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2 An act relating to education; amending s.
3 239.117, F.S.; revising requirements regarding
4 fee schedules for workforce development
5 education; amending s. 240.311, F.S.;
6 authorizing the State Board of Community
7 Colleges to develop and produce certain work
8 products related to distance learning;
9 authorizing fees for such materials for
10 purposes of educational use; requiring annual
11 postaudits; requiring the adoption of rules;
12 requiring the submission of a report; amending
13 s. 239.117, F.S.; revising provisions relating
14 to financial aid fees for workforce development
15 programs; specifying authorized fees for
16 workforce development programs; providing for
17 parking fees and technology fees to be pledged
18 as dedicated funding sources for the repayment
19 of debt; amending s. 240.319, F.S.; providing
20 requirements for lease-purchase agreements;
21 correcting cross references; amending s.
22 240.35, F.S.; revising requirements regarding
23 fee schedules, matriculation and tuition fees,
24 financial aid fees, and technology fees;
25 specifying fees authorized to be established by
26 community college boards of trustees; requiring
27 the State Board of Community Colleges to submit
28 an annual report to the Legislature; providing
29 an effective date.

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

1 Section 1. Subsections (6) and (7) of section 239.117,
2 Florida Statutes, 1998 Supplement, are amended to read:

3 239.117 Postsecondary student fees.--

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

21 Fee-nonexempt students enrolled in vocational-preparatory
22 instruction shall be charged fees equal to the fees charged
23 for certificate career education instruction. Each community
24 college that conducts college-preparatory and
25 vocational-preparatory instruction in the same class section
26 may charge a single fee for both types of instruction.

27 **(b) Fees for continuing workforce education shall be**
28 **locally determined by the school board or community college.**

29 **However, at least 50 percent of the expenditures for the**
30 **continuing workforce education program provided by the**

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1 community college or school district must be derived from
2 fees.

3 ~~(c)(b)~~ The State Board of Education shall adopt a fee
4 schedule for school districts that produces the fee revenues
5 calculated pursuant to paragraph (a). The schedule so
6 calculated shall take effect, unless otherwise specified in
7 the General Appropriations Act.

8 ~~(d)(c)~~ The State Board of Education shall adopt, by
9 rule, the definitions and procedures that school boards shall
10 use in the calculation of cost borne by students.

11 (7) Each year the State Board of Community Colleges
12 shall review and evaluate the percentage of the cost of adult
13 programs and certificate career education programs supported
14 through student fees. For students who are residents for
15 tuition purposes, the schedule so adopted must produce
16 revenues equal to 25 percent of the prior year's average
17 program cost for college-preparatory and certificate-level
18 workforce development programs ~~and 50 percent of the prior~~
19 ~~year's program cost for student enrollment in continuing~~
20 ~~workforce education.~~ Fees for continuing workforce education
21 shall be locally determined by the school board or community
22 college. However, at least 50 percent of the expenditures for
23 the continuing workforce education program provided by the
24 community college or school district must be derived from
25 fees. Fees for students who are not residents for tuition
26 purposes must offset the full cost of instruction.

27 Section 2. Subsection (8) is added to section 240.311,
28 Florida Statutes, 1998 Supplement, to read:

29 240.311 State Board of Community Colleges; powers and
30 duties.--

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1 (8)(a) The State Board of Community Colleges is
2 authorized to develop and produce work products which relate
3 to mechanisms to provide for consolidated and coordinated
4 program development and educational endeavors to support
5 distance learning instruction which are subject to trademark,
6 copyright, or patent statutes. To this end, the board shall
7 consider the relative contribution by the personnel employed
8 in the development of such work products and shall enter into
9 binding agreements with such personnel, organizations,
10 corporations, or government entities, which agreements shall
11 establish the percentage of ownership of such trademarks,
12 copyrights, or patents. Any other law to the contrary
13 notwithstanding, the board is authorized in its own name to:
14 1. Perform all things necessary to secure letters of
15 patent, copyrights, and trademarks on any such work products
16 and to enforce its rights therein.
17 2. License, lease, assign, or otherwise give written
18 consent to any person, firm, or corporation for the
19 manufacture or use thereof on a royalty basis or for such
20 other consideration as the board deems proper.
21 3. Take any action necessary, including legal action,
22 to protect the same against improper or unlawful use or
23 infringement.
24 4. Enforce the collection of any sums due the board
25 for the manufacture or use thereof by any other party.
26 5. Sell any such work products and execute all
27 instruments necessary to consummate any such sale.
28 6. Perform all other acts necessary and proper for the
29 execution of powers and duties provided by this paragraph.
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1 Any proceeds therefrom shall be deposited and expended by a
2 Florida not-for-profit corporation, incorporated under the
3 provisions of chapter 617 and approved by the Department of
4 State, to be used as directed by the board to pay the cost of
5 producing and disseminating educational materials and products
6 to carry out the intent of this act. Any action taken by the
7 board in securing or exploiting such trademarks, copyrights,
8 or patents shall, within 30 days, be reported by the board to
9 the Department of State.

