

Bill No. SB 1288

Amendment No. \_\_\_\_

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Diaz-Balart moved the following amendment:

**Senate Amendment (with title amendment)**

On page 3, between lines 13 and 14,

and insert:

Section 2. Subsections (8), (9), and (16) of section 239.117, Florida Statutes, 1998 Supplement, are amended, subsections (10) through (15) of said section are renumbered as subsections (9) through (14), respectively, subsection (17) is renumbered as subsection (15), and new subsections (16), (17), and (18) are added to said section, to read:

239.117 Workforce development postsecondary student fees.--

(8) Each school board and community college board of trustees may establish a separate fee ~~collect~~, for financial aid purposes in, up to an additional amount of up to 10 percent of the student fees collected for workforce development programs funded through the Workforce Development Education Fund. All fees collected shall be deposited into a separate workforce development student financial aid fee trust

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1 fund of the district or community college to support students  
 2 enrolled in workforce development programs. Any undisbursed  
 3 balance remaining in the trust fund and interest income  
 4 accruing to investments from the trust fund shall increase the  
 5 total funds available for distribution to workforce  
 6 development education students. Awards shall be based on  
 7 student financial need and distributed in accordance with a  
 8 nationally recognized system of need analysis approved by the  
 9 State Board for Career Education. Fees collected pursuant to  
 10 this subsection shall be allocated in an expeditious manner.

11 ~~(9) A district school board or a community college~~  
 12 ~~board of trustees may charge other fees only as authorized by~~  
 13 ~~rule of the State Board of Education or the State Board of~~  
 14 ~~Community Colleges.~~

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

19 (16) Community colleges and district school boards are  
 20 not authorized to charge students enrolled in workforce  
 21 development programs any fee that is not specifically  
 22 authorized by statute. In addition to matriculation, tuition,  
 23 financial aid, capital improvement, and technology fees, as  
 24 authorized in this section, community colleges and district  
 25 school boards are authorized to establish fee schedules for  
 26 the following user fees and fines: laboratory fees; parking  
 27 fees and fines; library fees and fines; fees and fines  
 28 relating to facilities and equipment use or damage; access or  
 29 identification card fees; duplicating, photocopying, binding,  
 30 or microfilming fees; standardized testing fees; diploma  
 31 replacement fees; transcript fees; application fees;

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1 graduation fees; and late fees related to registration and  
2 payment. Such user fees and fines shall not exceed the cost of  
3 the services provided and shall only be charged to persons  
4 receiving the service. Parking fee revenues may be pledged by  
5 a community college board of trustees as a dedicated revenue  
6 source for the repayment of debt, including lease-purchase  
7 agreements and revenue bonds with terms not exceeding 20 years  
8 and not exceeding the useful life of the asset being financed.  
9 Community colleges shall use the services of the Division of  
10 Bond Finance of the State Board of Administration to issue any  
11 revenue bonds authorized by the provisions of this subsection.  
12 Any such bonds issued by the Division of Bond Finance shall be  
13 in compliance with the provisions of the State Bond Act. Bonds  
14 issued pursuant to the State Bond Act shall be validated in  
15 the manner established in chapter 75. The complaint for such  
16 validation shall be filed in the circuit court of the county  
17 where the seat of state government is situated, the notice  
18 required to be published by s. 75.06 shall be published only  
19 in the county where the complaint is filed, and the complaint  
20 and order of the circuit court shall be served only on the  
21 state attorney of the circuit in which the action is pending.

22 (17) Each district school board and community college  
23 district board of trustees is authorized to establish specific  
24 fees for workforce development instruction not reported for  
25 state funding purposes or for workforce development  
26 instruction not reported as state funded full-time equivalent  
27 students. District school boards and district boards of  
28 trustees are not required to charge any other fee specified in  
29 this section for this type of instruction.

30 (18) Each district school board and community college  
31 district board of trustees is authorized to establish a

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1 separate fee for technology, not to exceed 5 percent of the  
 2 matriculation fee for resident students, and not more than 5  
 3 percent of the matriculation and tuition fee for nonresident  
 4 students, or the equivalent, to be expended in accordance with  
 5 technology improvement plans. The technology fee may apply  
 6 only to associate degree programs and courses. Fifty percent  
 7 of technology fee revenues may be pledged by a community  
 8 college board of trustees as a dedicated revenue source for  
 9 the repayment of debt, including lease-purchase agreements,  
 10 not to exceed the useful life of the asset being financed.  
 11 Revenues generated from the technology fee may not be bonded.

