use the services of the Division of Bond Finance
20 of the State Board of Administration to issue any bonds
21 authorized through the provisions of this subsection. Any such
22 bonds issued by the Division of Bond Finance shall be in
23 compliance with the provisions of the State Bond Act. Bonds
24 issued pursuant to the State Bond Act shall be validated in
25 the manner provided by chapter 75. The complaint for such
26 validation shall be filed in the circuit court of the county
27 where the seat of state government is situated, the notice
28 required to be published by s. 75.06 shall be published only
29 in the county where the complaint is filed, and the complaint
30 and order of the circuit court shall be served only on the
31 state attorney of the circuit in which the action is pending.

1 A maximum of 15 cents per credit hour may be allocated from
2 the capital improvement fee for child care centers conducted
3 by the school board or community college board of trustees.
4 (16) Community colleges and district school boards are
5 not authorized to charge students enrolled in workforce
6 development programs any fee that is not specifically
7 authorized by statute. In addition to tuition, financial aid
8 fees, capital improvement fees, and technology fees as
9 authorized in this section, community colleges and district
10 school boards are authorized to establish fee schedules for
11 the following: laboratory fees; safety and security fees;
12 parking fees and fines; library fees and fines; fees and fines
13 relating to facilities/equipment use or damage; access or
14 identification cards; duplicating, photocopying, binding, or
15 microfilming; standardized testing; diploma replacement;
16 transcript fees; application fees; graduation fees; and late
17 fees related to registration and payment. Such fees shall not
18 exceed the cost of the services provided and shall not be
19 charged to persons not receiving the service.
20 (17) District school boards and community college
21 district boards of trustees are authorized to establish
22 specific fees for workforce development instruction not
23 reported for state funding purposes or for workforce
24 development instruction not reported as state funded full-time
25 equivalent students. District school boards and district
26 boards of trustees are not required to charge any other fees
27 specified in this section for this type of instruction.
28 (18) Each district school board and community college
29 district board of trustees may establish a separate fee for
30 technology, not to exceed \$2.50 per credit hour or the
31 equivalent. The technology fee shall be collected as a

1 component part of the registration fees and may apply to both
2 college credit and vocational credit instruction. The initial
3 fee, use of revenues from the technology fee, and any
4 subsequent increases in the fee amount must be pursuant to a
5 plan recommended by a school advisory council or a technology
6 fee committee established pursuant to the provisions of s.
7 240.35.

8 Section 3. Paragraphs (e) and (h) of subsection (3) of
9 section 240.209, Florida Statutes, are amended to read:

10 240.209 Board of Regents; powers and duties.--

11 (3) The board shall:

12 (e) Establish student fees pursuant to the provisions
13 of s. 240.235.

14 ~~1. By no later than December 1 of each year, the board~~
15 ~~shall raise the systemwide standard for resident undergraduate~~
16 ~~matriculation and financial aid fees for the subsequent fall~~
17 ~~term, up to but no more than 25 percent of the prior year's~~
18 ~~cost of undergraduate programs. In implementing this~~
19 ~~paragraph, fees charged for graduate, medical, veterinary, and~~
20 ~~dental programs may be increased by the Board of Regents in~~
21 ~~the same percentage as the increase in fees for resident~~
22 ~~undergraduates. However, in the absence of legislative action~~
23 ~~to the contrary in an appropriations act, the board may not~~
24 ~~approve annual fee increases for resident students in excess~~
25 ~~of 10 percent. The sum of nonresident student matriculation~~
26 ~~and tuition fees must be sufficient to defray the full cost of~~
27 ~~undergraduate education. Graduate, medical, veterinary, and~~
28 ~~dental fees charged to nonresidents may be increased by the~~
29 ~~board in the same percentage as the increase in fees for~~
30 ~~nonresident undergraduates. However, in implementing this~~
31 ~~policy and in the absence of legislative action to the~~

1 ~~contrary in an appropriations act, annual fee increases for~~
2 ~~nonresident students may not exceed 25 percent. In the absence~~
3 ~~of legislative action to the contrary in the General~~
4 ~~Appropriations Act, the fees shall go into effect for the~~
5 ~~following fall term.~~

6 ~~2. When the appropriations act requires a new fee~~
7 ~~schedule, the board shall establish a systemwide standard fee~~
8 ~~schedule required to produce the total fee revenue established~~
9 ~~in the appropriations act based on the product of the assigned~~
10 ~~enrollment and the fee schedule. The board may approve the~~
11 ~~expenditure of any fee revenues resulting from the product of~~
12 ~~the fee schedule adopted pursuant to this section and the~~
13 ~~assigned enrollment.~~

14 ~~3. Upon provision of authority in a General~~
15 ~~Appropriations Act to spend revenue raised pursuant to this~~
16 ~~section, the board shall approve a university request to~~
17 ~~implement a matriculation and out-of-state tuition fee~~
18 ~~schedule which is calculated to generate revenue which varies~~
19 ~~no more than 10 percent from the standard fee revenues~~
20 ~~authorized through an appropriations act. In implementing an~~
21 ~~alternative fee schedule, the increase in cost to a student~~
22 ~~taking 15 hours in one term shall be limited to 5 percent.~~
23 ~~Matriculation and out-of-state tuition fee revenues generated~~
24 ~~as a result of this provision are to be expended for~~
25 ~~implementing a plan for achieving accountability goals adopted~~
26 ~~pursuant to s. 240.214(2) and for implementing a Board of~~
27 ~~Regents approved plan to contain student costs by reducing the~~
28 ~~time necessary for graduation without reducing the quality of~~
29 ~~instruction. The plans shall be recommended by a~~
30 ~~universitywide committee, at least one-half of whom are~~
31 ~~students appointed by the student body president. A~~

1 ~~chairperson, appointed jointly by the university president and~~
2 ~~the student body president, shall vote only in the case of a~~
3 ~~tie.~~

