

By Senator Diaz-Balart

37-1288-99

1 A bill to be entitled
2 An act relating to postsecondary student fees;
3 amending s. 239.117, F.S.; prohibiting fees for
4 students in workforce development programs
5 without statutory authorization; specifying
6 fees that may be charged, including technology
7 fees; amending s. 240.319, F.S.; prohibiting
8 community college fees without statutory
9 authorization; specifying fees that may be
10 charged; amending s. 240.35, F.S.; providing
11 that changes in community college fees take
12 effect in the following fall semester;
13 authorizing additional matriculation and
14 tuition fees for safety and security purposes;
15 authorizing additional fees, including
16 technology fees; providing an effective date.

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

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20 Section 1. Section 239.117, Florida Statutes, 1998
21 Supplement, is amended to read:

22 239.117 Workforce development postsecondary student
23 fees.--

24 (1) This section applies to students enrolled in
25 workforce development programs who are reported for funding
26 through the Workforce Development Education Fund, except that
27 college credit fees for the community colleges are governed by
28 s. 240.35.

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

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1 (3) The following students are exempt from any
2 requirement for the payment of registration, matriculation,
3 and laboratory fees for adult basic, adult secondary, or
4 vocational-preparatory instruction:

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

7 (b) A student who has a high school diploma or its
8 equivalent and who has academic skills at or below the eighth
9 grade level pursuant to state board rule. A student is
10 eligible for this exemption from fees if the student's skills
11 are at or below the eighth grade level as measured by a test
12 administered in the English language and approved by the
13 Department of Education, even if the student has skills above
14 that level when tested in the student's native language.

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

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

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

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

1 after December 31, 1997; however, the exemption shall be valid
2 for no more than 4 years after the date of graduation from
3 high school.

4 (d) A student enrolled in an employment and training
5 program under the WAGES Program. The local WAGES coalition
6 shall pay the community college or school district for costs
7 incurred for WAGES clients.

8 (e) A student who lacks a fixed, regular, and adequate
9 nighttime residence or whose primary nighttime residence is a
10 public or private shelter designed to provide temporary
11 residence for individuals intended to be institutionalized, or
12 a public or private place not designed for, or ordinarily used
13 as, a regular sleeping accommodation for human beings.

14 (f) A student who is a proprietor, owner, or worker of
15 a company whose business has been at least 50 percent
16 negatively financially impacted by the buy-out of property
17 around Lake Apopka by the State of Florida. Such a student may
18 receive a fee exemption only if the student has not received
19 compensation because of the buy-out, the student is designated
20 a Florida resident for tuition purposes, pursuant to s.
21 240.1201, and the student has applied for and been denied
22 financial aid, pursuant to s. 240.404, which would have
23 provided, at a minimum, payment of all student fees. The
24 student is responsible for providing evidence to the
25 postsecondary education institution verifying that the
26 conditions of this paragraph have been met, including support
27 documentation provided by the Department of Revenue. The
28 student must be currently enrolled in, or begin coursework
29 within, a program area by fall semester 2000. The exemption
30 is valid for a period of 4 years from the date that the

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1 postsecondary education institution confirms that the
2 conditions of this paragraph have been met.

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

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

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

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

11 (c) The State Board of Education shall adopt, by rule,
12 the definitions and procedures that school boards shall use in
13 the calculation of cost borne by students.

14 (7) 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. For students who are residents for
18 tuition purposes, the schedule so adopted must produce
19 revenues equal to 25 percent of the prior year's average
20 program cost for college-preparatory and certificate-level
21 workforce development programs and 50 percent of the prior
22 year's program cost for student enrollment in continuing
23 workforce education. Fees for students who are not residents
24 for tuition purposes must offset the full cost of instruction.

