

1 A bill to be entitled
2 An act relating to postsecondary student fees;
3 amending s. 239.117, F.S.; revising provisions
4 relating to financial aid fees for workforce
5 development programs; specifying authorized
6 fees for workforce development programs;
7 providing for parking fees and technology fees
8 to be pledged as dedicated funding sources for
9 the repayment of debt; amending s. 240.319,
10 F.S.; providing requirements for lease-purchase
11 agreements; correcting cross references;
12 amending s. 240.35, F.S.; revising requirements
13 regarding fee schedules, matriculation and
14 tuition fees, financial aid fees, and
15 technology fees; specifying fees authorized to
16 be established by community college boards of
17 trustees; providing an effective date.

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

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21 Section 1. Subsections (8), (9), and (16) of section
22 239.117, Florida Statutes, 1998 Supplement, are amended,
23 subsections (10) through (15) of said section are renumbered
24 as subsections (9) through (14), respectively, subsection (17)
25 is renumbered as subsection (15), and new subsections (16),
26 (17), and (18) are added to said section, to read:

27 239.117 Workforce development postsecondary student
28 fees.--

29 (8) Each school board and community college board of
30 trustees may establish a separate fee ~~collect,~~ for financial
31 aid purposes in, up to an additional amount of up to 10

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

15 ~~(9) A district school board or a community college~~
 16 ~~board of trustees may charge other fees only as authorized by~~
 17 ~~rule of the State Board of Education or the State Board of~~
 18 ~~Community Colleges.~~

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

23 (16) Community colleges and district school boards are
 24 not authorized to charge students enrolled in workforce
 25 development programs any fee that is not specifically
 26 authorized by statute. In addition to matriculation, tuition,
 27 financial aid, capital improvement, and technology fees, as
 28 authorized in this section, community colleges and district
 29 school boards are authorized to establish fee schedules for
 30 the following user fees and fines: laboratory fees; parking
 31 fees and fines; library fees and fines; fees and fines

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

1 trustees are not required to charge any other fee specified in
2 this section for this type of instruction.

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

16 Section 2. Paragraph (t) of subsection (4) of section
17 240.319, Florida Statutes, 1998 Supplement, is amended to
18 read:

19 240.319 Community college district boards of trustees;
20 duties and powers.--

21 (4) Such rules, procedures, and policies for the
22 boards of trustees include, but are not limited to, the
23 following:

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

1 combination of revenues authorized to be pledged to bonds
2 pursuant to ss. 239.117(15)(17)and 240.35(14)(13)or ss.
3 239.117(16) and 240.35(15). Lease-purchase agreements may be
4 secured by a combination of revenues as specifically
5 authorized pursuant to ss. 239.117(18) and 240.35(16).

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

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

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

1 ~~calculation~~ in an appropriations act, the fee schedule shall
2 take effect the subsequent fall semester ~~board shall establish~~
3 ~~a fee schedule that produces the fee revenue established in~~
4 ~~the appropriations act based on the assigned enrollment.~~

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

28 (11)(a) Each community college is authorized to
29 establish a separate fee ~~collect~~ for financial aid purposes in
30 an additional amount up to, but not to exceed, 5 percent of
31 the total student tuition or matriculation fees collected.

1 Each community college may collect up to an additional 2
2 percent if the amount generated by the total financial aid fee
3 is less than \$250,000. If the amount generated is less than
4 \$250,000, a community college that charges tuition and
5 matriculation fees at least equal to the average fees
6 established by rule may transfer from the general current fund
7 to the scholarship fund an amount equal to the difference
8 between \$250,000 and the amount generated by the total
9 financial aid fee assessment. No other transfer from the
10 general current fund to the loan, endowment, or scholarship
11 fund, by whatever name known, is authorized.

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

1 awards for each criterion, and a delineation of the
2 distribution of such awards. Awards which are based on
3 financial need shall be distributed in accordance with a
4 nationally recognized system of need analysis approved by the
5 State Board of Community Colleges. An award for academic merit
6 shall require a minimum overall grade point average of 3.0 on
7 a 4.0 scale or the equivalent for both initial receipt of the
8 award and renewal of the award.

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

1 Any such bonds issued by the Division of Bond Finance shall be
2 in compliance with the provisions of the State Bond Act. Bonds
3 issued pursuant to the State Bond Act shall be validated in
4 the manner established in chapter 75. The complaint for such
5 validation shall be filed in the circuit court of the county
6 where the seat of state government is situated, the notice
7 required to be published by s. 75.06 shall be published only
8 in the county where the complaint is filed, and the complaint
9 and order of the circuit court shall be served only on the
10 state attorney of the circuit in which the action is pending.

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

24 Section 4. This act shall take effect July 1, 1999.
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