4 ~~4. The board is authorized to collect for financial~~
5 ~~aid purposes an amount not to exceed 5 percent of the student~~
6 ~~tuition and matriculation fee per credit hour. The revenues~~
7 ~~from fees are to remain at each campus and replace existing~~
8 ~~financial aid fees. Such funds shall be disbursed to students~~
9 ~~as quickly as possible. The board shall specify specific~~
10 ~~limits on the percent of the fees collected in a fiscal year~~
11 ~~which may be carried forward unexpended to the following~~
12 ~~fiscal year. A minimum of 50 percent of funds from the student~~
13 ~~financial aid fee shall be used to provide financial aid based~~
14 ~~on absolute need. A student who has received an award prior to~~
15 ~~July 1, 1984, shall have his or her eligibility assessed on~~
16 ~~the same criteria that was used at the time of his or her~~
17 ~~original award.~~

18 ~~5. The board may recommend to the Legislature an~~
19 ~~appropriate systemwide standard matriculation and tuition fee~~
20 ~~schedule.~~

21 ~~6. The Education and General Student and Other Fees~~
22 ~~Trust Fund is hereby created, to be administered by the~~
23 ~~Department of Education. Funds shall be credited to the trust~~
24 ~~fund from student fee collections and other miscellaneous fees~~
25 ~~and receipts. The purpose of the trust fund is to support the~~
26 ~~instruction and research missions of the State University~~
27 ~~System. Notwithstanding the provisions of s. 216.301, and~~
28 ~~pursuant to s. 216.351, any balance in the trust fund at the~~
29 ~~end of any fiscal year shall remain in the trust fund and~~
30 ~~shall be available for carrying out the purposes of the trust~~
31 ~~fund.~~

1 (h) Recommend to the Legislature any proposed changes
2 in the capital improvement ~~Trust Fund~~ and building fees. ~~The~~
3 ~~Capital Improvement Trust Fund fee is established as \$2.44 per~~
4 ~~credit hour per semester. The building fee is established as~~
5 ~~\$2.32 per credit hour per semester.~~

6 Section 4. Section 240.235, Florida Statutes, is
7 amended to read:

8 240.235 Fees.--

9 (1) By no later than December 1 of each year, the
10 Board of Regents shall raise the systemwide standard for
11 resident undergraduate tuition for the subsequent fall term,
12 up to but no more than 25 percent of the prior year's cost of
13 undergraduate programs. In implementing this subsection, fees
14 charged for graduate, medical, veterinary, and dental programs
15 may be increased by the board in the same percentage as the
16 increase in fees for resident undergraduates. However, in the
17 absence of legislative action to the contrary in an
18 appropriations act, the board may not approve annual fee
19 increases for resident students in excess of 10 percent. The
20 sum of nonresident student tuition and out-of-state fees must
21 be sufficient to defray the full cost of undergraduate
22 education. Graduate, medical, veterinary, and dental program
23 fees charged to nonresidents may be increased by the board in
24 the same percentage as the increase in fees for nonresident
25 undergraduates. However, in implementing this policy and in
26 the absence of legislative action to the contrary in an
27 appropriations act, annual fee increases for nonresident
28 students may not exceed 25 percent. In the absence of
29 legislative action to the contrary in the General
30 Appropriations Act, the fees shall go into effect for the
31 following fall term.

1 (2) When the appropriations act requires a new fee
2 schedule, the Board of Regents shall establish a systemwide
3 standard fee schedule required to produce the total fee
4 revenue established in the appropriations act based on the
5 product of the assigned enrollment and the fee schedule. The
6 board may approve the expenditure of any fee revenues
7 resulting from the product of the fee schedule adopted
8 pursuant to this section and the assigned enrollment.

9 (3) The Board of Regents may recommend to the
10 Legislature an appropriate systemwide standard tuition and
11 out-of-state fee schedule.

12 (4) Upon provision of authority in a General
13 Appropriations Act to spend the revenue raised pursuant to
14 this section, the Board of Regents shall approve a university
15 request to implement a tuition and out-of-state fee schedule
16 which is calculated to generate revenue which varies no more
17 than 10 percent from the standard fee revenues authorized
18 through an appropriations act. In implementing an alternative
19 fee schedule, the increase in cost to a student taking 15
20 hours in one term shall be limited to 5 percent. Tuition and
21 out-of-state fee revenues generated as a result of this
22 provision are to be expended for implementing a plan for
23 achieving accountability goals adopted pursuant to s.
24 240.214(2) and for implementing a board-approved plan to
25 contain student costs by reducing the time necessary for
26 graduation without reducing the quality of instruction. The
27 plans shall be recommended by a universitywide committee, at
28 least one-half of whom are students appointed by the student
29 body president. A chair, appointed jointly by the university
30 president and the student body president, shall vote only in
31 the case of a tie.

1 (5) Notwithstanding any provision of chapter 240 to
2 the contrary, each university president may submit a plan to
3 the Board of Regents to increase matriculation and tuition
4 fees for any one or more of its first-professional programs to
5 a level not to exceed 110 percent of the average full-time
6 tuition for the first-professional program as reported by the
7 United States Department of Education National Center for
8 Education Statistics. For purposes of this subsection,
9 first-professional programs include dentistry, medicine,
10 pharmacy, veterinary medicine, and law. The plan may provide
11 for such increases to take place over a period of 3 to 5
12 years, with automatic adjustments thereafter. If approved by
13 the Board of Regents, the plan shall be implemented without
14 further review or approval. Each plan shall include a
15 provision for need-based financial assistance to those
16 students who may be denied access because of such tuition
17 increases. Any revenue generated as a result of the fee
18 differential established pursuant to this subsection shall be
19 retained by the university. Any limitations on nonresident
20 enrollment shall not apply to the programs covered by this
21 subsection.

22 (6) Except as otherwise provided, funds from student
23 fee collections and other miscellaneous fees and receipts
24 shall be credited to the Education and General Student and
25 Other Fees Trust Fund, administered by the Department of
26 Education. The purpose of the trust fund is to support the
27 instruction and research missions of the State University
28 System. Notwithstanding the provisions of s. 216.301, and
29 pursuant to s. 216.351, any balance in the trust fund at the
30 end of any fiscal year shall remain in the trust fund and
31

1 shall be available for carrying out the purposes of the trust
2 fund.