12 Section 3. Paragraph (t) of subsection (4) of section  
 13 240.319, Florida Statutes, 1998 Supplement, is amended to  
 14 read:

15 240.319 Community college district boards of trustees;  
 16 duties and powers.--

17 (4) Such rules, procedures, and policies for the  
 18 boards of trustees include, but are not limited to, the  
 19 following:

20 (t) Each board of trustees is authorized to borrow  
 21 funds and incur debt, including entering into lease-purchase  
 22 agreements and the issuance of revenue bonds as specifically  
 23 authorized and only for the purposes authorized in ss.  
 24 239.117(15) and (16)(17)and 240.35(14) and (15)(13), only for  
 25 the new construction and equipment, renovation, or remodeling  
 26 of educational facilities. At the option of the board of  
 27 trustees, bonds may be issued which are secured by a  
 28 combination of revenues authorized to be pledged to bonds  
 29 pursuant to ss. 239.117(15)(17)and 240.35(14)(13)or ss.  
 30 239.117(16) and 240.35(15). Lease-purchase agreements may be  
 31 secured by a combination of revenues as specifically

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1 authorized pursuant to ss. 239.117(18) and 240.35(16).

2 Section 4. Subsections (6) and (7), and paragraphs (a)  
3 and (c) of subsection (11) of section 240.35, Florida  
4 Statutes, 1998 Supplement, are amended, subsection (15) is  
5 renumbered as subsection (17), and new subsections (15) and  
6 (16) are added to said section, to read:

7 240.35 Student fees.--Unless otherwise provided, the  
8 provisions of this section apply only to fees charged for  
9 college credit instruction leading to an associate in arts  
10 degree, an associate in applied science degree, or an  
11 associate in science degree and noncollege credit  
12 college-preparatory courses defined in s. 239.105.

13 ~~(6) Subject to review and final approval by the State~~  
14 ~~Board of Education, The State Board of Community Colleges~~  
15 shall adopt by December 31 of each year a resident fee  
16 schedule for the following fall for advanced and professional,  
17 associate in science degree, and college-preparatory programs  
18 that produce revenues in the amount of 25 percent of the full  
19 prior year's cost of these programs. However, the board may  
20 not adopt an annual fee increase in any program for resident  
21 students which exceeds 10 percent. Fees for courses in  
22 college-preparatory programs and associate in arts and  
23 associate in science degree programs may be established at the  
24 same level. In the absence of a provision to the contrary in  
25 an appropriations act, the fee schedule shall take effect and  
26 the colleges shall expend the funds on instruction. If the  
27 Legislature provides for an alternative fee schedule  
28 ~~calculation~~ in an appropriations act, the fee schedule shall  
29 take effect the subsequent fall semester ~~board shall establish~~  
30 ~~a fee schedule that produces the fee revenue established in~~  
31 ~~the appropriations act based on the assigned enrollment.~~

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1           (7) Each community college board of trustees shall  
2 establish matriculation and tuition fees, which may vary no  
3 more than 10 percent below and 15 percent above ~~from~~ the fee  
4 schedule adopted by the State Board of Community Colleges,  
5 provided that any amount from 10 to 15 percent above the fee  
6 schedule is used only to support safety and security purposes.  
7 In order to assess an additional amount for safety and  
8 security purposes, a community college board of trustees must  
9 provide written justification to the State Board of Community  
10 Colleges based on criteria approved by the local board of  
11 trustees, including but not limited to criteria such as local  
12 crime data and information, and strategies for the  
13 implementation of local safety plans. For 1999-2000, each  
14 community college is authorized to increase the sum of the  
15 matriculation fee and technology fee by not more than 5  
16 percent of the sum of the matriculation and local safety and  
17 security fees in 1998-1999. However, no fee in 1999-2000  
18 shall exceed the prescribed statutory limit. Should a college  
19 decide to increase the matriculation fee, the funds raised by  
20 increasing the matriculation fee must be expended solely for  
21 additional safety and security purposes and shall not supplant  
22 funding expended in the 1998-1999 budget for safety and  
23 security purposes.