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

1 district or community college to support students enrolled in
2 workforce development programs. Any undisbursed balance
3 remaining in the trust fund and interest income accruing to
4 investments from the trust fund shall increase the total funds
5 available for distribution to workforce development education
6 students. Awards shall be based on student financial need and
7 distributed in accordance with a nationally recognized system
8 of need analysis approved by the State Board for Career
9 Education. Fees collected pursuant to this subsection shall
10 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 (9)~~(10)~~ The State Board of Education and the State
16 Board of Community Colleges shall adopt rules to allow the
17 deferral of registration and tuition fees for students
18 receiving financial aid from a federal or state assistance
19 program when such aid is delayed in being transmitted to the
20 student through circumstances beyond the control of the
21 student. The failure to make timely application for such aid
22 is an insufficient reason to receive a deferral of fees. The
23 rules must provide for the enforcement and collection or other
24 settlement of delinquent accounts.

25 (10)~~(11)~~ Any veteran or other eligible student who
26 receives benefits under chapter 30, chapter 31, chapter 32,
27 chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106
28 of Title 10, U.S.C., is entitled to one deferment each
29 academic year and an additional deferment each time there is a
30 delay in the receipt of benefits.

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1 (11)~~(12)~~ Each school district and community college
2 shall be responsible for collecting all deferred fees. If a
3 school district or community college has not collected a
4 deferred fee, the student may not earn state funding for any
5 course for which the student subsequently registers until the
6 fee has been paid.

7 (12)~~(13)~~ Any school district or community college that
8 reports students who have not paid fees in an approved manner
9 in calculations of full-time equivalent enrollments for state
10 funding purposes shall be penalized at a rate equal to 2 times
11 the value of such enrollments. Such penalty shall be charged
12 against the following year's allocation from the Florida
13 Workforce Development Education Fund or the Community College
14 Program Fund and shall revert to the General Revenue Fund.
15 The State Board of Education shall specify, in rule, approved
16 methods of student fee payment. Such methods must include,
17 but need not be limited to, student fee payment; payment
18 through federal, state, or institutional financial aid; and
19 employer fee payments.

20 (13)~~(14)~~ Each school district and community college
21 shall report only those students who have actually enrolled in
22 instruction provided or supervised by instructional personnel
23 under contract with the district or community college in
24 calculations of actual full-time enrollments for state funding
25 purposes. A student who has been exempted from taking a
26 course or who has been granted academic or vocational credit
27 through means other than actual coursework completed at the
28 granting institution may not be calculated for enrollment in
29 the course from which the student has been exempted or for
30 which the student has been granted credit. School districts
31 and community colleges that report enrollments in violation of

1 this subsection shall be penalized at a rate equal to 2 times
2 the value of such enrollments. Such penalty shall be charged
3 against the following year's allocation from the Workforce
4 Development Education Fund and shall revert to the General
5 Revenue Fund.

6 (14)~~(15)~~ School boards and community college boards of
7 trustees may establish scholarship funds using donations. If
8 such funds are established, school boards and community
9 college boards of trustees shall adopt rules that provide for
10 the criteria and methods for awarding scholarships from the
11 fund.

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

16 (15)~~(17)~~ Each school board and community college board
17 of trustees may establish a separate fee for capital
18 improvements, technology enhancements, or equipping buildings
19 which may not exceed 5 percent of the matriculation fee for
20 resident students or 5 percent of the matriculation and
21 tuition fee for nonresident students. Funds collected by
22 community colleges through these fees may be bonded only for
23 the purpose of financing or refinancing new construction and
24 equipment, renovation, or remodeling of educational
25 facilities. The fee shall be collected as a component part of
26 the registration and tuition fees, paid into a separate
27 account, and expended only to construct and equip, maintain,
28 improve, or enhance the certificate career education or adult
29 education facilities of the school district or community
30 college. Projects funded through the use of the capital
31 improvement fee must meet the survey and construction