3 (7) The financial aid fee is established as \$2.35 per
4 credit hour per semester. The revenues from these fees are to
5 remain at each campus. Such funds shall be disbursed to
6 students as quickly as possible. The board shall specify
7 specific limits on the percent of the fees collected in a
8 fiscal year which may be carried forward unexpended to the
9 following fiscal year. A minimum of 60 percent of funds from
10 the student financial aid fee shall be used to provide
11 financial aid based on absolute need.

12 (8) The capital improvement fee is established as
13 \$2.44 per credit hour per semester. The building fee is
14 established as \$2.32 per credit hour per semester. Revenues
15 from these fees are to be deposited into the Capital
16 Improvement Fee Trust Fund and the Building Fee Trust Fund
17 pursuant to the provisions of s. 240.2805.

18 (9)~~(1)~~ Each university is authorized to establish
19 separate activity and service, health, and athletic fees.
20 When duly established, the fees shall be collected as
21 component parts of the registration ~~and tuition~~ fees and shall
22 be retained by the university and paid into the separate
23 activity and service, health, and athletic funds.

24 (a)1. Each university president shall establish a
25 student activity and service fee on the main campus of the
26 university. The university president may also establish a
27 student activity and service fee on any branch campus or
28 center. Any subsequent increase in the activity and service
29 fee must be recommended by an activity and service fee
30 committee, at least one-half of whom are students appointed by
31 the student body president. The remainder of the committee

1 shall be appointed by the university president. A
2 chairperson, appointed jointly by the university president and
3 the student body president, shall vote only in the case of a
4 tie. The recommendations of the committee shall take effect
5 only after approval by the university president, after
6 consultation with the student body president, with final
7 approval by the Board of Regents. An increase in the activity
8 and service fee may occur only once each fiscal year and must
9 be implemented beginning with the fall term. The Board of
10 Regents is responsible for promulgating the rules and
11 timetables necessary to implement this fee.

12 2. The student activity and service fees shall be
13 expended for lawful purposes to benefit the student body in
14 general. This shall include, but shall not be limited to,
15 student publications and grants to duly recognized student
16 organizations, the membership of which is open to all students
17 at the university without regard to race, sex, or religion.
18 The fund may not benefit activities for which an admission fee
19 is charged to students, except for
20 student-government-association-sponsored concerts. The
21 allocation and expenditure of the fund shall be determined by
22 the student government association of the university, except
23 that the president of the university may veto any line item or
24 portion thereof within the budget when submitted by the
25 student government association legislative body. The
26 university president shall have 15 school days from the date
27 of presentation of the budget to act on the allocation and
28 expenditure recommendations, which shall be deemed approved if
29 no action is taken within the 15 school days. If any line item
30 or portion thereof within the budget is vetoed, the student
31 government association legislative body shall within 15 school

1 days make new budget recommendations for expenditure of the
2 vetoed portion of the fund. If the university president
3 vetoes any line item or portion thereof within the new budget
4 revisions, the university president may reallocate by line
5 item that vetoed portion to bond obligations guaranteed by
6 activity and service fees. Unexpended funds and undisbursed
7 funds remaining at the end of a fiscal year shall be carried
8 over and remain in the student activity and service fund and
9 be available for allocation and expenditure during the next
10 fiscal year.

11 (b) Each university president shall establish a
12 student health fee on the main campus of the university. The
13 university president may also establish a student health fee
14 on any branch campus or center. In addition, the university
15 president, or designee, is authorized to establish
16 miscellaneous health-related charges for services provided at
17 cost by the health center which are not covered by the health
18 fee. Any subsequent increase in the health fee must be
19 recommended by a health committee, at least one-half of whom
20 are students appointed by the student body president. The
21 remainder of the committee shall be appointed by the
22 university president. A chairperson, appointed jointly by the
23 university president and the student body president, shall
24 vote only in the case of a tie. The recommendations of the
25 committee shall take effect only after approval by the
26 university president, after consultation with the student body
27 president, with final approval by the Board of Regents. An
28 increase in the health fee may occur only once each fiscal
29 year and must be implemented beginning with the fall term. The
30 Board of Regents is responsible for promulgating the rules and
31 timetables necessary to implement this fee.

1 (c) Each university president shall establish a
2 separate athletic fee on the main campus of the university.
3 The university president may also establish a separate
4 athletic fee on any branch campus or center. The initial
5 aggregate athletic fee at each university shall be equal to,
6 but may be no greater than, the 1982-1983 per-credit-hour
7 activity and service fee contributed to intercollegiate
8 athletics, including women's athletics, as provided by s.
9 240.533. Concurrently with the establishment of the athletic
10 fee, the activity and service fee shall experience a one-time
11 reduction equal to the initial aggregate athletic fee. Any
12 subsequent increase in the athletic fee must be recommended by
13 an athletic fee committee, at least one-half of whom are
14 students appointed by the student body president. The
15 remainder of the committee shall be appointed by the
16 university president. A chairperson, appointed jointly by the
17 university president and the student body president, shall
18 vote only in the case of a tie. The recommendations of the
19 committee shall take effect only after approval by the
20 university president, after consultation with the student body
21 president, with final approval by the Board of Regents. An
22 increase in the athletic fee may occur only once each fiscal
23 year and must be implemented beginning with the fall term. The
24 Board of Regents is responsible for promulgating the rules and
25 timetables necessary to implement this fee.

26 (d) The aggregate sum of the fees established pursuant
27 to this subsection shall not exceed \$23 per credit hour for
28 1998-1999. All subsequent percentage increases in state
29 employee salaries and benefits shall permit a corresponding
30 percentage increase in the aggregate sum of the fees
31 established pursuant to this subsection.

1 (10) The technology fee is established at \$2.50 per
2 credit hour. Use of revenues from the technology fee must be
3 pursuant to a plan recommended by a technology fee committee.
4 At least one-half of the members of the committee must be
5 students appointed by the student body president.

