

By the Committee on Ways and Means and Senator Kirkpatrick

301-1915-98

1                                   A bill to be entitled  
2           An act relating to education; amending ss.  
3           239.117, 239.301, 240.117, 240.235, 240.35,  
4           F.S.; increasing the number of times state  
5           funding will support a student enrolled in the  
6           same college-preparatory class within a skill  
7           area; revising certain funding amounts;  
8           providing a fee exemption for certain  
9           postsecondary students; providing an effective  
10          date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. Paragraph (c) of subsection (4) and  
15           subsection (7) of section 239.117, Florida Statutes, are  
16           amended to read:

17           239.117 Postsecondary student fees.--

18           (4) The following students are exempt from the payment  
19           of registration, matriculation, and laboratory fees:

20           (c) A student for whom the state is paying a foster  
21           care board payment pursuant to s. 409.145(3) or pursuant to  
22           parts III and V of chapter 39, for whom the permanency  
23           planning goal pursuant to part V of chapter 39 is long-term  
24           foster care or independent living, or who is adopted from the  
25           Department of Children and Family Services after May 5  
26           ~~December 31~~, 1997. Such exemption includes fees associated  
27           with enrollment in college-preparatory instruction and  
28           completion of the college-level communication and computation  
29           skills testing program. Such exemption shall be available to  
30           any student adopted from the Department of Children and Family  
31           Services after May 5 ~~December 31~~, 1997; however, the exemption

1 shall be valid for no more than 4 years after the date of  
2 graduation from high school.

3           (7)(a) Each year the State Board of Community Colleges  
4 shall review and evaluate the percentage of the cost of adult  
5 programs and certificate career education programs supported  
6 through student fees. If this review indicates that student  
7 fees generate less than the percentage targeted for the  
8 program, the State Board of Community Colleges shall adopt a  
9 schedule of fee increases by December 31 for the following  
10 fall semester. For students who are residents for tuition  
11 purposes, the schedule so adopted must produce revenues equal  
12 to 25 percent of the prior year's program cost for  
13 college-preparatory and supplemental vocational programs and  
14 50 ~~10~~ percent of the prior year's program cost for student  
15 enrollment in a single course of study not leading to a  
16 certificate or degree ~~certificate career education and~~  
17 ~~vocational preparatory programs. The fee schedule for lifelong~~  
18 ~~learning programs shall be based on student fees and nonstate~~  
19 ~~funds necessary to produce 50 percent of the prior year's cost~~  
20 ~~of lifelong learning programs. State funds may not exceed 50~~  
21 ~~percent of the prior year's cost of lifelong learning~~  
22 ~~programs. The state board may not increase fees more than 10~~  
23 ~~percent for students who are residents for tuition purposes.~~  
24 ~~Unless otherwise specified in the General Appropriations Act,~~  
25 ~~the fee schedule shall take effect and the college shall~~  
26 ~~expend student fees on instruction. If the Legislature enacts~~  
27 ~~a calculation different than that adopted by the state board,~~  
28 ~~the state board shall adopt a fee schedule that generates the~~  
29 ~~same revenues as the calculation contained in the General~~  
30 ~~Appropriations Act. Each community college board of trustees~~  
31 ~~shall establish matriculation, tuition, and noncredit fees~~

1 ~~that may vary no more than 10 percent from the schedule~~  
2 ~~approved by the State Board of Education.~~ Fees for students  
3 who are not residents for tuition purposes must offset the  
4 full cost of instruction.

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

28 Section 2. Paragraph (d) of subsection (4) of section  
29 239.301, Florida Statutes, is amended to read:

30 239.301 Adult general education.--

31 (4)

1           (d) Expenditures for college-preparatory and lifelong  
2 learning students shall be reported separately. Allocations  
3 for college-preparatory courses shall be based on proportional  
4 full-time equivalent enrollment. Program review results shall  
5 be included in the determination of subsequent allocations. A  
6 student shall be funded to enroll in the same  
7 college-preparatory class within a skill area only twice ~~once~~,  
8 after which time the student shall pay 100 percent of the full  
9 cost of instruction to support the continuous enrollment of  
10 that student in the same class; however, students who  
11 withdraw or fail a class due to extenuating circumstances may  
12 be granted an exception only once for each class, provided  
13 approval is granted according to policy established by the  
14 board of trustees. Each community college shall have the  
15 authority to review and reduce payment for increased fees due  
16 to continued enrollment in a college-preparatory class on an  
17 individual basis contingent upon the student's financial  
18 hardship, pursuant to definitions and fee levels established  
19 by the State Board of Community Colleges. College-preparatory  
20 and lifelong learning courses do not generate credit toward an  
21 associate or baccalaureate degree.