10 (b) The board is authorized to publish, produce, or
11 have produced materials and products and shall make them
12 readily available for appropriate use in the state system of
13 education. The board is authorized to charge an amount
14 adequate to cover the essential cost of producing and
15 disseminating such materials and products in the state system
16 of education and is authorized to sell copies for educational
17 use to nonpublic schools in the state and to the public.

18 (c) Any Florida not-for-profit corporation receiving
19 funds pursuant to this section shall make provisions for an
20 annual postaudit of its financial accounts to be conducted by
21 an independent certified public accountant in accordance with
22 rules to be adopted by the board. The annual audit report
23 shall be submitted to the Auditor General and the board for
24 review. The board and the Auditor General shall have the
25 authority to require and receive from the organization or from
26 its independent auditor any detail or supplemental data
27 relative to the operation of the organization.

28 Section 3. Subsections (8), (9), and (16) of section
29 239.117, Florida Statutes, 1998 Supplement, are amended,
30 subsections (10) through (15) of said section are renumbered
31 as subsections (9) through (14), respectively, subsection (17)

1 is renumbered as subsection (15), and new subsections (16),
2 (17), and (18) are added to said section, to read:

3 239.117 Workforce development postsecondary student
4 fees.--

5 (8) Each school board and community college board of
6 trustees may establish a separate fee ~~collect~~, for financial
7 aid purposes ~~in, up to~~ an additional amount of up to 10
8 percent of the student fees collected for workforce
9 development programs funded through the Workforce Development
10 Education Fund. All fees collected shall be deposited into a
11 separate workforce development student financial aid fee trust
12 fund of the district or community college to support students
13 enrolled in workforce development programs. Any undisbursed
14 balance remaining in the trust fund and interest income
15 accruing to investments from the trust fund shall increase the
16 total funds available for distribution to workforce
17 development education students. Awards shall be based on
18 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 ~~(16) School boards and community college boards of~~
27 ~~trustees may establish, by rule, a consumable supply fee for~~
28 ~~postsecondary students enrolled in certificate career~~
29 ~~education or supplemental courses.~~

30 (16) Community colleges and district school boards are
31 not authorized to charge students enrolled in workforce

1 development programs any fee that is not specifically
2 authorized by statute. In addition to matriculation, tuition,
3 financial aid, capital improvement, and technology fees, as
4 authorized in this section, community colleges and district
5 school boards are authorized to establish fee schedules for
6 the following user fees and fines: laboratory fees; parking
7 fees and fines; library fees and fines; fees and fines
8 relating to facilities and equipment use or damage; access or
9 identification card fees; duplicating, photocopying, binding,
10 or microfilming fees; standardized testing fees; diploma
11 replacement fees; transcript fees; application fees;
12 graduation fees; and late fees related to registration and
13 payment. Such user fees and fines shall not exceed the cost of
14 the services provided and shall only be charged to persons
15 receiving the service. Parking fee revenues may be pledged by
16 a community college board of trustees as a dedicated revenue
17 source for the repayment of debt, including lease-purchase
18 agreements and revenue bonds with terms not exceeding 20 years
19 and not exceeding the useful life of the asset being financed.
20 Community colleges shall use the services of the Division of
21 Bond Finance of the State Board of Administration to issue any
22 revenue bonds authorized by the provisions of this subsection.
23 Any such bonds issued by the Division of Bond Finance shall be
24 in compliance with the provisions of the State Bond Act. Bonds
25 issued pursuant to the State Bond Act shall be validated in
26 the manner established in chapter 75. The complaint for such
27 validation shall be filed in the circuit court of the county
28 where the seat of state government is situated, the notice
29 required to be published by s. 75.06 shall be published only
30 in the county where the complaint is filed, and the complaint
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1 and order of the circuit court shall be served only on the
2 state attorney of the circuit in which the action is pending.