6 (11) Each university may assess a service charge for
7 the payment of registration fees in installments. Such service
8 charge must be approved by the Board of Regents. The revenues
9 from such service charges shall be deposited into the
10 Education and General Student and Other Fees Trust Fund.

11 (12) Each university shall assess a nonrefundable
12 application fee of \$20. The fee shall be remitted to the
13 Education and General Student and Other Fees Trust Fund.

14 (13) Each university shall assess a late registration
15 fee against students who fail to initiate registration in the
16 regular registration period. The fee shall not be less than
17 \$50 nor more than \$100 with 50 percent remitted to the
18 Education and General Student and Other Fees Trust Fund and 50
19 percent retained by the university. Provisions may be made to
20 waive the late registration fee as specified by the
21 university.

22 (14) Universities may assess a late payment fee to
23 students who fail to pay, or make appropriate arrangements for
24 payment (installment payment, deferment, or third-party
25 billing), of tuition and course-related fees by the deadline
26 set by each university, which shall be no later than the end
27 of the second week of classes. The fee shall not be less than
28 \$50 nor more than \$100 with 50 percent remitted to the
29 Education and General Student and Other Fees Trust Fund and 50
30 percent retained by the university. Provisions may be made to
31

1 waive the late payment fee for minor underpayment as specified
2 by the university.

3 (15) Each university president is authorized to assess
4 material and supply fees to offset the cost of materials or
5 supply items that are consumed in the course of the student's
6 instructional activities. The revenues from these fees shall
7 remain at each campus.

8 (16) Each university is authorized to establish
9 housing rental rates and miscellaneous housing charges for
10 services provided by the university at the request of the
11 student. The revenues from these fees shall remain at each
12 campus.

13 (17) Each university is authorized to assess a charge
14 representing reasonable cost of collection efforts to effect
15 payment for overdue accounts. Amounts received for collection
16 costs shall be retained by the university.

17 (18) Each university is authorized to assess a service
18 charge on university loans in lieu of interest and
19 administrative handling. The revenues from this service charge
20 shall remain at each campus.

21 (19) Each university is authorized to establish fee
22 schedules for the following: library fees and fines; fees and
23 fines relating to facilities/equipment use or damage; access
24 or identification cards; duplicating, photocopying, binding,
25 or microfilming; copyright services; standardized testing;
26 orientation; diploma replacement; transcript fees; parking
27 decals and fines; traffic fines; continuing education
28 activities; and child care services. Such fees shall not
29 exceed the cost of the service provided and shall not be
30 charged to persons not receiving the service.

31

1 (20) State universities are not authorized to charge
2 students any fee which is not specifically authorized by
3 statute.

4 (21)~~(2)~~ The university may permit the deferral of
5 registration ~~and tuition~~ fees for those students receiving
6 financial aid from federal or state assistance programs when
7 such aid is delayed in being transmitted to the student
8 through circumstances beyond the control of the student.
9 Failure to make timely application for such aid shall be
10 insufficient reason to receive such deferral. Veterans and
11 other eligible students receiving benefits under chapter 30,
12 chapter 31, chapter 32, chapter 34, or chapter 35, 38 U.S.C.,
13 or chapter 106, 10 U.S.C., shall be entitled to one deferment
14 each academic year and an additional deferment each time there
15 is a delay in the receipt of their benefits.

16 (22)~~(3)~~ The Board of Regents shall establish rules to
17 waive any or all application, course registration, and related
18 fees for persons 60 years of age or older who are residents of
19 this state and who attend credit classes ~~for credit~~. No
20 academic credit shall be awarded for attendance in classes for
21 which fees are waived under this subsection. This privilege
22 may be granted only on a space-available basis, if such
23 classes are not filled as of the close of registration. A
24 university may limit or deny the privilege for courses which
25 are in programs for which the Board of Regents has established
26 selective admissions criteria. Persons paying full fees and
27 state employees taking courses on a space-available basis
28 shall have priority over those persons whose fees are waived
29 in all cases where classroom spaces are limited.

30 (23)~~(4)~~ Students enrolled in a dual enrollment or
31 early admission program pursuant to s. 240.116 shall be exempt

1 from the payment of registration, ~~matriculation,~~ and
2 laboratory fees. Students enrolled in accordance with this
3 subsection may be calculated as the proportional shares of
4 full-time equivalent enrollments each such student generates
5 for state funding purposes.

6 (24)~~(5)~~(a) Any student for whom the state is paying a
7 foster care board payment pursuant to s. 409.145(3) or parts
8 II ~~III~~ and III ~~V~~ of chapter 39, for whom the permanency
9 planning goal pursuant to part III ~~V~~ of chapter 39 is
10 long-term foster care or independent living, or who is adopted
11 from the Department of Children and Family Services after
12 December 31, 1997, shall be exempt from the payment of all
13 undergraduate fees, including fees associated with enrollment
14 in college-preparatory instruction or completion of
15 college-level communication and computation skills testing
16 programs. Before a fee exemption can be given, the student
17 shall have applied for and been denied financial aid, pursuant
18 to s. 240.404, which would have provided, at a minimum,
19 payment of all undergraduate fees. Such exemption shall be
20 available to any student adopted from the Department of
21 Children and Family Services after December 31, 1997; however,
22 the exemption shall be valid for no more than 4 years after
23 the date of graduation from high school.

24 (b) Any student qualifying for a fee exemption under
25 this subsection shall receive such an exemption for not more
26 than 4 consecutive years or 8 semesters unless the student is
27 participating in college-preparatory instruction or is
28 requiring additional time to complete the college-level
29 communication and computation skills testing programs. Such a
30 student shall be eligible to receive a fee exemption for a
31 maximum of 5 consecutive years or 10 semesters.

1 (c) As a condition for continued fee exemption, a
2 student shall have earned a grade point average of at least
3 2.0 on a 4.0 scale for the previous term, maintain at least an
4 overall 2.0 average for college work, or have an average below
5 2.0 for only the previous term and be eligible for continued
6 enrollment in the institution.