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

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

8 (c) Up to 25 percent or \$300,000, whichever is  
 9 greater, of the financial aid fees collected may be used to  
 10 assist students who demonstrate academic merit; who  
 11 participate in athletics, public service, cultural arts, and  
 12 other extracurricular programs as determined by the  
 13 institution; or who are identified as members of a targeted  
 14 gender or ethnic minority population. The financial aid fee  
 15 revenues allocated for athletic scholarships and fee  
 16 exemptions provided pursuant to subsection ~~(17)~~(15) for  
 17 athletes shall be distributed equitably as required by s.  
 18 228.2001(3)(d). A minimum of 50 percent of the balance of  
 19 these funds shall be used to provide financial aid based on  
 20 absolute need, and the remainder of the funds shall be used  
 21 for academic merit purposes and other purposes approved by the  
 22 district boards of trustees. Such other purposes shall  
 23 include the payment of child care fees for students with  
 24 financial need. The State Board of Community Colleges shall  
 25 develop criteria for making financial aid awards. Each  
 26 college shall report annually to the Department of Education  
 27 on the criteria used to make awards, the amount and number of  
 28 awards for each criterion, and a delineation of the  
 29 distribution of such awards. Awards which are based on  
 30 financial need shall be distributed in accordance with a  
 31 nationally recognized system of need analysis approved by the

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1 State Board of Community Colleges. An award for academic merit  
2 shall require a minimum overall grade point average of 3.0 on  
3 a 4.0 scale or the equivalent for both initial receipt of the  
4 award and renewal of the award.

5 (15) In addition to matriculation, tuition, financial  
6 aid, capital improvement, student activity and service, and  
7 technology fees authorized in this section, each board of  
8 trustees is authorized to establish fee schedules for the  
9 following user fees and fines: laboratory fees; parking fees  
10 and fines; library fees and fines; fees and fines relating to  
11 facilities and equipment use or damage; access or  
12 identification card fees; duplicating, photocopying, binding,  
13 or microfilming fees; standardized testing fees; diploma  
14 replacement fees; transcript fees; application fees;  
15 graduation fees; and late fees related to registration and  
16 payment. Such user fees and fines shall not exceed the cost of  
17 the services provided and shall only be charged to persons  
18 receiving the service. Community colleges are not authorized  
19 to charge any fee that is not specifically authorized by  
20 statute. Parking fee revenues may be pledged by a community  
21 college board of trustees as a dedicated revenue source for  
22 the repayment of debt, including lease-purchase agreements and  
23 revenue bonds with terms not exceeding 20 years and not  
24 exceeding the useful life of the asset being financed.  
25 Community colleges shall use the services of the Division of  
26 Bond Finance of the State Board of Administration to issue any  
27 revenue bonds authorized by the provisions of this subsection.  
28 Any such bonds issued by the Division of Bond Finance shall be  
29 in compliance with the provisions of the State Bond Act. Bonds  
30 issued pursuant to the State Bond Act shall be validated in  
31 the manner established in chapter 75. The complaint for such

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1 validation shall be filed in the circuit court of the county  
2 where the seat of state government is situated, the notice  
3 required to be published by s. 75.06 shall be published only  
4 in the county where the complaint is filed, and the complaint  
5 and order of the circuit court shall be served only on the  
6 state attorney of the circuit in which the action is pending.

7 (16) Each community college district board of trustees  
8 is authorized to establish a separate fee for technology,  
9 which may not exceed 5 percent of the matriculation fee for  
10 resident students or 5 percent of the matriculation and  
11 tuition fee for nonresident students, to be expended according  
12 to technology improvement plans. The technology fee may apply  
13 to both college credit and college-preparatory instruction.  
14 Fifty percent of technology fee revenues may be pledged by a  
15 community college board of trustees as a dedicated revenue  
16 source for the repayment of debt, including lease-purchase  
17 agreements, not to exceed the useful life of the asset being  
18 financed. Revenues generated from the technology fee may not  
19 be bonded.

20  
21 (Redesignate subsequent sections.)

22  
23  
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 On page 1, line 10, after the semicolon,

27  
28 insert:

29 amending s. 239.117, F.S.; revising provisions  
30 relating to financial aid fees for workforce  
31 development programs; specifying authorized

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1 fees for workforce development programs;  
 2 providing for parking fees and technology fees  
 3 to be pledged as dedicated funding sources for  
 4 the repayment of debt; amending s. 240.319,  
 5 F.S.; providing requirements for lease-purchase  
 6 agreements; correcting cross references;  
 7 amending s. 240.35, F.S.; revising requirements  
 8 regarding fee schedules, matriculation and  
 9 tuition fees, financial aid fees, and  
 10 technology fees; specifying fees authorized to  
 11 be established by community college boards of  
 12 trustees;

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