3 (17) Each district school board and community college
4 district board of trustees is authorized to establish specific
5 fees for workforce development instruction not reported for
6 state funding purposes or for workforce development
7 instruction not reported as state funded full-time equivalent
8 students. District school boards and district boards of
9 trustees are not required to charge any other fee specified in
10 this section for this type of instruction.

11 (18) Each district school board and community college
12 district board of trustees is authorized to establish a
13 separate fee for technology, not to exceed \$1.80 per credit
14 hour or credit-hour equivalent for resident students and not
15 more than \$5.40 per credit hour or credit-hour equivalent for
16 nonresident students, or the equivalent, to be expended in
17 accordance with technology improvement plans. The technology
18 fee may apply only to associate degree programs and courses.
19 Fifty percent of technology fee revenues may be pledged by a
20 community college board of trustees as a dedicated revenue
21 source for the repayment of debt, including lease-purchase
22 agreements, not to exceed the useful life of the asset being
23 financed. Revenues generated from the technology fee may not
24 be bonded.

25 Section 4. Paragraph (t) of subsection (4) of section
26 240.319, Florida Statutes, 1998 Supplement, is amended to
27 read:

28 240.319 Community college district boards of trustees;
29 duties and powers.--
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1 (4) Such rules, procedures, and policies for the
2 boards of trustees include, but are not limited to, the
3 following:

4 (t) Each board of trustees is authorized to borrow
5 funds and incur debt, including entering into lease-purchase
6 agreements and the issuance of revenue bonds as specifically
7 authorized and only for the purposes authorized in ss.
8 239.117(15) and (16)(17) and 240.35(14) and (15)(13), only for
9 the new construction and equipment, renovation, or remodeling
10 of educational facilities. At the option of the board of
11 trustees, bonds may be issued which are secured by a
12 combination of revenues authorized to be pledged to bonds
13 pursuant to ss. 239.117(15)(17) and 240.35(14)(13) or ss.
14 239.117(16) and 240.35(15). Lease-purchase agreements may be
15 secured by a combination of revenues as specifically
16 authorized pursuant to ss. 239.117(18) and 240.35(16).

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

22 240.35 Student fees.--Unless otherwise provided, the
23 provisions of this section apply only to fees charged for
24 college credit instruction leading to an associate in arts
25 degree, an associate in applied science degree, or an
26 associate in science degree and noncollege credit
27 college-preparatory courses defined in s. 239.105.

28 ~~(6) Subject to review and final approval by the State~~
29 ~~Board of Education,~~The State Board of Community Colleges
30 shall adopt by December 31 of each year a resident fee
31 schedule for the following fall for advanced and professional,

1 associate in science degree, and college-preparatory programs
2 that produce revenues in the amount of 25 percent of the full
3 prior year's cost of these programs. However, the board may
4 not adopt an annual fee increase in any program for resident
5 students which exceeds 10 percent. Fees for courses in
6 college-preparatory programs and associate in arts and
7 associate in science degree programs may be established at the
8 same level. In the absence of a provision to the contrary in
9 an appropriations act, the fee schedule shall take effect and
10 the colleges shall expend the funds on instruction. If the
11 Legislature provides for an alternative fee schedule
12 ~~calculation~~ in an appropriations act, the fee schedule shall
13 take effect the subsequent fall semester ~~board shall establish~~
14 ~~a fee schedule that produces the fee revenue established in~~
15 ~~the appropriations act based on the assigned enrollment.~~

16 (7) Each community college board of trustees shall
17 establish matriculation and tuition fees, which may vary no
18 more than 10 percent below and 15 percent above ~~from~~ the fee
19 schedule adopted by the State Board of Community Colleges,
20 provided that any amount from 10 to 15 percent above the fee
21 schedule is used only to support safety and security purposes.
22 In order to assess an additional amount for safety and
23 security purposes, a community college board of trustees must
24 provide written justification to the State Board of Community
25 Colleges based on criteria approved by the local board of
26 trustees, including but not limited to criteria such as local
27 crime data and information, and strategies for the
28 implementation of local safety plans. For 1999-2000, each
29 community college is authorized to increase the sum of the
30 matriculation fee and technology fee by not more than 5
31 percent of the sum of the matriculation and local safety and

1 security fees in 1998-1999. However, no fee in 1999-2000
2 shall exceed the prescribed statutory limit. Should a college
3 decide to increase the matriculation fee, the funds raised by
4 increasing the matriculation fee must be expended solely for
5 additional safety and security purposes and shall not supplant
6 funding expended in the 1998-1999 budget for safety and
7 security purposes.