7 ~~(6) Each university may assess a service charge for~~
8 ~~the payment of tuition and fees in installments. Such service~~
9 ~~charge must be approved by the Board of Regents. The revenues~~
10 ~~from such service charges shall be deposited into the~~
11 ~~Incidental Trust Fund.~~

12 (25)~~(7)~~ Any graduate student enrolled in a
13 state-approved school psychology training program shall be
14 entitled to a waiver of registration fees for internship
15 credit hours applicable to an internship in the public school
16 system under the supervision of a Department of Education
17 certified school psychologist employed by the school system.

18 (26)~~(8)~~ The Board of Regents shall exempt one-half of
19 all registration ~~tuition~~ and course-related fees for certain
20 members of the active Florida National Guard pursuant to the
21 provisions of s. 250.10(8).

22 (27)~~(9)~~ The Board of Regents may establish rules to
23 allow for the waiver of registration and course-related fees
24 for participants in sponsored institutes and programs where
25 the direct costs are paid by the external sponsoring agency,
26 where there is no direct expenditure of educational and
27 general funds for the conduct of the programs, and where no
28 fees or other assessments are collected from students by the
29 sponsoring agency, the university, or any other entity.
30 ~~out-of-state fees for nondegree-seeking students enrolled at~~
31 ~~State University System institutions if the earned student~~

1 ~~credit hours generated by such students are nonfundable and~~
2 ~~the direct cost for the program of study is recovered from the~~
3 ~~fees charged to all students.~~

4 Section 5. Paragraph (u) is added to subsection (4) of
5 section 240.319, Florida Statutes, as amended by chapter
6 97-383, Laws of Florida, to read:

7 240.319 Community college district boards of trustees;
8 duties and powers.--

9 (4) Such rules, procedures, and policies for the
10 boards of trustees include, but are not limited to, the
11 following:

12 (u) Each board of trustees is authorized to establish
13 fee schedules for the following: registration fees as defined
14 in s. 228.041; laboratory fees; safety and security fees;
15 parking fees and fines; library fees and fines; fees and fines
16 relating to facilities/equipment use or damage; access or
17 identification cards; duplicating, photocopying, binding, or
18 microfilming; standardized testing; diploma replacement;
19 transcript fees; application fees; graduation fees; and late
20 fees related to registration and payment. Such fees shall not
21 exceed the cost of the services provided and shall not be
22 charged to persons not receiving the service. Community
23 colleges are not authorized to charge any fee that is not
24 specifically authorized by statute.

25 Section 6. Section 240.35, Florida Statutes, as
26 amended by chapter 97-383, Florida Statutes, is amended to
27 read:

28 240.35 Student fees.--Unless otherwise provided, the
29 provisions of this section apply only to fees charged for
30 college credit instruction leading to an associate degree,
31 including college-preparatory courses defined in s. 239.105.

1 (1) The State Board of Community Colleges shall
2 establish the ~~matriculation and~~ tuition and out-of-state fees
3 for credit instruction which may be counted toward an
4 associate degree. This instruction includes advanced programs
5 and professional programs.

6 (2)(a) Any student for whom the state is paying a
7 foster care board payment pursuant to s. 409.145(3) or parts
8 II ~~III~~ and III ~~V~~ of chapter 39, for whom the permanency
9 planning goal pursuant to part III ~~V~~ of chapter 39 is
10 long-term foster care or independent living, or who is adopted
11 from the Department of Children and Family Services after
12 December 31, 1997, shall be exempt from the payment of all
13 undergraduate fees, including fees associated with enrollment
14 in college-preparatory instruction or completion of the
15 college-level communication and computation skills testing
16 program. Before a fee exemption can be given, the student
17 shall have applied for and been denied financial aid, pursuant
18 to s. 240.404, which would have provided, at a minimum,
19 payment of all student fees. Such exemption shall be available
20 to any student adopted from the Department of Children and
21 Family Services after December 31, 1997; however, the
22 exemption shall be valid for no more than 4 years after the
23 date of graduation from high school.

24 (b) Any student qualifying for a fee exemption under
25 this subsection shall receive such an exemption for not more
26 than 2 consecutive years or 4 semesters, unless the student is
27 participating in college-preparatory instruction or requires
28 additional time to complete the college-level communication
29 and computation skills testing program. Such a student is
30 eligible to receive a fee exemption for a maximum of 3
31 consecutive years or 6 semesters.

1 (c) As a condition for continued fee exemption, a
2 student shall earn a grade point average of at least 2.0 on a
3 4.0 scale for the previous term, maintain at least an overall
4 2.0 average for college work, or have an average below 2.0 for
5 only the previous term and be eligible for continued
6 enrollment in the institution.

7 (3) Students enrolled in dual enrollment and early
8 admission programs under s. 240.116 and students enrolled in
9 employment and training programs under the WAGES Program are
10 exempt from the payment of registration, ~~matriculation,~~ and
11 laboratory fees; however, such students may not be included
12 within calculations of fee-waived enrollments. The community
13 college shall assist a student under the WAGES Program in
14 obtaining financial aid as it would any other student. A
15 student under the WAGES Program may not be denied
16 participation in programs during the application process for
17 financial aid. If financial aid is denied, the local WAGES
18 coalition shall pay the community college for costs incurred
19 by that WAGES participant related to that person's classes or
20 program. Other fee-exempt instruction provided under this
21 subsection generates an additional one-fourth full-time
22 equivalent enrollment.

23 (4)(a) Fees shall be waived for certain members of the
24 active Florida National Guard pursuant to s. 250.10(7)~~(8)~~.

25 (b) Community colleges may waive fees for any
26 fee-nonexempt student. A student whose fees are waived in
27 excess of the amount authorized annually in the General
28 Appropriations Act may not be included in calculations of
29 full-time equivalent enrollments for state funding purposes.
30 Any community college that waives fees and requests state
31 funding for a student in violation of the provisions of this

1 subsection shall be penalized at a rate equal to two times the
2 value of the full-time equivalent student enrollment reported
3 served. Such penalty shall be charged against the following
4 year's allocation from the Community College Program Fund.