1 requirements of chapter 235. Pursuant to s. 216.0158, each
2 school board and community college board of trustees shall
3 identify each project, including maintenance projects,
4 proposed to be funded in whole or in part by such fee. Capital
5 improvement fee revenues may be pledged by a board of trustees
6 as a dedicated revenue source to the repayment of debt,
7 including lease-purchase agreements and revenue bonds, with a
8 term not to exceed 20 years, and not to exceed the useful life
9 of the asset being financed, only for the new construction and
10 equipment, renovation, or remodeling of educational
11 facilities. Community colleges may use the services of the
12 Division of Bond Finance of the State Board of Administration
13 to issue any bonds authorized through the provisions of this
14 subsection. Any such bonds issued by the Division of Bond
15 Finance shall be in compliance with the provisions of the
16 State Bond Act. Bonds issued pursuant to the State Bond Act
17 shall be validated in the manner provided by chapter 75. The
18 complaint for such validation shall be filed in the circuit
19 court of the county where the seat of state government is
20 situated, the notice required to be published by s. 75.06
21 shall be published only in the county where the complaint is
22 filed, and the complaint and order of the circuit court shall
23 be served only on the state attorney of the circuit in which
24 the action is pending. A maximum of 15 cents per credit hour
25 may be allocated from the capital improvement fee for child
26 care centers conducted by the school board or community
27 college board of trustees.

28 (16) Community colleges and district school boards may
29 not charge students enrolled in workforce development programs
30 any fee that is not specifically authorized by statute. In
31 addition to matriculation fees, tuition fees, financial aid

1 fees, capital improvement fees, and technology fees authorized
2 in this section. Community colleges and district school boards
3 may establish fee schedules for the following user fees and
4 fees: laboratory fees; parking fees and fines; library fees
5 and fines; fees and fines relating to facilities and equipment
6 use or damage; access or identification card fees;
7 duplicating, photocopying, binding, or microfilming fees; fees
8 for standardized testing; diploma replacement fees; transcript
9 fees; application fees; graduation fees; and late fees related
10 to registration and payment. Such user fees and fines may not
11 exceed the cost of the services provided and may not be
12 charged to persons not receiving the service.

13 (17) Each district school board and community college
14 board of trustees may establish specific fees for workforce
15 development instruction not reported for state funding
16 purposes or for workforce development instruction not reported
17 as state-funded full-time-equivalent students. District school
18 boards and community college district boards of trustees are
19 not required to charge any other fee specified in this section
20 for this type of instruction.

21 (18) Each district school board and community college
22 district board of trustees may establish a separate fee for
23 technology, not more than 5 percent of the matriculation fee
24 for resident students and not more than 5 percent of the
25 matriculation and tuition fees for nonresident students, or
26 the equivalent to support implementation of technology
27 improvement plans. The technology fee may apply to both
28 college credit and vocational credit instruction.

29 Section 2. Paragraph (t) of subsection (4) of section
30 240.319, Florida Statutes, 1998 Supplement, is amended, and
31 paragraph (y) is added to that subsection, to read:

1 240.319 Community college district boards of trustees;
2 duties and powers.--

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

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

15 (y) In addition to establishing matriculation fees,
16 tuition fees, capital improvement fees, student activity and
17 service fees, and technology fees authorized in s. 240.35,
18 each board of trustees may establish fee schedules for the
19 following user fees and fines: laboratory fees; parking fees
20 and fines; library fees and fines; fees and fines relating to
21 facilities and equipment use or damage; access or
22 identification card fees; duplicating, photocopying, binding,
23 or microfilming fees; fees for standardized testing; diploma
24 replacement fees; transcript fees; application fees;
25 graduation fees; and late fees related to registration and
26 payment. Such user fees and fines may not exceed the cost of
27 the services provided and may not be charged to persons not
28 receiving the service. Community colleges may not charge any
29 fee that is not specifically authorized by statute.