22           Section 3. Paragraph (a) of subsection (4) of section  
23 240.117, Florida Statutes, is amended to read:

24           240.117 Common placement testing for public  
25 postsecondary education.--

26           (4)(a) Community college or state university students  
27 who have been identified as requiring additional preparation  
28 pursuant to subsection (1) shall enroll in college-preparatory  
29 or other adult education pursuant to s. 239.301 in community  
30 colleges to develop needed college-entry skills. These  
31 students shall be permitted to take courses within their

1 degree program concurrently in other curriculum areas for  
2 which they are qualified while enrolled in college-preparatory  
3 instruction courses. A student enrolled in a  
4 college-preparatory course may concurrently enroll only in  
5 college credit courses that do not require the skills  
6 addressed in the college-preparatory course. The State Board  
7 of Community Colleges shall specify the college credit courses  
8 that are acceptable for students enrolled in each  
9 college-preparatory skill area, pursuant to s. 240.311(3)(q).  
10 A student who wishes to earn an associate in arts or a  
11 baccalaureate degree, but who is required to complete a  
12 college-preparatory course, must successfully complete the  
13 required college-preparatory studies by the time the student  
14 has accumulated 12 hours of lower-division college credit  
15 degree coursework; however, a student may continue enrollment  
16 in degree-earning coursework provided the student maintains  
17 enrollment in college-preparatory coursework for each  
18 subsequent semester until college-preparatory coursework  
19 requirements are completed, and the student demonstrates  
20 satisfactory performance in degree-earning coursework. A  
21 passing score on a standardized, institutionally developed  
22 test must be achieved before a student is considered to have  
23 met basic computation and communication skills requirements;  
24 however, no student shall be required to retake any test or  
25 subtest that was previously passed by that ~~said~~ student. A  
26 student shall be funded to enroll in the same  
27 college-preparatory class within a skill area only twice ~~once~~,  
28 after which time the student shall pay 100 percent of the full  
29 cost of instruction to support continuous enrollment of that  
30 student in the same class and such student shall not be  
31 included in calculations of full-time equivalent enrollments

1 for state funding purposes; however, students who withdraw or  
2 fail a class due to extenuating circumstances may be granted  
3 an exception only once for each class, provided approval is  
4 granted according to policy established by the board of  
5 trustees. Each community college shall have the authority to  
6 review and reduce fees paid by students due to continued  
7 enrollment in a college-preparatory class on an individual  
8 basis contingent upon the student's financial hardship,  
9 pursuant to definitions and fee levels established by the  
10 State Board of Community Colleges. Credit awarded for  
11 college-preparatory instruction may not be counted towards  
12 fulfilling the number of credits required for a degree.

13 Section 4. Paragraph (a) of subsection (5) of section  
14 240.235, Florida Statutes, is amended to read:

15 240.235 Fees.--

16 (5)(a) Any student for whom the state is paying a  
17 foster care board payment pursuant to s. 409.145(3) or parts  
18 III and V of chapter 39, for whom the permanency planning goal  
19 pursuant to part V of chapter 39 is long-term foster care or  
20 independent living, or who is adopted from the Department of  
21 Children and Family Services after May 5 ~~December 31~~, 1997,  
22 shall be exempt from the payment of all undergraduate fees,  
23 including fees associated with enrollment in  
24 college-preparatory instruction or completion of college-level  
25 communication and computation skills testing programs. Before  
26 a fee exemption can be given, the student shall have applied  
27 for and been denied financial aid, pursuant to s. 240.404,  
28 which would have provided, at a minimum, payment of all  
29 undergraduate fees. Such exemption shall be available to any  
30 student adopted from the Department of Children and Family  
31 Services after May 5 ~~December 31~~, 1997; however, the exemption

1 shall be valid for no more than 4 years after the date of  
2 graduation from high school.

3 Section 5. Paragraph (a) of subsection (2) of section  
4 240.35, Florida Statutes, is amended to read:

5 240.35 Student fees.--Unless otherwise provided, the  
6 provisions of this section apply only to fees charged for  
7 college credit instruction leading to an associate degree,  
8 including college-preparatory courses defined in s. 239.105.

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

27 Section 6. This act shall take effect upon becoming a  
28 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
SB 536

The bill amends statutory language which specifies the date by which adoptions must have occurred in order for the child to be fee exempt for postsecondary courses. The new date by which the adoption from the Department of Children and Family Services must have occurred is May 5, 1997. Prior language established December 31, 1997 as the date.