5 ~~(5) Subject to review and final approval by the State~~
6 ~~Board of Education,~~The State Board of Community Colleges
7 shall adopt by December 31 of each year a resident fee
8 schedule for the following fall for advanced and professional
9 programs that produce revenues in the amount of 25 percent of
10 the full prior year's cost of these programs. However, the
11 board may not adopt an annual fee increase in any program for
12 resident students which exceeds 10 percent. In the absence of
13 a provision to the contrary in an appropriations act, the fee
14 schedule shall take effect and the colleges shall expend the
15 funds on instruction. If the Legislature provides for an
16 alternative fee schedule ~~calculation~~ in an appropriations act,
17 the fee schedule shall take effect the subsequent fall
18 ~~semester board shall establish a fee schedule that produces~~
19 ~~the fee revenue established in the appropriations act based on~~
20 ~~the assigned enrollment.~~

21 (6) Each community college board of trustees shall
22 establish ~~matriculation and tuition and out-of-state~~ fees,
23 which may vary no more than 10 percent from the fee schedule
24 adopted by the State Board of Community Colleges.

25 (7) The sum of nonresident student ~~matriculation and~~
26 tuition and out-of-state fees must be sufficient to defray the
27 full cost of each program. The annual fee increases for
28 nonresident students established by the board, in the absence
29 of legislative action to the contrary in an appropriations
30 act, may not exceed 25 percent.

31

1 (8) The State Board of Community Colleges shall adopt
2 a rule specifying the definitions and procedures to be used in
3 the calculation of the percentage of cost paid by students.
4 The rule must provide for the calculation of the full cost of
5 educational programs based on the allocation of all funds
6 provided through the general current fund to programs of
7 instruction, and other activities as provided in the annual
8 expenditure analysis. The rule shall be developed in
9 consultation with the Legislature.

10 (9) Each community college district board of trustees
11 may establish a separate activity and service fee not to
12 exceed \$4 per student credit hour ~~10 percent of the~~
13 ~~matriculation fee~~, according to rules of the State Board of
14 Education. The student activity and service fee shall be
15 collected as a component part of the registration ~~and tuition~~
16 fees. The student activity and service fees shall be paid into
17 a student activity and service fund at the community college
18 and shall be expended for lawful purposes to benefit the
19 student body in general. These purposes include, but are not
20 limited to, student publications and grants to duly recognized
21 student organizations, the membership of which is open to all
22 students at the community college without regard to race, sex,
23 or religion.

24 (10)(a) Each community college is authorized to
25 establish a separate fee ~~collect~~ for financial aid purposes
26 not to exceed \$3 per credit hour. ~~an additional amount up to,~~
27 ~~but not to exceed, 5 percent of the total student tuition or~~
28 ~~matriculation fees collected.~~ Each community college may
29 ~~collect up to an additional 2 percent if the amount generated~~
30 ~~by the total financial aid fee is less than \$250,000.~~ If the
31 amount generated is less than \$250,000, a community college

1 that charges tuition ~~and matriculation fees~~ at least equal to
2 the average fees established by rule may transfer from the
3 general current fund to the scholarship fund an amount equal
4 to the difference between \$250,000 and the amount generated by
5 the total financial aid fee assessment. No other transfer
6 from the general current fund to the loan, endowment, or
7 scholarship fund, by whatever name known, is authorized.

8 (b) All funds collected under this program shall be
9 placed in the loan and endowment fund or scholarship fund of
10 the college, by whatever name known. Such funds shall be
11 disbursed to students as quickly as possible. An amount not
12 greater than 40 percent of the fees collected in a fiscal year
13 may be carried forward unexpended to the following fiscal
14 year. However, funds collected prior to July 1, 1989, and
15 placed in an endowment fund may not be considered part of the
16 balance of funds carried forward unexpended to the following
17 fiscal year.

18 (c) Up to 25 percent or \$250,000, whichever is
19 greater, of the financial aid fees collected may be used to
20 assist students who demonstrate academic merit, who
21 participate in athletics, public service, cultural arts, and
22 other extracurricular programs as determined by the
23 institution, or who are identified as members of a targeted
24 gender or ethnic minority population. The financial aid fee
25 revenues allocated for athletic scholarships and fee
26 exemptions provided pursuant to subsection (14) for athletes
27 shall be distributed equitably as required by s.
28 228.2001(3)(d). A minimum of 50 percent of the balance of
29 these funds shall be used to provide financial aid based on
30 absolute need, and the remainder of the funds shall be used
31 for academic merit purposes and other purposes approved by the

1 district boards of trustees. Such other purposes shall
2 include the payment of child care fees for students with
3 financial need. The State Board of Community Colleges shall
4 develop criteria for making financial aid awards. Each
5 college shall report annually to the Department of Education
6 on the criteria used to make awards, the amount and number of
7 awards for each criterion, and a delineation of the
8 distribution of such awards. Awards which are based on
9 financial need shall be distributed in accordance with a
10 nationally recognized system of need analysis approved by the
11 State Board of Community Colleges. An award for academic merit
12 shall require a minimum overall grade point average of 3.0 on
13 a 4.0 scale or the equivalent for both initial receipt of the
14 award and renewal of the award.

15 (d) These funds may not be used for direct or indirect
16 administrative purposes or salaries.

17 (11) Any community college that reports students who
18 have not paid fees in an approved manner in calculations of
19 full-time equivalent enrollments for state funding purposes
20 shall be penalized at a rate equal to two times the value of
21 such enrollments. Such penalty shall be charged against the
22 following year's allocation from the Community College Program
23 Fund and shall revert to the General Revenue Fund. The State
24 Board of Education shall specify, as necessary, by rule,
25 approved methods of student fee payment. Such methods shall
26 include, but not be limited to, student fee payment; payment
27 through federal, state, or institutional financial aid; and
28 employer fee payments. A community college may not charge any
29 fee except as authorized by law ~~or rules of the State Board of~~
30 Education.