30 Section 3. Subsections (6), (7), (11), and (14) of
31 section 240.35, Florida Statutes, 1998 Supplement, are

1 amended, and subsection (16) is added to that section, to
2 read:

3 240.35 Student fees.--Unless otherwise provided, the
4 provisions of this section apply only to fees charged for
5 college credit instruction leading to an associate in arts
6 degree, an associate in applied science degree, or an
7 associate in science degree and noncollege credit
8 college-preparatory courses defined in s. 239.105.

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

28 (7) Each community college board of trustees shall
29 establish matriculation and tuition fees, which may vary no
30 more than 10 percent below, and 15 percent above,~~from~~ the fee
31 schedule adopted by the State Board of Community Colleges;

1 however, any amount between 10 and 15 percent above the fee
2 schedule may be used only to support safety and security
3 improvements.

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

19 (b) All funds collected under this program shall be
20 placed in the loan and endowment fund or scholarship fund of
21 the college, by whatever name known. Such funds shall be
22 disbursed to students as quickly as possible. An amount not
23 greater than 40 percent of the fees collected in a fiscal year
24 may be carried forward unexpended to the following fiscal
25 year. However, funds collected prior to July 1, 1989, and
26 placed in an endowment fund may not be considered part of the
27 balance of funds carried forward unexpended to the following
28 fiscal year.

29 (c) Up to 25 percent or \$300,000, whichever is
30 greater, of the financial aid fees collected may be used to
31 assist students who demonstrate academic merit; who

1 participate in athletics, public service, cultural arts, and
2 other extracurricular programs as determined by the
3 institution; or who are identified as members of a targeted
4 gender or ethnic minority population. The financial aid fee
5 revenues allocated for athletic scholarships and fee
6 exemptions provided pursuant to subsection (15) for athletes
7 shall be distributed equitably as required by s.
8 228.2001(3)(d). A minimum of 50 percent of the balance of
9 these funds shall be used to provide financial aid based on
10 absolute need, and the remainder of the funds shall be used
11 for academic merit purposes and other purposes approved by the
12 district boards of trustees. Such other purposes shall
13 include the payment of child care fees for students with
14 financial need. The State Board of Community Colleges shall
15 develop criteria for making financial aid awards. Each
16 college shall report annually to the Department of Education
17 on the criteria used to make awards, the amount and number of
18 awards for each criterion, and a delineation of the
19 distribution of such awards. Awards which are based on
20 financial need shall be distributed in accordance with a
21 nationally recognized system of need analysis approved by the
22 State Board of Community Colleges. An award for academic merit
23 shall require a minimum overall grade point average of 3.0 on
24 a 4.0 scale or the equivalent for both initial receipt of the
25 award and renewal of the award.

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

28 (14) Each community college board of trustees may
29 establish a separate fee for capital improvements, technology
30 enhancements, or equipping student buildings which may not
31 exceed 5 percent of the matriculation fee for resident

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

1 situated, the notice required to be published by s. 75.06
2 shall be published only in the county where the complaint is
3 filed, and the complaint and order of the circuit court shall
4 be served only on the state attorney of the circuit in which
5 the action is pending. A maximum of 15 cents per credit hour
6 may be allocated from the capital improvement fee for child
7 care centers conducted by the community college.

8 (16) Each community college district board of trustees
9 may establish a separate fee for technology of not more than 5
10 percent of the matriculation fee for resident students and not
11 more than 5 percent of the matriculation and tuition fees for
12 nonresident students to support implementation of technology
13 improvement plans. The technology fee may apply to both
14 college credit and college-preparatory instruction.

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

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18 SENATE SUMMARY

19 Prohibits school districts from charging students in
20 workforce development programs fees not authorized by
21 statute and enumerates fees that may be charged.
22 Prohibits community colleges from charging fees not
23 authorized by statute and enumerates fees that may be
24 charged. Fees may include technology fees. Community
25 colleges may charge matriculation and tuition fees more
26 than 10 percent above the adopted fee schedule if the
27 excess is used for safety and security improvements.
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