8 (11)(a) Each community college is authorized to
9 establish a separate fee ~~collect~~ for financial aid purposes in
10 an additional amount up to, but not to exceed, 5 percent of
11 the total student tuition or matriculation fees collected.
12 Each community college may collect up to an additional 2
13 percent if the amount generated by the total financial aid fee
14 is less than \$250,000. If the amount generated is less than
15 \$250,000, a community college that charges tuition and
16 matriculation fees at least equal to the average fees
17 established by rule may transfer from the general current fund
18 to the scholarship fund an amount equal to the difference
19 between \$250,000 and the amount generated by the total
20 financial aid fee assessment. No other transfer from the
21 general current fund to the loan, endowment, or scholarship
22 fund, by whatever name known, is authorized.

23 (c) Up to 25 percent or \$300,000, whichever is
24 greater, of the financial aid fees collected may be used to
25 assist students who demonstrate academic merit; who
26 participate in athletics, public service, cultural arts, and
27 other extracurricular programs as determined by the
28 institution; or who are identified as members of a targeted
29 gender or ethnic minority population. The financial aid fee
30 revenues allocated for athletic scholarships and fee
31 exemptions provided pursuant to subsection (17) ~~(15)~~ for

1 athletes shall be distributed equitably as required by s.
2 228.2001(3)(d). A minimum of 50 percent of the balance of
3 these funds shall be used to provide financial aid based on
4 absolute need, and the remainder of the funds shall be used
5 for academic merit purposes and other purposes approved by the
6 district boards of trustees. Such other purposes shall
7 include the payment of child care fees for students with
8 financial need. The State Board of Community Colleges shall
9 develop criteria for making financial aid awards. Each
10 college shall report annually to the Department of Education
11 on the criteria used to make awards, the amount and number of
12 awards for each criterion, and a delineation of the
13 distribution of such awards. Awards which are based on
14 financial need shall be distributed in accordance with a
15 nationally recognized system of need analysis approved by the
16 State Board of Community Colleges. An award for academic merit
17 shall require a minimum overall grade point average of 3.0 on
18 a 4.0 scale or the equivalent for both initial receipt of the
19 award and renewal of the award.

20 (15) In addition to matriculation, tuition, financial
21 aid, capital improvement, student activity and service, and
22 technology fees authorized in this section, each board of
23 trustees is authorized to establish fee schedules for the
24 following user fees and fines: laboratory fees; parking fees
25 and fines; library fees and fines; fees and fines relating to
26 facilities and equipment use or damage; access or
27 identification card fees; duplicating, photocopying, binding,
28 or microfilming fees; standardized testing fees; diploma
29 replacement fees; transcript fees; application fees;
30 graduation fees; and late fees related to registration and
31 payment. Such user fees and fines shall not exceed the cost of

1 the services provided and shall only be charged to persons
2 receiving the service. Community colleges are not authorized
3 to charge any fee that is not specifically authorized by
4 statute. Parking fee revenues may be pledged by a community
5 college board of trustees as a dedicated revenue source for
6 the repayment of debt, including lease-purchase agreements and
7 revenue bonds with terms not exceeding 20 years and not
8 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 (16) Each community college district board of trustees
23 is authorized to establish a separate fee for technology,
24 which may not exceed \$1.80 per credit hour or credit-hour
25 equivalent for resident students and not more than \$5.40 per
26 credit hour or credit-hour equivalent for nonresident
27 students, to be expended according to technology improvement
28 plans. The technology fee may apply to both college credit and
29 college-preparatory instruction. Fifty percent of technology
30 fee revenues may be pledged by a community college board of
31 trustees as a dedicated revenue source for the repayment of

1 debt, including lease-purchase agreements, not to exceed the
2 useful life of the asset being financed. Revenues generated
3 from the technology fee may not be bonded.

4 Section 6. By December 31, 1999, and annually
5 thereafter, the State Board of Community Colleges shall report
6 on the implementation of this act to the Speaker of the House
7 of Representatives and the President of the Senate.

8 Section 7. This act shall take effect July 1, 1999.

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