31

1 (12) Each community college shall report only those
2 students who have actually enrolled in instruction provided or
3 supervised by instructional personnel under contract with the
4 community college in calculations of actual full-time
5 equivalent enrollments for state funding purposes. No student
6 who has been exempted from taking a course or who has been
7 granted academic or vocational credit through means other than
8 actual coursework completed at the granting institution shall
9 be calculated for enrollment in the course from which he or
10 she has been exempted or granted credit. Community colleges
11 that report enrollments in violation of this subsection shall
12 be penalized at a rate equal to two times the value of such
13 enrollments. Such penalty shall be charged against the
14 following year's allocation from the Community College Program
15 Fund and shall revert to the General Revenue Fund.

16 (13) Each community college board of trustees may
17 establish a separate fee for capital improvements or equipping
18 student buildings which may not exceed \$1 per credit hour or
19 credit-hour equivalent for residents and which equals or
20 exceeds \$3 per credit hour for nonresidents. Funds collected
21 by community colleges through these fees may be bonded only
22 for the purpose of financing or refinancing new construction
23 of educational facilities. The fee shall be collected as a
24 component part of the registration ~~and tuition~~ fees, paid into
25 a separate account, and expended only to construct and equip,
26 maintain, improve, or enhance the educational facilities of
27 the community college. Projects funded through the use of the
28 capital improvement fee shall meet the survey and construction
29 requirements of chapter 235. Pursuant to s. 216.0158, each
30 community college shall identify each project, including
31 maintenance projects, proposed to be funded in whole or in

1 part by such fee. Capital improvement fee revenues may be
2 pledged by a board of trustees as a dedicated revenue source
3 to the repayment of debt, including lease-purchase agreements
4 and revenue bonds, with a term not to exceed 20 years, only
5 for the new construction of educational facilities. Community
6 colleges may use the services of the Division of Bond Finance
7 of the State Board of Administration to issue any bonds
8 authorized through the provisions of this subsection. Any such
9 bonds issued by the Division of Bond Finance shall be in
10 compliance with the provisions of the State Bond Act. Bonds
11 issued pursuant to the State Bond Act shall be validated in
12 the manner provided by chapter 75. The complaint for such
13 validation shall be filed in the circuit court of the county
14 where the seat of state government is situated, the notice
15 required to be published by s. 75.06 shall be published only
16 in the county where the complaint is filed, and the complaint
17 and order of the circuit court shall be served only on the
18 state attorney of the circuit in which the action is pending.
19 A maximum of 15 cents per credit hour may be allocated from
20 the capital improvement fee for child care centers conducted
21 by the community college.

22 (14) Each community college is authorized to grant
23 student fee exemptions from all fees adopted by the State
24 Board of Community Colleges and the community college board of
25 trustees for up to 40 full-time equivalent students at each
26 institution.

27 (15) Each community college district board of trustees
28 may establish a separate fee for technology not to exceed
29 \$2.50 per credit hour. The technology fee shall be collected
30 as a component part of the registration fees and may apply to
31 both college credit and vocational credit instruction. The

1 initial fee, use of revenues from the technology fee, and any
2 subsequent increases in the fee amount must be pursuant to a
3 plan recommended by a technology fee committee. At least
4 one-half of the members of the committee must be students
5 appointed by the student government association. A chair,
6 appointed jointly by the community college president and the
7 student government association, shall vote only in the case of
8 a tie. The recommendations of the committee shall take effect
9 only after approval of the community college president,
10 following consultation with the student government
11 association, with final approval by the board of trustees. An
12 increase in the technology fee may occur only once each fiscal
13 year and must be implemented with the fall term.

14 Section 7. Paragraphs (a) and (b) of subsection (7) of
15 section 240.551, Florida Statutes, are amended to read:

16 240.551 Florida Prepaid Postsecondary Education
17 Expense Program.--

18 (7) At a minimum, the board shall make advance payment
19 contracts available for two independent plans to be known as
20 the community college plan and the university plan. The board
21 may also make advance payment contracts available for a
22 dormitory residence plan.

23 (a) Through the community college plan, the advance
24 payment contract shall provide prepaid registration fees for a
25 specified number of undergraduate semester credit hours not to
26 exceed the average number of hours required for the conference
27 of an associate degree. The cost of participation in the
28 community college plan shall be based primarily on the average
29 current and projected registration fees within the State
30 Community College System and the number of years expected to
31 elapse between the purchase of the plan on behalf of a

1 qualified beneficiary and the exercise of the benefits
2 provided in the plan by such beneficiary. Qualified
3 beneficiaries shall bear the cost of any laboratory fees
4 associated with enrollment in specific courses. Each
5 qualified beneficiary shall be classified as a resident for
6 tuition purposes pursuant to s. 240.1201 regardless of his or
7 her actual legal residence. Effective July 1, 1998, the board
8 may provide advance payment contracts for local fees and
9 technology fees, not to exceed the average number of hours
10 required for the conference of an associate degree, in
11 conjunction with advance payment contracts for registration
12 fees. The cost of purchasing such fees shall be based
13 primarily on the average current and projected fees within the
14 State Community College System and the number of years
15 expected to elapse between the purchase of the plan on behalf
16 of the beneficiary and the exercise of benefits provided in
17 the plan by such beneficiary. Community college contracts
18 purchased prior to July 1, 1998, shall be limited to the
19 payment of registration fees as defined in subsection (2).

20 (b) Through the university plan, the advance payment
21 contract shall provide prepaid registration fees for a
22 specified number of undergraduate semester credit hours not to
23 exceed the average number of hours required for the conference
24 of a baccalaureate degree. The cost of participation in the
25 university plan shall be based primarily on the current and
26 projected registration fees within the State University System
27 and the number of years expected to elapse between the
28 purchase of the plan on behalf of a qualified beneficiary and
29 the exercise of the benefits provided in the plan by such
30 beneficiary. Qualified beneficiaries shall bear the cost of
31 any laboratory fees associated with enrollment in specific

1 courses. In the event that a qualified beneficiary fails to
2 be admitted to a state university or chooses to attend a
3 community college, the qualified beneficiary may convert the
4 average number of semester credit hours required for the
5 conference of an associate degree from a university plan to a
6 community college plan and may retain the remaining semester
7 credit hours in the university plan or may request a refund
8 for prepaid credit hours in excess of the average number of
9 semester credit hours required for the conference of an
10 associate degree pursuant to subparagraph (6)(a)7. Each
11 qualified beneficiary shall be classified as a resident for
12 tuition purposes pursuant to s. 240.1201 regardless of his or
13 her actual legal residence. Effective July 1, 1998, the board
14 may provide advance payment contracts for local fees and
15 technology fees for a specified number of undergraduate
16 semester credit hours, not to exceed the average number of
17 hours required for the conference of a baccalaureate degree,
18 in conjunction with advance payment contracts for registration
19 fees. The costs of purchasing such fees shall be based
20 primarily on the average current and projected cost of these
21 fees within the State University System and the number of
22 years expected to elapse between the purchase of the plan on
23 behalf of the qualified beneficiary and the exercise of the
24 benefits provided in the plan by such beneficiary. University
25 plan contracts purchased prior to July 1, 1998, shall be
26 limited to the payment of registration fees as defined in
27 subsection (2).

28 Section 8. Subsection (3) of section 240.4042, Florida
29 Statutes, is amended to read:

30 240.4042 Financial aid appeal process.--

31

1 (3) A student involved in a financial aid appeal
2 proceeding is eligible for a deferral of registration and fee
3 payments pursuant to s. 240.235(21)~~(2)~~.

4 Section 9. Subsection (5) of section 240.531, Florida
5 Statutes, is amended to read:

6 240.531 Establishment of educational research centers
7 for child development.--

8 (5) Each educational research center for child
9 development shall be funded by a portion of the Capital
10 Improvement Trust Fund fee established ~~by the Board of Regents~~
11 pursuant to s. 240.235(8)~~240.209(3)(h)~~. Each university
12 which establishes a center shall receive a portion of such
13 fees collected from the students enrolled at that university,
14 usable only at that university, equal to 22.5 cents per
15 student per credit hour taken per term, based on the summer
16 term and fall and spring semesters. This allocation shall be
17 used by the university only for the establishment and
18 operation of a center as provided by this section and rules
19 promulgated hereunder. Said allocation may be made only after
20 all bond obligations required to be paid from such fees have
21 been met.

22 Section 10. Paragraph (b) of subsection (7) and
23 subsection (8) of section 250.10, Florida Statutes, are
24 amended to read:

25 250.10 Appointment and duties of the Adjutant
26 General.--

27 (7) The Adjutant General and representatives of the
28 Board of Regents, the State Board of Community Colleges, and
29 the State Board of Education shall design and develop a
30 tuition assistance program for members in good standing of the
31 active Florida National Guard who enroll in a public

1 institution of higher learning in the state in accordance with
2 the provisions of subsection (8).

3 (b) The program shall include, but not be limited to,
4 the following penalties:

5 1. When a member of the active Florida National Guard
6 receives an exemption from registration ~~tuition~~ and
7 course-related fees for any academic term and fails to
8 maintain satisfactory participation in the Florida National
9 Guard during such academic term, the exemption shall
10 immediately be forfeited and the member shall be required to
11 pay to the institution all registration ~~tuition charges~~ and
12 course-related ~~student~~ fees for the current academic term for
13 which the exemption has been granted.

14 2. When a member of the active Florida National Guard
15 leaves the Florida National Guard during the 3-year period
16 such member had agreed to serve after completing the courses
17 for which exemptions were granted, the member shall be
18 required to reimburse the state for all registration ~~tuition~~
19 ~~charges~~ and course-related ~~student~~ fees for which such member
20 received exemptions, unless the Adjutant General determines
21 there are justifiable extenuating circumstances.

22 3. If the service of a member of the active Florida
23 National Guard is terminated or the member is placed on
24 scholastic probation while receiving exemption benefits, the
25 exemption shall be immediately forfeited and the member shall
26 pay to the institution all registration ~~tuition charges~~ and
27 course-related ~~student~~ fees for the current academic term for
28 which the member has received an exemption.

29 (8) The Department of Military Affairs is authorized
30 to administer an educational tuition assistance program for
31

1 members of the Florida National Guard who qualify pursuant to
2 subsection (7).

3 (a) Members of the Florida National Guard as of June
4 30, 1997, shall be exempt from payment of one-half of
5 registration ~~tuition~~ and course-related fees subject to the
6 following limitations:

7 1. Participation in the program shall not exceed a
8 period of 10 years from the date of enrollment in the tuition
9 assistance program, or shall continue until graduation or
10 termination of the full-time or part-time student, whichever
11 occurs earlier.

12 2. Florida National Guard members shall be admitted on
13 a space-available basis.

14 (b) Notwithstanding paragraph (a) and subject to
15 appropriations, the Department of Military Affairs may pay the
16 full cost of registration ~~tuition~~ and course-related fees for
17 required courses for members of the Florida National Guard who
18 were members as of June 30, 1997, if a member is unable to
19 obtain admittance on a space-available basis and, at least on
20 one previous occasion, the member was denied admission to the
21 required course.

22 (c) Subject to appropriations, the Department of
23 Military Affairs may pay the full cost of registration ~~tuition~~
24 and course-related fees for required courses for members of
25 the Florida National Guard who enlist after June 30, 1997.

26 Section 11. In editing manuscript for the next edition
27 of the official Florida Statutes, the Division of Statutory
28 Revision of the Joint Legislative Management Committee, or its
29 successor, in furtherance of the intent of this act and unless
30 the context indicates otherwise, shall revise the following
31 terminology wherever it appears in statute: "matriculation

1 fee" shall become "tuition" and "tuition" shall become
2 "out-of-state fee."

3 Section 12. This act shall take effect July 1, 1998.

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6 HOUSE SUMMARY

7 Revises provisions relating to postsecondary student fees
8 to clarify and conform terminology, transfer provisions,
9 authorize the establishment of certain fees, and specify
certain fee requirements. See bill for details.

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